**Social Justice Lawyering**

LAW6816, 15163

3 credits

Fall 2020

MLAC 213A

M, W, Th 1:20-2:15 pm

# Joan Flocks

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

**MATERIALS**

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

**COURSE PURPOSE AND LEARNING OUTCOMES**

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

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

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

**COURSE REQUIREMENTS AND POLICIES**

**Attendance and Participation:**

Per ABA requirements, attendance at either in-person or remote classes is mandatory, unless you e-mail me in advance with a legitimate excuse. Up to 1/3 of this course will be held remotely for all students; remote classes are indicated on the syllabus and the CANVAS page. 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 taken for each class. Tardiness and absences can affect grades.

**Assigned Materials:**

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

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

**0 points:**

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

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

**1 point:**

The post has no fatal shortcoming, but:

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

**2 points:**

The post is competent in that it:

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

**3 points:**

The post is excellent in that it:

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

**Final Exam:**

There will be a **final exam** based on material covered during the semester. The structure of the exam will be discussed toward the end of the semester and an exam review will be held on the last days of class.

**Grading Policies:**

Grading for Social Justice Lawyering is calculated as follows:

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

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: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

**Classroom Electronics Use:**

**Please silence and store your cell phones during class time – whether you are in-class or remote.** 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.”***

**UF POLICIES**

Accommodating Students with Disabilities:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (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. Weeks 12-13 will examine the judiciary and examples of social justice lawyers in action. The final week will be devoted to summarizing and reviewing the course.

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

**8/24: *Read:*** *“*Theoretical Foundations for Social Justice Education” (Lee Anne Bell); “The Complexity of Identity – ‘Who Am I?’” (Beverly Daniel Tatum).

 ***Complete:*** Social Identity Profile Assignment **(3 pts).**

**8/26:*****Read:*** “A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty” (John Calmore) **pp. 1932-1940;** “Resistance Redux” (Victor Li).

***Watch In Class:*** Begin “True Justice: Bryan Stevenson’s Fight for Equality.”

**8/27: (Remote) *Watch In Class or on your own:*** Finish“True Justice: Bryan Stevenson’s Fight for Equality.”

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

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

**Individuals to Communities**

**8/31: *Read:*** Introduction on Canvas; “The Demise of Law Reform and the Triumph of Legal Aid” (William Quigley); “What is IOLTA?” (ABA).

**9/2:** ***Read:*** “Civil Rights Cases and Shifting Attorney Fees” (Excerpt from Mahoney, Calmore and Wildman Cases and Materials on Social Justice…).

**9/3: *Read:*** “Am I My Client? The Role Confusion of a Lawyer Activist” (Nancy

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

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

**9/7: Labor Day – No Class**

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

**9/10: (Remote) *Read*:** “A Critical Reflection on Law and Organizing” (Scott Cummings and Ingrid Eagly) **pp. 460-469, 490-495, 498-502.**

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

**9/14: *Role Play In Class:***Begin Gator Creek Community Lawyering Role Play.

**9/16:*****Role Play In Class:*** Finish Gator Creek Community Lawyering Role Play.

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

**9/17: (Remote) *Read:*** “Making the Case for Community Lawyering” (Taylor Healy and Aja Taylor).

***Dialogue:*** Joseph Cordova (Equal Justice Works Fellow, Florida Legal Services).

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

**9/21:** ***Watch:*** “Redlined, A Legacy of Housing Discrimination” (The Two Hundred)

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

**9/23:** ***Watch:*** “Struggle for Black and Latino Mortgage Applicants Suggests Modern-Day Redlining” (PBS News Hour).

***Read:*** Bank of America v. City of Miami, Florida, 581 US \_\_ (2017).

**9/24:** **(Remote) *Watch:*** “Heirs Discover Money Does Grow on Trees” (Jennie Stephens-TEDxCharleston); ***“***Beyond Recognition” (Natural Heroes TV).

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

**Week 6: Topics - Environmental Justice**

**9/28**: ***Read:***Excerpts from Environmental Justice – Law, Policy & Regulation (Clifford Rechtschaffen, Eileen Gauna, and Catherine O’Neill)*.*

**9/30:** ***Read:***“Environmental Justice”(Paul Mohai, David Pellow, and J. Timmons Roberts) **Section 2 and Sections 4-6.**

 ***Watch In Class:*** Begin “The Condor & the Eagle”

**10/1:** ***Watch In Class:*** Finish “The Condor & the Eagle”

**Week 7: Topics - Education**

**10/5: *Read:*** “Brown at 50: Educational Inequality from Reconstruction to Resegregation” (Leland Ware); Brown v. Board of Education 347 U.S. 483 (1954); “Brown v. Board of Education – Why was it a Hard Case and How Did the Decision Matter?” (Michael Klarman).

**10/7:*****Read:*** “Deconstructing the Distinction between Bias and Merit” (Darla Roithmayr) **pp. 1475-1490** (CA Law Review page #s).

**10/8: (Remote) *Complete:***CALI lesson on Affirmative Action and Equal Protection.

**Week 8: Topics - Voting Rights**

**10/12:** ***Read:*** “The Color of Law” (Louis Menand);Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966) **Majority opinion.**

**10/14: *Read:***Shelby County v. Holder, 570 U.S. 529 (2013) **Sections I, II, and last two paragraphs of majority opinion, Section I of Ginsburg dissent)***.*

**10/15: (Remote) *Read:*** “Voting Laws Roundup 2020” (Brennan Center for Justice); Jones v. DeSantis – Case No. 4:19cv300 (2020) **Sections II; V; VII – up to subsection A; and XIX**.

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

**Week 9: Topics - Reproductive Rights**

**10/19:** ***Read:*** “Exploring the Role of Lawyers in Supporting the Reproductive Justice Movement” (Gemma Donofrio).

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

**10/21:*****Complete:***CALI lesson on Abortion in Constitutional Law.

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

**10/22:****(Remote)*****Read:***“June Medical Services L.L.C. v. Russo, 591 U.S. \_\_\_\_ (2020), **Syllabus and Sections III, V, and VI of majority opinion;** “To Have and To Hold – Reproduction, Marriage, and the Constitution” (Jill Lepore).

**Week 10: Topics - Sexual Minorities**

**10/26: *Complete:*** CALI lesson on Marriage and Same-Sex Marriage in Constitutional Law.

**10/28: *Read:*** Bostock v. Clayton County, 590 U.S. \_\_\_ (2020) Sections I, II, and IIIA majority opinion; Glenn v. Brumby, 663 F.3d 1312 (2011).

**10/29:** (**Remote*) Read:*** “Advocacy Groups Sue Florida Government Agencies, University of Florida over Discriminatory Transgender Health-Care Ban” (SLC); “Denying Gender-Affirming Care to Transgender People is Simply Unconstitutional” (Anton Marino – ACLU).

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

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

**11/2: *Read:*** Introduction to Globalization and Migration on Canvas; “How the United States Immigration System Works” (American Immigration Council).

**11/4: *Read:*** “The U.S. Immigration Debate” (Claire Felter and Danielle Renwick).

***Watch:*** Immigration in Central Florida (7/19/19) **OR** Immigration issues in Central Florida (12/06/19)

***Complete:*** Summary and discussion of a current immigration issue.

**11/5: (Remote) *Read:*** Department of Homeland Security v. Regents of the University of California, 591 U.S. \_\_\_ (2020). **Sections I; II (up to IIA); IIIB; and IV of majority opinion.**

**Week 12: Social Justice and the Courts**

**11/9:** ***Read*:** “Guide for Florida Voters – Questions and Answers about Florida Judges, Judicial Elections and Merit Retention” (The Florida Bar);“A Look Through the Looking Glass…” (Linda Bond Edwards and Michael Band); “The History Test” (Jill Lepore).

**11/11: Veteran’s Day – No Class**

**11/12: *Read:*** “Protecting Disfavored Minorities: Toward Institutional Realism” (Joy Milligan)**pp. 896-917.**

**Week 13: Social Justice Lawyers in Action; Practicum Presentations**

**11/16: *Read:*** “Law and Social Movements: Contemporary Perspectives” (Michael McCann) **pp. 24-35.**

**11/18: (Remote) *Read:*** Fort Lauderdale Food not Bombs v. City of Fort Lauderdale, 901 F

3d (2018).

***Dialogue:*** Kirsten Anderson (Litigation Director, Southern Legal Counsel)

**11/19:** **(Remote)** Social Justice Lawyering Field Placement presentations (TBA).

**Week 14: Final Exam Review**

**11/23: (Remote)** SJL Exam Review

**11/24:** (TUESDAY) **(Remote)** SJL Exam Review

**FINAL EXAM:** **Wednesday 12/16/20, 1-4 pm.**