**Poverty Law**

LAW6812, Course #16118

3 credits

Spring 2019

M, T, W 2:00-2:50

Holland 284

# Joan Flocks *Office Hours: M, T, W 3:00-4:00*

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#### COURSE DESCRIPTION AND CLASS POLICY

**MATERIALS**

Brodie, Pastore, Rosser, and Selbin: “Poverty Law, Policy, and Practice” (2014). ISBN-13: 978-1454812548. Available at the law school bookstore.

*Supplementary articles and cases are posted on TWEN as noted on the syllabus. TWEN readings are italicized in the syllabus.*

**COURSE PURPOSE AND LEARNING OUTCOMES**

This course is explores how those in the legal profession can work to address legal problems of the poor. First, the course will examine the meaning of poverty in the United States and the variety of structural factors that contribute to legal inequity. Then it will explore ways in which legal assistance is funded and delivered to low-income individuals; substantive legal topics which impact the poor differently; and potential domestic and global solutions to poverty.

The course is designed to be interactive and applied. There is a 10 hour pro bono requirement in addition to a final exam. The purpose of the pro bono requirement is to expose students to issues that affect poor individuals and communities and to legal advocacy that addresses these issues.

By the end of this course, students will have:

* Discussed the historical origins and various perspectives of poverty in the United States;
* Compared how legal access for poor individuals differs from that for wealthier individuals;
* Examined landmark constitutional cases law that focus on poverty law issues;
* Examined substantive areas of poverty law such as public benefits, health, and housing;
* Performed and summarized a pro bono assignment that involves some aspect of poverty law.

**COURSE REQUIREMENTS AND POLICIES**

**Attendance and Participation:**

Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>. After Week 1, attendance will be self-reported on a class roster distributed at the beginning of each class. Tardiness and absences can affect grades.

As with all law school courses, it is essential that students are prepared and ready to participate in class. Being prepared means having read the materials carefully enough to understand, summarize, discuss, and form an opinion about them. If cases are included in the readings, being prepared means being able to brief the cases. It is anticipated that you will spend an average 2 hours out of class reading and/or preparing for every 1 hour in class. After the first week, an on-call system will be established.

**Written Assignment:**

Students are required to commit at least 10 hours to a pro bono or community service assignment, submit a work plan for approval at the end of Week 3, submit a brief progress report around mid-term and submit a five page “reaction piece” at the end of the semester. This assignment will be discussed further in class.

## Final Exam:

## There will be an in-class review prior to the final exam, as noted on the syllabus. Exam structure will be discussed closer to the exam date.

##### Grading Policies:

Grades for this class will be based on the following:

* Attendance and Participation: 10%
* Written assignment: 15%
* Final Exam: 75%
* 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  |

**Classroom Electronics Use:**

**Please silence and store your cell phones during class time.** If you have an emergency where you must have access to your phone, you must inform the instructor before class.

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

**UF POLICIES**

Accommodating Students with Disabilities: Students requesting accommodation for disabilities must first register with the Dean of Students Office ([http: //www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the College of Law Dean of Student Affairs, Rachel Inman, when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

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](http://www.dso.ufl.edu/students.php).

**Online course evaluation**: 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/>.

**CLASS SCHEDULE**

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

## Weeks 1-3, Introduction and History

## Week 1: Introduction to Poverty

**1/7:** What is Poverty? (1A) 1-19.

*Listen to: “A Snapshot of Poverty in America” on Planet Money at* [*https://www.npr.org/sections/money/2018/10/16/657879485/a-snapshot-of-poverty-in-america*](https://www.npr.org/sections/money/2018/10/16/657879485/a-snapshot-of-poverty-in-america)

**1/8:** Poverty in the United States. (1B) 25-42.

**1/9:** Economic Mobility (1C) and Living with Poverty and Law (1D) 45-57.

**Week 2: Social Characteristics; Social Welfare Policy**

**1/14:** *Listen to: Episode #3 “Rags to Riches” of Busted: America’s Poverty Myths at* [*https://www.wnycstudios.org/shows/otm/projects/busted-americas-poverty-myths*](https://www.wnycstudios.org/shows/otm/projects/busted-americas-poverty-myths)*.*

*Read: "Toward a Structural Racism Framework" by Andrew Grant-Thomas & john a. powell. Available at Course Materials on TWEN.*

**1/15:** Introduction; The Origins of Poverty Relief in the United States (2A); and The New Deal (2B) 59-75.

**1/16:** *Documentary: “The 1930s – The Civilian Conservation Corps.”*

**Week 3: Social Welfare Policy Cont’d**

**1/21: MLK DAY - NO CLASSES**

**1/22:** The New Frontier, Great Society and a War on Poverty (2C) 75-89.

**1/23:** Critique, Retrenchment, and Welfare Reform (2D) 89-106.

 **Assignment due: Pro bono/community service plan, submit on TWEN before 5 pm.**

**Weeks 4 and 5 Poverty and the Courts**

**Week 4: Access to Justice**

**1/28:** The Costs of Justice: Filing Fees (10A); The Need for Legal Assistance (10B); and Restrictions on Federal Legal Services Funding and Activities (10C) 587-609.

**1/29:** Does the Constitution Require Lawyers for Those Who Cannot Afford Them? (10E) 623-637.

**1/30:** The Revitalized Quest for a Civil Right to Counsel (10F); and The Self-Help Movement (10G) 637-651.

**Week 5: Poverty and the Constitution**

**2/4:** Introduction and New Property and Procedural Due Process (3A) 111-130.

**2/5:** Equal Protection: Overview (3B) and Equal Protection: Fundamental Rights (3C) 130-150.

**2/6:** Equal Protection: The Problem of Classifications (3D) 150-164, 169-177.

**Weeks 6-12: Specific Areas of Poverty Law**

**Week 6: Work**

**2/11:** Introduction and The Working Poor (5A) 263-271; How have Macroeconomic Trends Affected the Working Poor? (5B) 283-289

**2/12:** Wage Theft . . . (5C) 289-290, 296-308.

**2/13:** Government Responses to the Problems of Low-Wage Workers (5D) 308-331.

**Week 7: Welfare**

**2/18:** *Listen to Episode #2 “Who Deserves to Be Poor?” of Busted: America’s Poverty Myths at* [*https://www.wnycstudios.org/shows/otm/projects/busted-americas-poverty-myths*](https://www.wnycstudios.org/shows/otm/projects/busted-americas-poverty-myths)*.* Welfare Introduction; The Birth of Modern Cash Assistance Programs . . . (4A); and TANF (4B) 185-202.

**2/19:** TANF (4B) cont’d 203-207, 217-224, 227-238.

**2/20:** *Documentary: “A Day’s Work, A Day’s Pay.”*

**Week 8: Welfare cont’d**

**2/25:** Supplemental Security Income (4C) 239-245; *“Primer on Disability Benefits: Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI),” available at Course Materials on TWEN.*

**2/26:** Food and Nutrition Support (4D) 245-260.

**2/27:** Other food assistance programs 260-262; *Selected information sheets available at Course Materials on TWEN.*

**Week 9: Spring Break – 3/4-3/8**

**Week 10: Health**

**3/11:** Health Disparities (7A) and Health Insurance (7B) 396-412.

**3/12:** Gov’t Health Care Programs (7C) 412-430**.**

**3/13:** Affordable Care Act 445-448.

 ***In class:*** *Various videos on the Affordable Care Act: “Here’s Why the Affordable Care*

 *Act is So Controversial” (History Channel:* [*https://www.youtube.com/watch?v=ryxbnSqN2Xo*](https://www.youtube.com/watch?v=ryxbnSqN2Xo)*);*

*“How ‘Obamacare’ Became a Symbol of America’s Divide” (Frontline:* [*https://www.pbs.org/wgbh/frontline/article/watch-how-obamacare-became-a-symbol-of-americas-divide/?elqTrackId=C2AAF1EAFD06550E4E9E14F47C804E19&elqTrack=true*](https://www.pbs.org/wgbh/frontline/article/watch-how-obamacare-became-a-symbol-of-americas-divide/?elqTrackId=C2AAF1EAFD06550E4E9E14F47C804E19&elqTrack=true)

*“Why President Trump Couldn’t Close the Deal on Obamacare Repeal” (Frontline:* [*https://www.pbs.org/wgbh/frontline/article/watch-why-president-trump-couldnt-close-the-deal-on-obamacare-repeal/*](https://www.pbs.org/wgbh/frontline/article/watch-why-president-trump-couldnt-close-the-deal-on-obamacare-repeal/)*); “Obamacare on the Line” (PBS News Hour:* [*https://www.youtube.com/watch?v=o5YEN41O4Nc*](https://www.youtube.com/watch?v=o5YEN41O4Nc)*)*

 **Assignment Due: Pro bono/community service progress report, submit on TWEN by 5 pm.**

**Week 11: Housing**

**3/18:** Introduction and Access to Affordable Housing (6B) 333-335, 341-353.

**3/19:** Federal Housing Assistance (6C) 353-366.

**3/20:** *Listen to “Welcome to Rent Court, Where Tenants Can Face a Tenuous Fate” at* [*https://www.npr.org/2016/03/28/470522433/welcome-to-rent-court-where-tenants-can-face-a-tenuous-fate*](https://www.npr.org/2016/03/28/470522433/welcome-to-rent-court-where-tenants-can-face-a-tenuous-fate)

Eviction Defense (6D) 380-394.

**Week 12: Criminalization of Poverty**

**3/25:** *Documentary: “Poverty, Politics & Profit: The Housing Crisis.”*

**3/26:** Introduction; Poverty and Criminalization (9A) 524-543

**3/27:** Poverty and Criminalization (9A) cont’d 543-556, 561-567.

**Weeks 13-15 – Addressing Poverty**

**START HERE**

## Week 13: Addressing Poverty

**4/1:** *Complete this online Quiz before class: “What’s your American Dream Score? At* [*http://www.pbs.org/wnet/chasing-the-dream/your-american-dream-score/*](http://www.pbs.org/wnet/chasing-the-dream/your-american-dream-score/) *(Note: you do not have to share your score and story online unless you want to, but take time to compare your score with others who have posted.)*

 *Listen to: “Is the American Dream Really Dead?” on Freakonomics Radio.*

[*http://freakonomics.com/podcast/american-dream-really-dead/*](http://freakonomics.com/podcast/american-dream-really-dead/)

**4/2:** Markets Introduction 653-654 and Community Economic Development (11A) 669- 678. *Community Economic Development Fact Sheet. Available at Course Materials on TWEN.*

**4/3:** Access to Credit and Financial Services (11B) 678-695.

**Week 14: Markets cont’d and Human Rights**

**4/8:** Charity (11C) 695-710.

**4/9:** What do Human Rights Have to do with Poverty?(12D) and How Do International Human Rights Translate into the Domestic Context?(12E)738-755.

**4/10:** How Do International Human Rights Translate into the Domestic Context?(12E) cont’d755-773.

**Week 15: Discussion of Pro Bono and Class Review**

**4/15:**  Is There a Role for the Private Sector in Providing Access to Justice? (10D) 617-621. Discussion of student pro bono/community service work.

**4/16:**  Discussion of student pro bono/community service work.

**4/17:** Class review

**Week 16: Review**

**4/22:** Class Review

 **Assignment Due: Five page summary of pro bono/community service work, submit on TWEN by 5 pm.**

**Final Exam: Wednesday, May 1, 8:30 – 11:30 am, Location TBA**