**Poverty Law**

Spring 2020

LAW6812, Course #15617

3 credits

Spring 2020

M, T, W 1:30-2:25

Holland 283

# Joan Flocks *Office Hours: M, T, W 2:30-3:30*

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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 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. 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; and
* Examined various contemporary perspectives on addressing poverty domestically and internationally.

**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.

## 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: 15%
* Final Exam: 85%
* 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 <https://sccr.dso.ufl.edu/policies/student-honor-code-student-conduct-code/>

**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.

## Week 1: Introduction to Poverty

**1/13:** What is Poverty? (1A) 1-19.

*Assignment: 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)

**1/14:** Poverty in the United States. (1B) 25-42.

**1/15:** *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.)*

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

*In class: Listen to Current Trends in Social Mobility – Raj Chetty.* [*https://inequality.stanford.edu/publications/media/details/current-trends-social-mobility-raj-chetty*](https://inequality.stanford.edu/publications/media/details/current-trends-social-mobility-raj-chetty)

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

**1/20:** **NO CLASS – MLK Day**

**1/21:** *Assignment - 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" (Andrew Grant-Thomas & john a. Powell). Available at Course Materials on TWEN.*

**1/22:** Introduction; The Origins of Poverty Relief in the United States (2A); and The New Deal (2B) 59-75.

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

**1/27:** *Documentary: “The 1930s – The Civilian Conservation Corps.”*

**1/28:** The New Frontier, Great Society and a War on Poverty (2C) 75-89.

**1/29:** Critique, Retrenchment, and Welfare Reform (2D) 89-106.

**Week 4: Access to Justice**

**2/3:** Introduction and The Costs of Justice: Filing Fees (10A) 587-592; The Need for Legal Assistance (10B) 594-599; Restrictions on Federal Legal Services Funding and Activities (10C) 604-609. *“The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans (LSC) - Executive Summary” 6-8. Available on TWEN.*

**2/4:** Does the Constitution Require Lawyers for Those Who Cannot Afford Them? (10E) 623-637.

**2/5:** The Revitalized Quest for a Civil Right to Counsel (10F); and The Self-Help Movement (10G) 637-651.

**Week 5: Poverty and the Constitution**

**2/10:** Introduction and New Property and Procedural Due Process (3A) 111-130.

**2/11:** Equal Protection: Overview (3B) and Equal Protection: Fundamental Rights (3C) 130-150.

**2/12:** Equal Protection: The Problem of Classifications (3D) 150-164, 169-177.

**Week 6: Work**

**2/17:** *“A Profile of the Working Poor, 2017” (US Bureau of Labor Statistics). Available on TWEN.*How have Macroeconomic Trends Affected the Working Poor? (5B) 283-289.

*In class: The Winner Take All Economy - Robert Frank*

[*https://www.youtube.com/watch?v=QKWlIlIoAl0&index=5&list=PLZapTuSHtu-CeejcJGLVBLqNT-ipS0Idh*](https://www.youtube.com/watch?v=QKWlIlIoAl0&index=5&list=PLZapTuSHtu-CeejcJGLVBLqNT-ipS0Idh)

**2/18:** Wage Theft . . . (5C) 289-290, 296-308.

**2/19:** Government Responses to the Problems of Low-Wage Workers (5D) 378-331.

**Week 7: Welfare**

**2/24:** *Assignment:* *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.

**2/25:** TANF (4B) cont’d 203-207, 217-224, 227-231.

*In class: “Welfare and the Politics of Poverty” (Retro Report/The New York Times)* [*https://www.youtube.com/watch?v=Y9lfuqqNA\_g*](https://www.youtube.com/watch?v=Y9lfuqqNA_g)

*“Why it’s so hard to get off welfare”* [*https://www.pbs.org/newshour/show/hard-get-welfare*](https://www.pbs.org/newshour/show/hard-get-welfare)

**2/26:** *Documentary: “A Day’s Work, A Day’s Pay.”*

**Week 8: Spring Break – 3/2-3/6**

**Week 9: Welfare cont’d**

**3/9:** 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.*

**3/10:** *“The Supplemental Nutrition Assistance Program (SNAP): History, Politics, and Public Health Implications” (Marion Nestle). Available on TWEN.*

Food and Nutrition Support (4D) 246-255.

**3/11:** *News article or video update on SNAP program – TBA.*

Other food assistance programs 260-262; *Selected information sheets available on TWEN.*

**Week 10: Health**

**3/16:** Health Disparities (7A) and Health Insurance (7B) 396-412.

*“America’s Health Rankings – Annual Report 2019 Executive Highlights” (United Health Foundation). Available on TWEN.*

**3/17:** Gov’t Health Care Programs (7C) 412-430**.**

**3/18:** Affordable Care Act 445-448.

*“Refinement of the Affordable Care Act: A Progressive Perspective” (Olveen Carrasquillo and Michael Mueller). Available on TWEN.*

*News article or video update on ACA – TBA.*

**Week 11: Housing**

**3/23:** Introduction and Access to Affordable Housing (6B) 333-335, 341-353.

*In class: Neighborhoods and Multi-generational Effects - Patrick Sharkey*

[*https://www.youtube.com/watch?v=8ugiM2F\_2BA&index=18&list=PLZapTuSHtu-CeejcJGLVBLqNT-ipS0Idh*](https://www.youtube.com/watch?v=8ugiM2F_2BA&index=18&list=PLZapTuSHtu-CeejcJGLVBLqNT-ipS0Idh)

**3/24:** Federal Housing Assistance (6C) 353-368.

**3/25:** Eviction Defense (6D) 380-390.

 *In class: Unstable Housing: Matthew Desmond*

[*https://www.youtube.com/watch?v=NY4Q8XQ0n6E&index=13&list=PLZapTuSHtu-CeejcJGLVBLqNT-ipS0Idh*](https://www.youtube.com/watch?v=NY4Q8XQ0n6E&index=13&list=PLZapTuSHtu-CeejcJGLVBLqNT-ipS0Idh)

**Week 12: Criminalization of Poverty**

**3/30:** *Documentary: “Poverty, Politics & Profit: The Housing Crisis.”*

**3/31:** Poverty and Criminalization – Introduction, Homelessness, Housing (9A) 521, 524-535; Department of Housing and Urban Development v. Rucker (6D) 390-394); The Housing Choice Voucher 537-543.

**4/1:** Poverty and Criminalization (9A) cont’d 543-556, 561-567.

## Week 13: Addressing Poverty – Market-Based Solutions

**4/6:** Markets Introduction 653-654. *“A Brief History of Community Economic Development” (Roger Clay and Susan Jones). Available on TWEN.*

*In class: Look at examples and resources on Office of Community Services Page*

[*https://www.acf.hhs.gov/ocs/resource/ced-grantee-spotlights*](https://www.acf.hhs.gov/ocs/resource/ced-grantee-spotlights)

**4/7:** Access to Credit and Financial Services (11B) 678-686. *“Microcredit was a hugely hyped solution to global poverty. What happened?” (Stephanie Wykstra) Available on TWEN.*

**4/8:** Charity (11C) 695-697, 700-706. *“Can Religious Charities Take the Place of the Welfare State?” (Emma Green). “A US charity just did something radical: asked recipients where the money should go” (Dylan Mathews). Available on TWEN.*

**Week 14: Addressing Poverty - Human Rights. Class Review**

**4/13:** What do Human Rights Have to do with Poverty?(12D) and How Do International Human Rights Translate into the Domestic Context?(12E)738-757.

**4/14:** How Do International Human Rights Translate into the Domestic Context?(12E) cont’d762-765. *“Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America.” Available on TWEN.*

**4/15:** Class Review

**Week 15: Class Review cont’d**

**4/20:** Class review

**Final Exam: Monday, May 4, 8:30 – 11:30 am, Location TBA**