**Poverty Law Seminar**

Spring 2021

LAW6812, Course #15617

2 credits

T 3:30-5:30

Holland 355D

# Joan Flocks *Virtual Office Hours by appointment*

# Director, Social Policy Division

Center for Governmental Responsibility

320D Holland Hall

Office: 273-0837

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

#### COURSE DESCRIPTION AND CLASS POLICY

**MATERIALS**

* Brodie, Pastore, Rosser, and Selbin: “Poverty Law, Policy, and Practice” (2014). ISBN-13: 978-1454812548 (**Referred to in syllabus as “Brodie et al.”**). NOTE: This is NOT the newest edition, this is the 2014 edition.
* *Additional readings and assignments are available through Canvas.*

**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>.

Students are allowed two excused absences for events such as illnesses, emergencies, and job interviews. For an absence to be considered excused, you must notify me in advance so I can ensure the class is recorded; watch the recorded class; and submit a brief summary of the class to me within one week of the absence. Unexcused absences will affect your final grade. Students are responsible for ensuring that they are not counted as absent if they are tardy. Excessive tardiness will affect your final grade.

As with all law school courses, it is essential that students are prepared and ready to participate in class – 20% of your final grade is based on participation. All readings and assignments must be completed before 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, three or four students will be assigned each week to be discussion leaders. The role of discussion leaders is as follows:

* Assist me in summarizing the week’s readings during class.
* Post two or three discussion questions based on the week’s topic and readings by 5 pm the day before class and be prepared to lead the class in discussion of these questions.

## Research Paper:

This class requires completion of a finished written product that focuses on an approved poverty law related topic. Research papers must be double-spaced, 12-pt font Word documents conforming to Bluebook style for law review articles. If you are using the research paper to fulfill your Advanced Writing Requirement, the paper must be 25 pages, otherwise it must be 15-20 pages (all-inclusive of footnotes). Factors influencing the evaluation of the final paper include thoroughness and accuracy of research; organization and clarity; quality of writing; citation style; and incorporation of feedback from initial draft. For more guidance on writing seminar papers, consult with your Levin College of Law librarians. Some resources can be found here: <https://guides.law.ufl.edu/seminarpapers>

The following are due dates for research paper related assignments. All assignments are to be submitted on Canvas by 5 pm on the due date:

* Tuesday, February 9 – Proposed research topic
* Tuesday, March 2 – Paper outline with research sources
* Tuesday, March 23 – Initial draft
* Tuesday, April 20 – Final Paper

**Research Presentations:**

The last two class sessions are reserved for presentations on your research topics. The goal of these presentations is for others in the class to learn from your research and for you to receive feedback on your research from your peers. Presentation format will be discussed closer to the dates.

##### Grading Policies:

Grades for this class will be based on the following:

* Attendance and Participation: 20%
* Research paper: 70%
* Research presentation: 15%

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, please inform me 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.”***

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

**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 (Assistant Dean Brian Mitchell). 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 understand the UF Student Honor Code located at <https://sccr.dso.ufl.edu/process/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/>.

**COVID-related practices for in-person students:**

In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions. I may take noncompliance into account when grading students or determining if a student may remain in the course.

* You are always required to wear approved face coverings during class and within buildings. Following and enforcing these policies and requirements are all our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Be mindful of how to properly enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you can return to campus.  (See <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.)
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. (See <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>).

**CLASS SCHEDULE AND ASSIGNMENTS**

This following represents current plans and objectives.  This schedule is subject to change to enhance the class learning opportunity.  Such changes, communicated clearly, are not unusual and should be expected. It is suggested that you do the assignments in the order they are listed. “Brodie et al.” refers to the casebook. All other readings and audio/video assignments are available through the Canvas site.

## Week 1 (2/19): Measuring and Characterizing Poverty

1. Complete this online Quiz: “What’s your American Dream Score?” At <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.)*

1. Brodie et al. “Introduction to Poverty” and “What is Poverty?” (1A) 1-14.
2. Cassidy, “Relatively Deprived” (The New Yorker).
3. Allen, “Re-Counting Poverty” (Pew Research Center).
4. Brodie et al., “Poverty in the United States” (1B) 25-35.
5. Sheffield and Rector, *The War on Poverty After 50 Years* (Heritage Foundation).
6. Pew Charitable Trusts, *Economic Mobility in the United States.*
7. *Watch:* “Current Trends in Social Mobility” (Raj Chetty) <https://inequality.stanford.edu/publications/media/details/current-trends-social-mobility-raj-chetty>.
8. Brodie et al., “The Moral Construction of Poverty…” (Handler and Hassenfeld) 56-57.

**Week 2 (2/26): History of Social Welfare Policy**

1. *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>.
2. Brodie et al., “Social Welfare Policy” 59-106.

**Week 3 (2/2): Access to Justice**

1. Brodie et al., “Does the Constitution Require Lawyers for Those Who Cannot Afford Them?” (10E) 623-637.
2. Brodie et al., “The Need for Legal Assistance” (10B) 594-599.
3. Brodie et al., “Restrictions on Federal Legal Services Funding and Activities” (10C) 604-609.
4. Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans - Executive Summary.*
5. Brodie et al., “The Revitalized Quest for a Civil Right to Counsel” (10F) 637-640.
6. Brodie et al., “The Self-Help Movement” (10G) 644-651.
7. [Rosalsky, “Most People Can't Afford Legal Help. One Reformer Wants to Change That](https://www.npr.org/people/726239784/greg-rosalsky).” (Planet Money Newsletter).
8. *Watch: Law Technology Now* interview with Gillian Hadfield (from 9:50-38:00) <https://www.youtube.com/watch?v=4tZ6r_rfa6I>

**Week 4 (2/9): Poverty and the Constitution**

1. Brodie et al., “Introduction” and “New Property and Procedural Due Process” (3A) 111-127.
2. Brodie et al., “Equal Protection: Overview” (3B) and “Equal Protection: Fundamental Rights” (3C) 130-153.
3. Brodie et al., “Equal Protection: The Problem of Classifications” (3D) 157-164, 169-177.

* ***Proposed Research Topic Due on Canvas by 5 pm.***

**Week 5 (2/16): Work**

1. *Listen to:* “Priced Out: Where is Our Safety Net?” (1A) [https://www.npr.org/2020/05/04/850125528/priced-out where-is-our-safety-net](https://www.npr.org/2020/05/04/850125528/priced-out%20where-is-our-safety-net).
2. US Bureau of Labor Statistics, *A Profile of the Working Poor, 2018.*
3. Brodie et al., “The Great Disparity” (William Julius Wilson) 286-289.
4. Kirven, “Whose Gig is it anyway? Technological Change, Workplace Control, and Supervisions, and Workers Rights in the Gig Economy” 256-266.
5. Cordero-Guzman, “Worker Centers, Worker Center Networks, and the Promise of Protections for Low Wage Workers” 31-40.
6. Grabell, “Exploitation and Abuse at the Chicken Plant” (The New Yorker).
7. Brodie et al., “Minimum Wage” 308-312.
8. US Bureau of Labor Statistics, *Characteristics of Minimum Wage Workers 2019.*
9. US Department of Labor, *Unemployment Insurance Fact Sheet.*
10. Pilaar, “Reforming Unemployment Insurance in the Age of Non-Standard Work” 328-344.
11. Center on Budget and Policy Priorities, *The Earned income Tax Credit 2019.*
12. Cordero-Guzman, “Worker Centers, Worker Center Networks, and the Promise of Protections for Low Wage Workers” 40-53.

**Week 6 (2/23): Safety Net Programs**

1. *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>.

1. Brodie et al., “Welfare – Introduction” 185-187.
2. Brodie et al., “The Birth of Modern Cash Assistance Programs . . .” (4A); and “TANF” (4B)

192-197

1. Falk, “The Temporary Assistance for Needy Families (TANF) Block Grant” (Congressional

Research Service)

1. Brodie et al., 201-207.
2. Schott et al., “How States Use Federal and State Funds under the TANF Block Grant” (Center on Budget and Policy Priorities).
3. Brodie et al., “Sexual Regulation and Marriage Promotion” 219-223.

**Week 7 (3/2): Safety Net Programs cont’d**

1. Lynch et al., *Federal Spending on Benefits and Services for People with Low Income: FY2008-FY2018* (Congressional Research Service).
2. Brodie et al., “Supplemental Security Income” (4C) 239-241.
3. Morton, *Supplemental Security Income (SSI)*.
4. Center on Budget and Policy Priorities, *Policy Basics -The Supplemental Nutrition*

*Assistance Program (SNAP)* 2019.

1. Brodie et al., “Food and Nutrition Support” (4D) 249-261.
2. Center on Budget and Policy Priorities, “Tracking the COVID-19 Recession’s Effects on Food, Housing, and Employment Hardships.”
3. McMinn and Talbot, “From Rent Freezes to Liquor Buybacks: How States Are Helping People Cope” <https://www.npr.org/2020/06/10/868082337/from-rent-freezes-to-liquor-buybacks-how-states-are-helping-people-cope>.

* ***Research Paper Outline Due on Canvas by 5 pm.***

**Week 8 (3/9): Health**

1. United Health Foundation, *America’s Health Rankings – Annual Report 2020 Executive Highlights.*
2. Woolf et al., How are Income and Wealth Linked to Health and Longevity? (Urban Institute 2015)
3. Brodie et al., “Health Insurance” (7B) and “Government Health Programs” (7C) 405-420.
4. Kaiser Family Foundation, *Medicaid Pocket Primer.*
5. Obama, “A President Looks Back on His Toughest Fight” (The New Yorker).
6. Center on Budget and Policy Priorities, “Suit Challenging ACA Legally Suspect but Threatens Loss of Coverage for Tens of Millions.”
7. Listen to: “It’s So Hard to Get Help:” An Undocumented Immigrant and a COVID-19 Diagnosis in Colorado” <https://the1a.org/segments/covid-19-undocumented-immigrant-colorado/>

**Week 9 (3/16): Housing**

1. *Watch:* “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-%20CeejcJGLVBLqNT-ipS0Idh)

1. Brodie et al., “Housing – Introduction” and “Access to Affordable Housing” (6B) 333-335,

341-353.

1. Okeowo, “The Heavy Toll of the Black Belt’s Wastewater Crisis” (The New Yorker)
2. Joint Center for Housing Studies of Harvard University, *The State of the Nation’s Housing 2020* 15-40.
3. Brodie et al., “Federal Housing Assistance” (6C) 353-368.
4. Brodie et al., “Eviction Defense” (6D) 380-390.
5. *Watch:* “Unstable Housing” (Matthew Desmond)[*https://www.youtube.com/watch?v=NY4Q8XQ0n6E&index=13&list=PLZapTuSHtuCeejcJGLVBLqNT-ipS0Idh*](https://www.youtube.com/watch?v=NY4Q8XQ0n6E&index=13&list=PLZapTuSHtuCeejcJGLVBLqNT-ipS0Idh)*.*

**Week 10 (3/23): Criminalization of Poverty**

1. Listen to: “Criminal Justice System Tilted Radically Against Poor Americans, Legal Scholar Says” (Here & Now Interview with Peter Edelman).
2. <https://www.wbur.org/hereandnow/2018/01/08/peter-edelman-criminalization-poverty>
3. Watch: “A Pound of Flesh. Monetary Sanctions As Punishment for the Poor” (Rising up with Sonali Interview with Alexes Harris) <https://vimeo.com/171651958>
4. Brodie et al., “Criminalization – Homelessness” 524-527.
5. National Law Center on Homelessness & Poverty *Housing Not Handcuffs 2019* 1-16, 50-56.
6. Brodie et al., “Department of Housing and Urban Development v. Rucker” (6D) 390-394.
7. Brodie et al., “Welfare” 543-556.

* **Research Paper Initial Draft Due on Canvas by 5 pm.**

## Week 11 (3/30): Addressing Poverty

1. Brodie et al., “Markets” 653-654, 657-664.
2. Brodie et al., “Access to Credit and Financial Services” (11B) 678-681.
3. Clay and Jones, “A Brief History of Community Economic Development”
4. Brodie et al., “Microcredit” 687-690.
5. Wykstra, “Microcredit was a Hugely Hyped Solution to Global Poverty. What Happened?”
6. Brodie et al., “Charity” (11C) 695-697, 700-704.
7. Mathews, “A US Charity just did Something Radical: Asked Recipients where the Money

Should Go.”

1. Brodie et al., “Human Rights” 711-714.
2. Alston, *Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America* 7-20.

**Week 12 (4/6): VIRTUAL**

**Research presentations**

## Week 13 (4/13): VIRTUAL

**Research presentations**

***Tuesday, April 20: Final Research Paper Due on Canvas by 5 pm.***