**Social Justice Lawyering**

LAW6816, 15883

3 credits

Fall 2019

Holland 285D

M,T,W 1:00-1:55 pm

# Joan Flocks

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***Office Hours: MTW 2:00-3:00 or by appointment***

***Available anytime via email.***

**MATERIALS**

**Required:** The main text will be Martha R. Mahoney, John O. Calmore, and Stephanie M. Wildman (MCW), “Cases and Materials on Social Justice: Professionals, Communities, and Law,” **Second Edition (2013). ISBN: 9780314926982.**

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

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

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

**COURSE REQUIREMENTS AND POLICIES**

**Attendance and Participation:**

Per ABA requirements, please attend all classes, unless you e-mail me in advance with a legitimate excuse. 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 a **final exam** based on material covered during the semester. The structure of the exam will be discussed toward the end of the semester and an exam review will be held on the last days of class.

**Grading Policies:**

Grading for Social Justice Lawyering is calculated as follows:

* 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  |

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

**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 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.

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 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/>.

**CLASS SCHEDULE**

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

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

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

**8/26: *Readings:*** *“Theoretical Foundations for Social Justice Education” (Lee Anne Bell); “The Complexity of Identity – ‘Who Am I?’” (Beverly Daniel Tatum) - available on TWEN.*

**8/27:*****Readings:*** *“A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty” (John Calmore)* ***pp. 1932-1940;*** *“Resistance Redux” (Victor Li) - available on TWEN.*

 ***In Class:*** *DVD*Start “William Kunstler – Disturbing the Universe.”

**8/28: *In Class:*** *DVD* Finish and discuss “William Kunstler – Disturbing the Universe.”

**Week 2: The Legal Profession, Legal Services and Access to Justice**

**9/2: Labor Day No Class**

**9/3: *Readings:*** MCW Chapter 2 Section 3(A) – The Politics of Funding Legal Work for Social Justice (102-110 and 114-118); Section 3(C) – Funding Legal Aid Programs … (120-124).

**9/4: *Readings:*** MCW Chapter 2 Section 4(C) (155-164); *Bruce Wright v. City of St Petersburg - Order Granting Plaintiff’s Motions for Attorneys’ Fees and Costs (2018) - available on TWEN.*

***In Class:*** Kirsten Anderson (Attorney, Southern Legal Counsel).

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

**9/9: *Readings:***MCW Chapter 2 Section 4(C) cont’d (168-172); *“Access to Justice Looking Back, Thinking Ahead” (Deborah Rhode and Scott Cummings) – available on TWEN.*

**9/10: *Readings:*** *“Sensibilities for Social Justice Lawyers.” (Ascanio Piomelli) – available on TWEN;* MCW Chapter 3 (Social Justice Lawyers in Context), Section 2(B) - Understanding Communities… (199-209).

**9/11: *In Class:*** Andrea Costello (Attorney, Florida Legal Services).

**Week 4:** **Community Empowerment, Shaping Claims, and Legal Transformation in Social Justice Cases**

**9/16: *Readings:*** MCW Chapter 5 (From Individual Clients to Groups and Communities), Section 1 – The Client Centered Model of Representation (294-301 and 313-322); Section 3 – The Lawyer-Client Relationship in the Context of Representing Group and Community Clients (335-343).

 ***In Class:*** *Role Play*

**9/17:*****Readings:*** MCW Chapter 11 (Lawyers and Political Struggles toward Transformation), Section 2 – Community Empowerment and the Role of the Lawyer (787-803).

 ***In Class:*** *Role Play*

**9/18: *Readings:***  MCW Part 2 Intro – (445-446); Chapter 7 (The Political Nature of Rights Claims), Section 1 Framing Demands for Social Justice as Claims for Legal Rights (447-461); MCW Chapter 11, Section 4 – Lawmaking and Transformation (834-844).

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

**9/23:** ***Readings:***MCW Chapter 12, The Movement Toward a New Fair Housing . . . (852-855); Section 2 – The Context and Conditions of Spatial Inequality and Injustice (861-883).

**9/24:** ***Readings:*** *Bank of America v. City of Miami, Florida, 581 US \_\_ (2017) - available on TWEN.*

**9/25:**  ***Readings:***MCW Chapter 12, Section 3 - Moving Beyond Fair Housing Toward Justice in Place (894-898); *“New Farm Bill could help Southern black farmers…” (Rosalind*

*Bentley) - available on TWEN.*

**Week 6: Topics - Environmental Justice**

**9/30**: ***Readings:*** *Excerpts from Environmental Justice – Law, Policy & Regulation (Clifford Rechtschaffen, Eileen Gauna, and Catherine O’Neill) - available on TWEN.*

**10/1:** ***Readings:*** *Excerpt from “Environmental Justice,” Section 2 and Sections 4-6 (Paul Mohai, David Pellow, and J. Timmons Roberts) – available on TWEN****.***

**10/2:** ***Readings:*** *“Using Civil Rights Laws for Environmental Justice Along the Texas Gulf Coast” (Erin Gaines and Kelly Haragan) - available on TWEN.*

***In class:****DVD* “Come Hell or High Water: The Battle for Turkey Creek.”

**Week 7: Topics - Education**

**10/7: *Readings:*** *“Brown at 50: Educational Inequality from Reconstruction to Resegregation” (Leland Ware); Brown v. Board of Education 347 U.S. 483 (1954); “Brown v. Board of Education – Why was it a Hard Case and How Did the Decision Matter?” (Michael Karman) - available on TWEN.*

**10/8:*****Readings:*** MCW Chapter 9 (Participation in Democratic Society), Section 2A Education (645-648 and 657-660): *“Why Seek the Living Among the Dead?” (Melanie Acosta, Michele Foster, and Diedre Houchen) – available on TWEN*.

 ***In Class:*** Diedre Houchen (Post-Doctoral Associate, CSRRR, Levin College of Law)

**10/9: *Readings:*** MCW Chapter 9 (Participation in Democratic Society), Section 2D (671-681); *Fisher v. University of Texas at Austin et al., 579 U.S. \_\_\_\_ (2016 – excerpt TBA) - available on TWEN.*

**Week 8: Topics - Voting Rights**

**10/14:** ***Readings:*** *“The Color of Law” (Louis Menand). Available on TWEN;* MCW Chapter 9, Participation in Democratic Society, Section 1 – Voting, Community Activism and Political Participation (607-617).

**10/15: *Readings:*** *Shelby County v. Holder, 570 U.S. 529 (2013 – excerpt TBA). Available on TWEN.*

**10/16: *Readings:*** *“Voting Laws Roundup 2019” (Brennan Center for Justice); Gruver v. Barton – Complaint (2019 - excerpt TBA) - available on TWEN.*

**Week 9: Topics - Reproductive Rights**

**10/21:** ***Readings:*** *“Exploring the Role of Lawyers in Supporting the Reproductive Justice Movement” (Gemma Donofrio) – available on TWEN.*

***In Class:*** *DVD* “No Más Bebés.”

**10/22:*****Readings:*** *Whole Woman’s Health v. Hellerstedt, 579 U. S. \_\_\_\_ (2016- Excerpt TBA).*

**10/23:*****Readings:*** *“Roe and Intersectional Liberty Doctrine” (Center for Reproductive Rights); “A Supreme Court Reporter Defines the Threat to Abortion Rights” (Isaac Chotiner); “To Have and To Hold – Reproduction, Marriage, and the Constitution” (Jill Lepore) - available on TWEN*

**Week 10: Topics - Sexual Minorities**

 **10/28: *Readings:*** MCW Chapter 13 (Sexual Minorities: The Movement for Equality and Liberation), Sections 1B & 1C (960-974); Section 3 (1017-1031).

**10/29: *Readings:*** MCW Chapter 13 cont’d, Section 4(C) – Progress, Backlash, and Social Justice Movements … (1051-1074); *Excerpt from Obergefell v. Hodges, 576 U.S. \_\_ (2015).*

**10/30:** ***Readings:*** *Glenn v. Brumby, 663 F.3d 1312 (11th Cir. 2011)? –Available on TWEN.*

***In Class:*** Simone Chriss (Attorney, Southern Legal Counsel).

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

**11/4: *Readings:*** MCW Chapter 8 (Work, Caregiving & Dependency), Section 2 – Globalization, Work, and Social Justice (508-509 and 517-529*). “Migrants Are on the Rise Around the World…” (Eduardo Porter and Karl Russell); How the United States Immigration System Works” (American Immigration Council) – Available on TWEN.*

**11/5: *Readings:*** *“The U.S. Immigration Debate” (Claire Felter and Danielle Renwick);*

Read, understand and be prepared to discuss **ONE** of the following (*all available on TWEN)*:

* Termination of Deferred Action for Childhood Arrivals (DACA*): United States Department of Homeland Security v. Casa de Maryland - Petition for Writ of Certiorari (pp 1-21).*
* Ban on Sanctuary Cities: *City of South Miami v. Ron DeSantis – Complaint for Injunctive Relief and Declaratory Judgement (Sections I, IV, and V).*
* Restrictions on Asylum Seekers: *East Bay Sanctuary Covenant v. William Barr – Complaint for Declaratory and Injunctive Relief (Introduction and Background Sections).*

**11/6: *Readings:*** *“US Deporting Crime Victims While They Wait for Special Visa” (Alexandra Villarreal); “Undocumented Crime Victims Face Heightened Risk of Deportation” – available on TWEN.*

***In Class:*** Anastacia Greene (Immigration Clinic Fellow, Levin College of Law).

**Week 12: The Judiciary and Social Justice Lawyers in Action**

**11/11:** Veteran’s Day – No Class

**11/12: *Readings:*** MCW Chapter 10 (The Judiciary and Access to Courts), Section 1 – The Judiciary: Who are the Judges and How are they Chosen? Section 2 – The Role of the Judiciary (730-733); *“Guide for Florida Voters – Questions and Answers about Florida Judges, Judicial Elections and Merit Retention” (The Florida Bar); “A Look Through the Looking Glass…” (Linda Bond Edwards and Michael Band); “The History Test” (Jill Lepore) - Available on TWEN.*

 **11/13: *In class:*** Joseph Cordova (Equal Justice Works Fellow, Florida Legal Services).

**Week 13: Summary and Final Exam Review**

**11/18:** *“Letter to a Law Student Interested in Social Justice” (William Quigley) – available on TWEN.*

**11/19:** SJL Review

**11/20:** SJL Review

**Week 14: Final Exam Review cont’d and Practicum Presentations**

**11/25:** SJL Review – TBA; Practicum Presentations - TBA

**11/26:** No class – Constructive Friday

**11/27:** No class – Thanksgiving holiday

**Week 15:**

**12/2:** Practicum presentations - TBA

**FINAL EXAM:** **Monday, 12/9/19, 1-4 pm. Room TBA**