

Levin College of Law
Office of the Dean

Merritt McAlister
Interim Dean and Levin, Mabie & Levin Professor of Law

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April 29, 2025

MEMORANDUM

TO: Full-Time Faculty, Levin College of Law

FROM: Merritt McAlister, Interim Dean

RE: Faculty Meeting Agenda, May 6, 2025

Our thirteenth and final Faculty Meeting of the 2024-2025 academic year will take place in the Faculty Lounge on Tuesday, May 6, 2025. The meeting will begin at 11:30 am and will end no later than 1:30 pm. Lunch will be provided

The agenda is as follows:

1. Action Item: Approve faculty meeting minutes for April 8, 2025, attached (Dean McAlister)
2. Action Item: Approval of Professor Pedro Malavet Emeritus Status (Dean McAlister)
3. Action Item: Approval of spring 2025 graduates (Dean McAlister)
4. Action Item: Approval of visitors (Dean McAlister)
5. Action Item: Committee assignments and proposed committee revisions (Dean McAlister)
6. Action Item: Curriculum Committee approval for 9 additional classes: Criminal Investigation in the Digital Age; Cyberlaw and Cybersecurity; Fintech; Incarceration Law; Mental Health Law; Privacy Law; Real Estate Investment, Finance, and Development; State and Local Government Law; and Transformative Perspectives: Criminal Justice Inside-Out (Luke, Erez-Navot, co-chairs)
7. Action Item: Curriculum Committee revision to compressed course policy (Dean Luke, Erez-Navot, co-chairs)
8. Information Item: Curriculum (Dean Lopez)
9. Information Item: Transition from Digital Measures/Faculty Success to Faculty Excellence and Advancement (FEA) (Dean Molk)

10. Information Item: Discussion of exam grading best practices (Dean Molk)
11. Information Item: Report from Public Interest Professions Committee on student support. (Caballero, chair)
12. Information Item: Class of 2024 employment report (Dean Shaw)
13. Information Item: Clerkship Committee update (Hampson, Chair)
14. Information Item: Continued discussion regarding centers (Dean McAlister)

If you are unable to attend, please contact Peter Molk, who will discuss available options. Otherwise, I look forward to seeing you.

UF Levin College of Law Faculty Meeting Minutes
April 8, 2025 - 12:00 noon

PRESENT: Derek Bambauer, Stacy Biggart, Yariv Brauner, Juan Caballero, Dennis Calfee, Judy Clausen, Julian Cook, Lisa De Sanctis, Donna Eng, Donna Erez-Navot, Barbara Evans, Mark Fenster, William Hamilton, Christopher Hampson, Thomas Hawkins, Berta Hernandez-Truyol, Jiaying Jiang, Benjamin Johnson, Lea Johnston, Elizabeth-Ann Katz, Matthew Kim, Heather Kolinsky, Gary Lawson, Elizabeth Lear, Lyrisa Lidsky, Sabrina Lopez, Lynn LoPucki, Charlene Luke, Merritt McAlister, Timothy McLendon, Silvia Menendez, Peter Molk, Thinh Nguyen, Lars Noah, Jane O'Connell, Joan Stearns Johnsen, Stacey Steinberg, Derek Wheeler, Steven Willis, Sarah Wolking, Danaya Wright, Wentong Zheng

PRESENT ON ZOOM: David Hasen

NOT PRESENT: Rachel Arnow-Richman, Annie Brett, Karen Burke, Charles Collier, Ben Fernandez, Thomas Haley, Kristen Hardy, Mindy Herzfeld, Zachary Kaufman, Tracey Maclin, Pedro Malavet, Jonathan Marshfield, Grayson McCouch, Robert Rhee, Paige Snelgro, Amy Stein, John Stinneford, Lee-ford Tritt, Michael Wolf

Meeting called to order at 12:01 pm.

1. Action Item: Approve Faculty Meeting Minutes for March 11, 2025. (Dean McAlister)

Interim Dean McAlister presented, and faculty considered the faculty meeting minutes for March 11, 2025.

Outcome: Minutes were approved.

2. Information Item: Update on MSL (Dean Luke and Asst. Dean McIntyre)

Professor Luke introduced Assistant Dean McIntyre and discussed the launch of the MSL program due to begin in Fall 2025 online, with classroom space scheduled to open in Jacksonville in Fall 2026. Professor Luke is continuing to identify potential adjunct teachers.

Outcome: Information only.

3. Action Item: Presentation of candidates from the Appointments Committee (Brauner and Bambauer, J., co-chairs)

Professor Brauner introduced, and faculty discussed the candidacy of Andy Ye Yuan.

Outcome: voting will take place electronically at the conclusion of the meeting

4. Information Item: Update on Telephones (Dean McAlister, Dean O'Connell)

Dean McAlister discussed the aging phone system and cost of replacement hardware. She encouraged faculty to convert to the Jabber app to allow campus calls to be placed through a cell phone. The app also allows calls to be made through the computer by utilizing a headset.

Outcome: Information only.

5. Information Item: Update on Centers (Dean McAlister)

Dean McAlister discussed the conversions of non-endowed centers to programs. There are currently four non-endowed centers, two of which are dormant. The other two, the Center for Children and Families and the Center for Estate Planning will begin operating as programs rather than centers. Dean McAlister also discussed the exploration of options for the Center for Governmental Responsibility with additional information to follow.

Outcome: Information only.

6. Information Item: Town Hall update (Dean McAlister)

Dean McAlister discussed the town hall meeting scheduled for tomorrow. The town hall will create a forum to provide students with an understanding of how crises are handled on campus. Resource officers will be on hand to have a general conversation on how to approach issues related to campus safety. Faculty discussed recent concerns related to campus safety.

Outcome: Information only.

7. Information Item: Rankings update (Dean McAlister)

Dean McAlister discussed US News and World Report ranking results, providing information related to criteria and outcome changes that effected the UF Law ranking.

Outcome: Information only.

Meeting adjourned at 1:28 pm.



Fredric G. Levin College of Law
Academic Affairs

287 Bruton Geer Hall
P.O. Box 117621
Gainesville, FL 32611-7625
(352) 273-0620

MEMORANDUM

TO: The Faculty

FROM: Brian S. Mitchell, Esq. *Brian S. Mitchell*
Assistant Dean for Academic Affairs
Levin College of Law

DATE: April 23, 2025

RE: Spring 2025 Graduation

Listed below students have applied for graduation for the Spring 2025 semester. We recommend approval of the following candidates.

Juris Doctor

Jacob Abel
Nader Abou Mrad
Brandon Abzug
Christopher Adams
Joseph Andreacchio
Montserrat Arguello
Danielle Arnwine
Tariq Ausaf
Jack Balay
Christopher Baldwin
Suzanne Baldwin
Faith Battaglini
Matthew Batteese
Rikki Blake Brookes
Brandon Blurton
Caroline Bradley
Jennavieve Brown
Daulton Browning
Nicole Calderon Alvarez
Tamera Canal
Peter Caramello
Cameron Carlyle
Lauren Cates
Gabriella Cerasoli

Monif Chahla
Ryan Chatoo
Sarah Chen
Remington Christopher OConlough
Hee Won Chung
Clara Learned Clark
Maria Clegg
Erica Clements
Nathan Cochran
Alexander Cohen
Clara Cohen
Taylor Col
Benjamin Cynamon
Wesley Dantzler
Naiara da Rocha
Britney Deas
Priyanka Desai
Skylar Detjen
MacKenzie DiLeo
Austin Dillon
Isabella Durand
Austin Esposito
Maria Fahmy
Justina Fakhry
Andrew Faul

William Ferguson
Ava Fields
Jeffrey Fitzgerald
Riley Fitzpatrick
Cassidy Francies
Ashlyn Freeman
Seth Frye
Zachary Fulton
Chad Fuselier
Chana Gandelsman
Phillip Gendro
Ethan Gibson
Liam Gillis
Michael Gonzalez
Maahum Haider
Christopher Hanna
Pablo Hanono
Patrick Healy
Andrea Hernandez
Alexandra Hess
Ciani Hodges
Patrick Hodges
Hannah Hopper
Garrett Horton
Lema Hussein
Juan Igarzabal
Derica Jackson
Kaitlyn Jenkins
Mason Kanigowski
Perry Kaplan
Kevin Kapral
Jordan Karp
Noell Kellers
Philip Kelly
Tyler Kendrick
Dean Khan
Julia Kitt
Autumn Klein
Joel Kratt
Matthew Lambertson
Rachel Learn
Laura Ledford
Jung Hyun Lee
Elizabeth Leonard
Vasily Levin
Ju Li
Li Lin
William Liu
James Lochrie
Javier Lopez-Nieto
Tyler Macon

Donevan Mallard
Anna Martin
Samantha Maybury
Hayley McAleese
Connor McCarthy
James McCauley
Morgan McDonald
Zachary McKinley
Arianna Meekins
Evan Meiselman
Isaac Miller
Hillary Moran
Sydney Moran
Scenic Mosley
Donald Murdaugh
Aubrey Mys
Kayla Norman
Ryan Ogburn
Sean Olevnik
Jacob Orlick
Reese Overholt
Grace Overholtz
Devki Pancholi
Lauren Paolucci
Hayli Parks
Natasha Peet
Zoe Perito
James Pfeiffer
Benjamin Phibbs
Katie Pine
Daniel Pinkus
Ciara Poole
Michael Porter
Sarah Powell
Juan Quintero
Daniel Ramos
Julia Randolph
Savannah Rankich
Samuel Rappeport
Coleman Raush
Max Razavi
David Rhein
Hannah Rice
Alexandrea Richardson
Chase Robinson
Jewelina Robinson
Winslow Robinson
Corey Rohan
Michael Romano
Gabrielle Ross
Christopher Ruckdeschel

Sarah Ruderman
Amanda Runion
David Safir
Christopher Salazar
Jacob Sandler
Aaron Sarner
Reese Sarnowski
Brooke Sause
Alyssa Schefke
Titus Scheid
Justas Schillinger
Kenneth Schuelke
Shayna Schulman
Carly Schwamm
Katuska Scovino
Andre Sebro
Lauren Sellers
Lindsey Shea
Nidhi Shekar
Jeffrey Shoenfelt
Megan Sirvent
Buffy Snider
Kyle Snyder
Tessa Soto
Melvin Stack

Master of Laws in Taxation

Jahshanti Allen
Moesha Amanor
Cassidy Brady
Preston Buntz
Mary Carter
Gerald Cathey
Chase Chanin
Joseph Ciamprone Baron
Samuel Craig
Sebastian DiMaio
Brock Exline
Jaclyn Foster
Kira Layne-Schwabe Hettinger
Brooke Hicks
Benjamin Hopkins
Sam Houston
Kristina Hudson
MiKayla Jayroe
Adam Johnston
Jonah Kaye
Maya Kindle
David Lee
Carrie Lesser
Amanda Lopez

Emmanuel Stamatogiannakis
Caroline Swain
Zoe Tarrete
Colton Teal
Christopher Thomas
Tyler Thorne
Kelsey Timberlake
James Tison
Skylar Trayner
Elliott Trostel
Lauren VanHemel
Dominic Vogt
Jack Wagner
Aja Walker
Lily Wang
Xuan Wang
Jonathan Williams
Ceon Wong
Eugene Wright
Jacob Wright
Claire Wubben
Shijie Xu
Connie Yim
Jared Young
Alexis Zeron

Robert Malin
Justin Martinez
Andro Mateu
Patrick McGowin
David McKinney
Jessica Mendoza
Vincent Miranda
Helin Nagib
Kyle Panagiotou
Gabrielle Peitsch
Carter Pfof
Mira Prisco
William Roach
Stephen Russell
Evan Sanchez
Joseph Steele
Sarah Sukal
David Thomas
Mai Tran
Efren Vargas-Jimenez
John Ward
Camden Westbrook

Master of Laws in International Taxation

Abdulahkim Almarzuqi

Bautista Dasso

Thaylee Figueroa

Grant George

Jacob Hern

Prachi Jain

Rainier Jr Madrid

Berik Yagmirbayev

Masters of US Law

Rodrigo Braga

Barbara Estevez

Luiz Antonio Milanez

Dmitry Shishkin

New Course Proposal Form

To: Curriculum Committee

From: Daniel Irick

Date: 4/17/25

| | |
|--|---|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: _____ <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: _____ |
| Course Title | Criminal Investigations in the Digital Age |
| Number of credits | 2 hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>30</u> hours of in-class instruction and at least <u>60</u> hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | This seminar will explore the interplay between the existence of ever-more-complex-and-interrelated data and devices and the current legal framework for federal criminal investigations. It will cover the Electronic Communications Privacy Act (as amended), the Fourth |
| Pre-requisites or Co-Requisites? | None |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | At the end of this course, students should be able to perform the following: Describe the constitutional, statutory, administrative, and ethical framework of federal criminal investigations. |
| Enrollment cap requested? If requested, what is pedagogical justification? | None |

| | | |
|---|--|---|
| Method of evaluation | <p>_____ % Final exam</p> <p>_____ % Skills assessment</p> <p>50 _____ % Paper</p> | <p>30 _____ % Classroom participation</p> <p>20 _____ % Other</p> |
| Casebook or other source of readings? <small>(If casebook, include title, author, publisher, edition)</small> | No textbook; See sample reading in syllabus. | |
| Have you discussed this proposal with members of the UF Law faculty or administration? <small>If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.</small> | No. | |
| Attachment checklist | <p><input checked="" type="checkbox"/> Detailed course syllabus Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.</p> <p><input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components.</p> <p><input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.</p> <p>*The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.</p> <p><input type="checkbox"/> Casebook Include photocopy of condensed table of contents</p> <p><input checked="" type="checkbox"/> CV and qualifications to teach proposed course <small>(N/a for full-time faculty members)</small></p> <p><input checked="" type="checkbox"/> Teaching evaluations If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.</p> | |

**CRIMINAL INVESTIGATION
IN A DIGITAL AGE
ADJUNCT PROFESSOR DANIEL C. IRICK
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2022 SYLLABUS – LAW 6936 – 2 CREDITS**

Daniel C. Irick

401 W. Central Blvd.

Office Phone: (407) 835-3840

Email: irick@law.ufl.edu

Office Hours: Wednesday from 6:00 p.m. to 6:30 p.m. and from 8:30 p.m. to 9:00 p.m. in our classroom, as well as on Zoom or by appointment.

Meeting Time: Tuesdays 6:30 p.m. – 8:30 p.m.

Location: 285A

Course Description:

This seminar will explore the interplay between the existence of ever-more-complex-and-interrelated data and devices and the current legal framework for federal criminal investigations. It will cover the Electronic Communications Privacy Act (as amended), the Fourth Amendment, the Federal Rules of Criminal Procedure, and Department of Justice policy. The seminar will involve in-depth statutory analysis as well as discussion of the practical and legal implications of conducting criminal investigations at the intersection of existing rules and emerging technologies. This seminar provides an opportunity to satisfy the Advanced Writing Requirement.

Course Objectives/Learning Outcomes:

At the end of this course, students should be able to perform the following:

- Describe the constitutional, statutory, administrative, and ethical framework of federal criminal investigations.
- Distinguish between the legal standards involved in obtaining evidence via subpoena, court order, and search warrant.
- Distinguish between obtaining historical and prospective content and non-content electronic evidence.
- Identify constitutional, statutory, policy, and ethical limitations on gathering evidence and using the evidence gathered.
- Engage in critical interpretation of selected statutes and rules discussed during the course – in particular, the Electronic Communications Privacy Act (as amended over time), the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence.
- Based on a given fact pattern, craft a legal and ethical plan to investigate and, if appropriate, prosecute suspected illegal activity.
- Craft a persuasive legal argument using a discrete legal question.

Required Reading Materials:

No textbook is required. Instead, you are required to read and prepare materials that will be posted on Canvas, or available on Westlaw or the Internet. You must register for the Canvas course and you must have the materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

Class Attendance:

Students are expected to attend and participate in class. I am assuming that each student enrolled in this course is committing to attend every class to the best of their abilities, and class attendance is required by both the ABA and the Law School. In accordance with ABA guidance on acceptable rates of classroom absences, you are permitted two absences from class, for any reason, including for job interviews, school activities, work tasks, illness or medical appointments other than those related to COVID-19, and life. For ease of administration and to respect your privacy, I do not make any differentiation between “excused” or “unexcused” absences, with two exceptions listed below. This means that there is no need to tell me why you will be or were absent from class, so long as you have two or fewer absences total. If possible, professional courtesy encourages you to notify me if you will not be in class. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted.

The two exceptions to this policy are (1) absences for observance of a University-recognized religious holiday and (2) absences due to COVID-19, both of which do not count toward your two total absences. Excused absences, including observance of religious holidays, are consistent with University policies, <https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx>, and require appropriate documents and/or notification before or shortly after class about your absence.

In addition, please notify me should you have a family or medical situation or an emergency that will require missing more than two classes, and we will discuss how to accommodate your situation. For each absence beyond two, grade will be reduced by one-third of a grade (e.g., A- to B+). If you miss four or more scheduled classes, I have the discretion to render you ineligible to receive credit for the course.

Professional Courtesy

As a matter of professionalism, you are expected to be on time for class—meaning seated and ready to begin when class starts. Arriving late is disruptive not only to me, but to your fellow students. Please do not arrive late to class or leave early absent extenuating circumstances. If you need to do so, please sit near one of the exits to minimize your disruption to others and notify me in advance. Please make sure your cell phone is turned off during class. I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates. After two late arrivals, each additional late arrival will be counted as a class absence.

Although laptops and comparable technology are not prohibited, I would encourage you to use them judiciously. Without a textbook, I understand that you may rely on them for your readings and your notes, but please close all other browser windows, including your email. Unfortunately, many of us succumb to the temptation to multi-task, and for the time we are together, you owe yourself, your classmates, and me your focused attention. I appreciate eye contact and engagement (laughter at my bad jokes can count as engagement) and participation is part of your grade.

Course Expectations:

Each class session will involve a mix of lecture, exercises, and discussion, all focusing on the week’s assigned material. For some classes, guest speakers may join us. The requirements for the seminar are:

- *Reading and Viewing:* Each class session will require you to read and/or view materials. You are expected to read and view those materials before class, so that you are prepared to discuss them in the seminar. Readings and viewings will be posted on Canvas.
- *One “discussion leader” day:* For one week during the semester, you will be required to serve as a discussion leader. For one class during the semester, you should have prepared at least two discussion questions and/or hot topics on the Canvas discussion board by the day before class (Monday) at 12:00 pm and be prepared to lead your colleagues in a discussion of these questions during class.
- *Peer Review.* Near the end of the semester, you will conduct a peer review of a colleague’s paper draft, developing critical skills involving constructive criticism.
- *Paper Presentation.* At the end of the semester you will be required to make a short presentation of the argument you are making in your final paper. Guidelines for the presentation will be provided.
- *Final Paper.* A final paper of 25 pages, not including title page and table of contents, is required. The paper will be due on November 15, 2023. The seminar paper must be primarily of an analytical rather than descriptive nature. Factors relevant to the grading of papers (in no particular order) are: Depth of Research; Organization and Clarity; Thoroughness; Originality; Accuracy and Professionalism; Compliance with Directions; Addressing Irick Comments from Draft, Citations, and Strict Compliance with Honor Code (including proscriptions against plagiarism). This seminar is structured in such a way as to satisfy the College of Law’s Advanced Writing Requirement. According to the Faculty Handbook,

All J.D. candidates must complete—under close faculty supervision—a major, written product that shows evidence of original scholarship based on individual research. Students often satisfy this requirement in a seminar course...If fulfilled in an advanced course, the required writing may take the form of one or a number of finished written products that together demonstrate these qualities. The general standard for fulfillment of the advanced writing requirement is one or more papers that are cumulatively at least 25 pages of double-spaced, 12-point text or the equivalent.

- *Paper Progress.* Key steps of the writing process are provided below. Detailed requirements for each step are provided on Canvas. Canvas will not accept late submissions, so please ensure you meet the submission deadlines. Late submissions may not be accepted, but at the very least, will receive a grade reduction.

| Key Dates | Due |
|------------------|--|
| Sept. 2 | Three potential research ideas |
| Sept. 9 | Develop a thesis and tentative outline for leading research idea |
| Sept. 27 | Obtain approval from Prof. Irick of final research thesis [Must have met at least once one-on-one with Prof. Irick before this time] |
| Oct. 7 | Final thesis plus detailed outline (2-3 pages) |
| Oct. 21 | 5 pages of Draft Paper for Peer Review (plus the detailed outline) |
| Oct. 25 | Return edits to classmate (due by start of class) |
| Nov. 4 | Draft Paper for Prof. Irick |
| Nov. 11 | Receive edits from Prof. Irick |
| Nov. 23 | Final Paper |
| | |

Grading Evaluation:

Students will be evaluated based upon participation, assignments, and a longer analysis that satisfies the writing requirement subject to any adjustment for attendance. There is no exam for this class.

| Class Component | Percent of Grade |
|--|-------------------------|
| Participation (includes presentation, peer review, and any weekly assignments) | 30% |
| Pre-final paper submissions (outline, draft, etc.) | 20% |
| Final Paper (25 pages) | 50% |
| TOTAL | 100% |
| | |

University Policy on 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://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code> and <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code-violations>.

Please pay particular note to the following:**Prohibition on Publication of Class Recordings:**

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. Students are allowed to record video or audio of “class lectures.”³ However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

Information on UF Law Grading Policies:

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>.

Policy related to make-up exams or other work:

The law school policy on delay in taking exams can be found at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

University Policy on Accommodating Students with Disabilities:

Students requesting accommodation for disabilities must first register with the the [Disability Resource Center](#). 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, as accommodations are not retroactive. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. This course does not have an exam, but questions about delays can be found [here](#).

Student Course Evaluation: UF expects each student 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 by the Office of Student Affairs. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Preferred Names and Pronouns

Many of you may have a preferred name that is not the name given to me on the official roll. It is important to the learning environment that you feel welcome and safe in this class. I want you to be comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and last name. As such, if your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise before the first day of class.²

Discourse, Inclusion, and the Classroom

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;
- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same;
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

Weekly Course Schedule of Topics and Assignments:

This syllabus is offered as a guide to the direction of the course. I suggest you use the Canvas site to access your assignments as everything should be linked and easy to find there. I will post future assignments on Canvas at least a week before the class and may be adjusted based on the availability of our speakers. Our pace will depend in part on the level of interest and the level of difficulty of each section, but I try hard to keep us on track so you should try hard not to fall behind. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This seminar has 2 “classroom hours” of in-class instruction each week, requiring **at least four hours** of preparation outside of class. Accordingly, the readings reflect a diversity of videos and readings with varied difficulty, depending on the texts we will rely upon each week (e.g., cases, statutory, policy documents, news articles). **Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.**

| | Date | Topics | Reading |
|---|------|--|--|
| 1 | 8/23 | <i>Introduction to Federal Investigations</i> Federal vs. State Investigations Types of Federal Investigations | Amendments 1, 4, 5, and 6 to the U.S. Constitution Fed. R. Crim. P. 6 and 41 Wire Fraud Statute - 18 U.S.C. 1343 |

| | Date | Topics | Reading |
|---|------|--|--|
| | | <p>Overview of relevant legal authority and standards:</p> <ul style="list-style-type: none"> - U.S. Constitution - United States Code - Rules of Evidence - Fed. R. Crim. P. - Probable cause and other standards - Ethical standards - Justice Manual (JM): <p>https://www.justice.gov/jm/title-9-criminal</p> <ul style="list-style-type: none"> - U.S. DOJ. Criminal Resource Manual <p>The chronology of a complex federal investigation – building the wall of evidence.</p> | <p>CFAA – 18 U.S.C.A. § 1030</p> <p>Material Support Statute - 18 U.S.C. § 2339B</p> <p>CSA – 21 U.S.C. § 841</p> <p>Unregistered foreign agents – 18 U.S.C. 1951</p> <p>IEEPA - 50 U.S.C. § 1705(b)</p> <p>Money Laundering – 18 U.S.C. 1956</p> <p>JM 9-2000 et seq. – skim materials, including the chart at 9-2.400</p> <p>JM 9-3.000 – org chart</p> <p>JM 9-27.000 et seq. – read the preface and 9-27.300</p> <p>JM 9-28.010</p> <p>JM 9-90.010</p> |
| 2 | 8/30 | <p><i>Overview of the Non-Electronic Portions of a Modern Investigation</i></p> <p>GJ Investigations, Parallel Proceedings, Undercover Agents, Cooperators, Open-Source Information, and the Use of Deception</p> | Reading and Assignment TBD |
| 3 | 9/6 | <p><i>Warrants – Part I</i></p> <p>Overview – Probable Cause and Uses</p> | Reading and Assignment TBD |

| | Date | Topics | Reading |
|---|-------|--|--|
| 4 | 9/13 | <i>Electronic Evidence Gathering Statutes – Part 1</i> Overview – Applicable Standards and Uses | Reading and Assignment TBD |
| 5 | 9/20 | <i>Jurisdiction, Venue, Notice, and Non-Disclosure</i> | Reading and Assignment TBD Three potential paper thesis proposals: Due via CANVAS by 5:00 p.m. on 9/21 |
| 6 | 9/27 | <i>Electronic Evidence Gathering Statutes – Part 2</i> Focus on Non-Content Data / Historical | Reading and Assignment TBD |
| 7 | 10/4 | <i>Electronic Evidence Gathering Statutes – Part 3</i> Focus on Prospective Content | Reading and Assignment TBD Thesis Approval Required from Professor Irick |
| 8 | 10/11 | <i>Warrants – Part 2</i> Focus on Prospective Non-Content | Reading and Assignment TBD |
| 9 | 10/18 | <i>Warrants – Part 3</i> Focus on Tracking Warrants | Reading and Assignment TBD |

| | | | |
|----|-------|--|--|
| 10 | 10/25 | <i>Warrants – Part 4</i> Focus on Particularity and Biometrics | Reading and Assignment TBD Submit thesis, outline, plus 5 pages of Text for Peer Review via EMAIL by 5:00 p.m. to Prof. Irick and your assigned reviewer |
| 11 | 11/1 | <i>Warrants – Part 5</i> Focus on Reasonable Execution | Reading and Assignment TBD |
| 12 | 11/8 | <i>Warrants – Part 6</i> Focus on Geofence, Triggerfish, NITs, and Special Techniques and Problems | Reading and Assignment TBD |
| 13 | 11/15 | <i>Putting it all Together – Using Electronic Evidence in a Criminal Prosecution</i> | Reading and Assignment TBD Assignment: FINAL PAPER DUE at 5:00 pm (25 pages double-spaced). |

Project Title: **University of Florida GatorEvals – Fall 2022 Main Project**Courses Audience: **13**
Responses Received: **7**
Response Ratio: **53.8%**Instructors Audience: **13**
Responses Received: **7**
Response Ratio: **53.8%**

Report Comments

INTRODUCTION

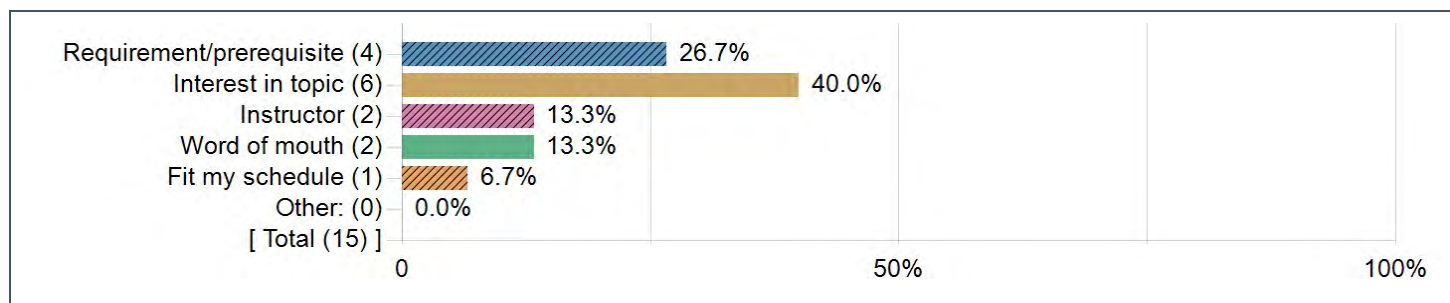
Teaching is a fundamental purpose of the University of Florida and the dissemination of new knowledge in our classrooms, studios, and clinics enables our students and trainees to fully explore their intellectual boundaries. Assessment and evaluation of our courses are designed to enhance instruction and maximize learning to meet the mission of the university. This report contains the results gathered through the new GatorEvals system. Students were invited to share their feedback on the teaching and course material. We invite every faculty member to examine the analysis in the report and utilize the resources provided in the report. Thank you for your continued great work!

Chris Hass, Ph.D.
Associate Provost for Academic and Faculty Affairs

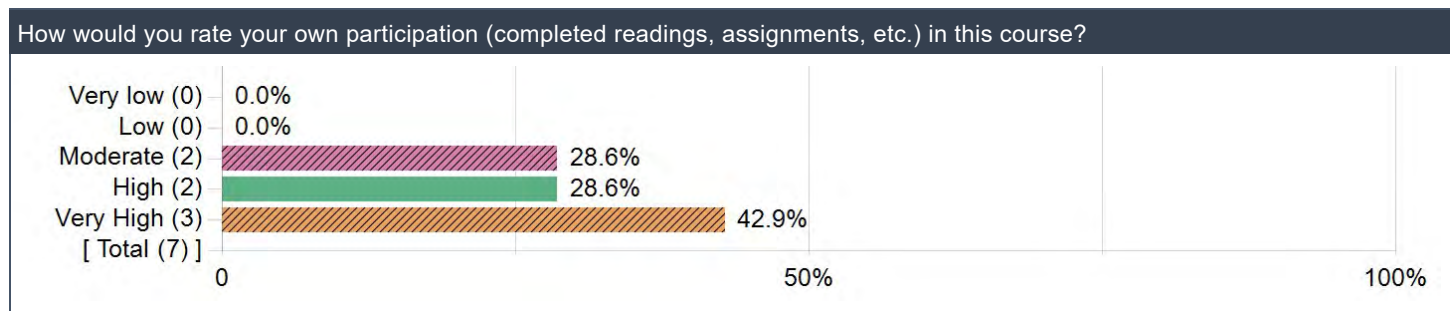


Student Self-Evaluation Questions

Why did you take this course?



How would you rate your own participation (completed readings, assignments, etc.) in this course?



Comparative Evaluation Results

University Core Instructor Evaluation Questions

| | Response Rate | Mean | IM | DPT Mean | DPT IM | College Mean | College IM |
|--|---------------|-------------|----------|-------------|----------|--------------|------------|
| The instructor was enthusiastic about the course. | 53.8% | 4.86 | 4.92 | 4.80 | 4.91 | 4.81 | 4.92 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 53.8% | 5.00 | 5.00 | 4.44 | 4.72 | 4.46 | 4.73 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 53.8% | 5.00 | 5.00 | 4.58 | 4.81 | 4.60 | 4.82 |
| The instructor fostered a positive learning environment that engaged students. | 53.8% | 5.00 | 5.00 | 4.63 | 4.85 | 4.65 | 4.85 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 53.8% | 5.00 | 5.00 | 4.32 | 4.68 | 4.35 | 4.70 |
| The instructor was instrumental to my learning in the course. | 53.8% | 5.00 | 5.00 | 4.46 | 4.76 | 4.49 | 4.77 |
| Overall | 53.8% | 4.98 | - | 4.54 | - | 4.56 | - |

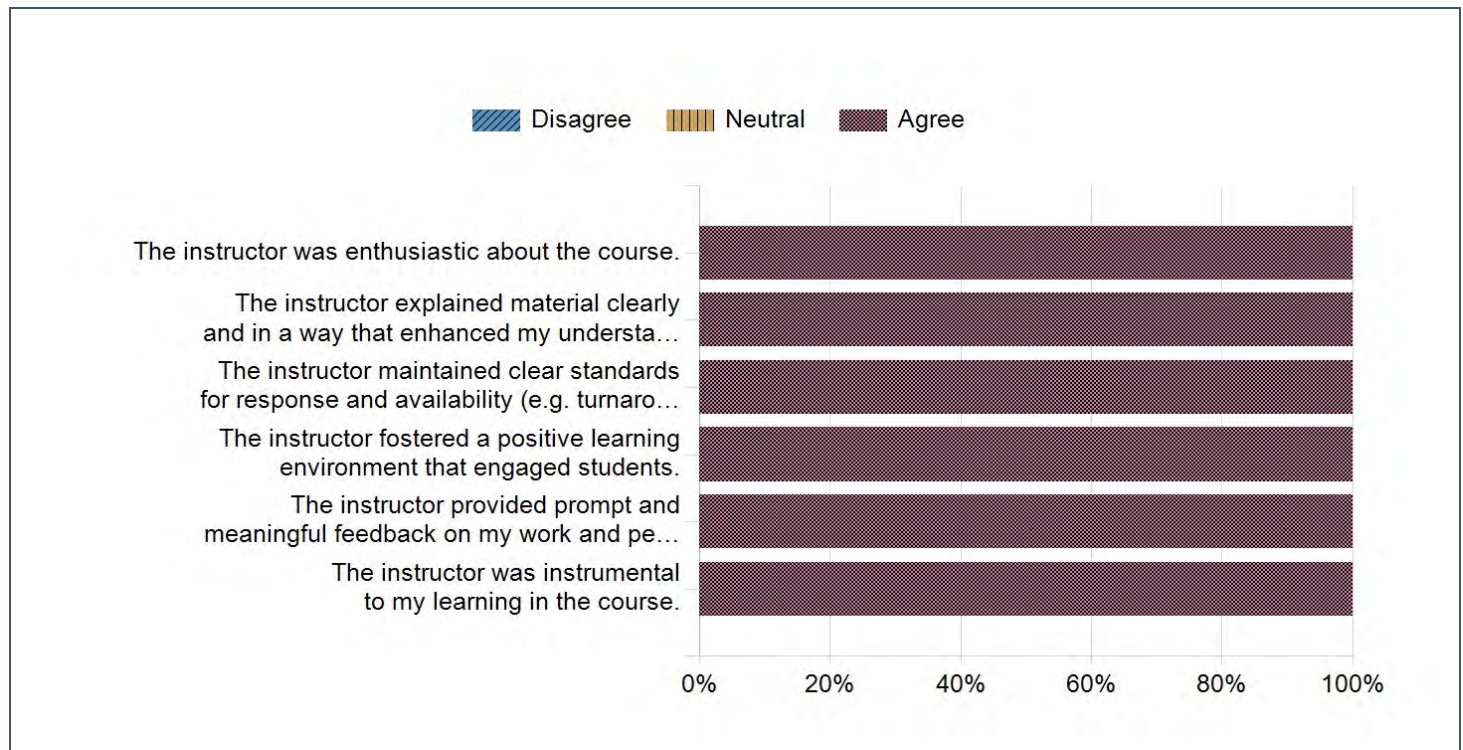
University Core Course Evaluation Questions

| | Response Rate | Mean | IM | DPT Mean | DPT IM | College Mean | College IM |
|--|---------------|------|------|----------|--------|--------------|------------|
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 53.8% | 4.71 | 4.80 | 4.32 | 4.53 | 4.34 | 4.54 |
| The course fostered regular interaction between student and instructor. | 53.8% | 4.86 | 4.92 | 4.42 | 4.65 | 4.44 | 4.66 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 53.8% | 4.86 | 4.92 | 4.31 | 4.57 | 4.33 | 4.59 |
| Overall, this course was a valuable educational experience. | 53.8% | 4.86 | 4.92 | 4.38 | 4.65 | 4.40 | 4.66 |
| Overall | 53.8% | 4.82 | - | 4.36 | - | 4.38 | - |

Aggregate Evaluation Results

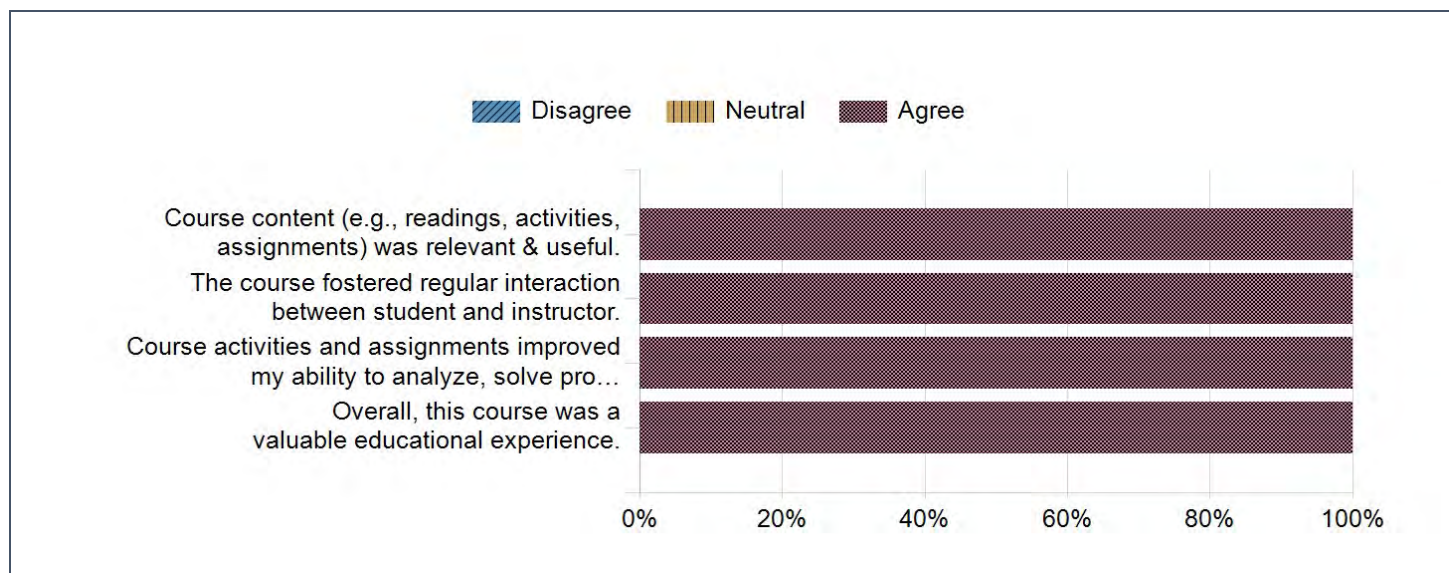
University Core Instructor Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



University Core Course Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



Percentages Evaluation Results

University Core Instructor Evaluation Questions

| | %(1) | %(2) | %(3) | %(4) | %(5) | Count | Mean | Median | SD |
|--|------|------|------|-------|--------|-------|------|--------|------|
| The instructor was enthusiastic about the course. | 0.0% | 0.0% | 0.0% | 14.3% | 85.7% | 7 | 4.86 | 5.00 | 0.38 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% | 7 | 5.00 | 5.00 | 0.00 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% | 7 | 5.00 | 5.00 | 0.00 |
| The instructor fostered a positive learning environment that engaged students. | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% | 7 | 5.00 | 5.00 | 0.00 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% | 7 | 5.00 | 5.00 | 0.00 |
| The instructor was instrumental to my learning in the course. | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% | 7 | 5.00 | 5.00 | 0.00 |

University Core Course Evaluation Questions

| | %(1) | %(2) | %(3) | %(4) | %(5) | Count | Mean | Median | SD |
|--|------|------|------|-------|-------|-------|------|--------|------|
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 0.0% | 0.0% | 0.0% | 28.6% | 71.4% | 7 | 4.71 | 5.00 | 0.49 |
| The course fostered regular interaction between student and instructor. | 0.0% | 0.0% | 0.0% | 14.3% | 85.7% | 7 | 4.86 | 5.00 | 0.38 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 0.0% | 0.0% | 0.0% | 14.3% | 85.7% | 7 | 4.86 | 5.00 | 0.38 |
| Overall, this course was a valuable educational experience. | 0.0% | 0.0% | 0.0% | 14.3% | 85.7% | 7 | 4.86 | 5.00 | 0.38 |

For additional information and resources in each of these question areas, please visit the GatorEvals Website at <https://gatorevals.a.ufl.edu/resources--policies/question-set/>

Free Response Section

Please identify the instructor's strengths that contributed to your learning in the course.

| Comments |
|--|
| Prof. Irick's passion for this area of law made it a great class. He is a friendly professor and you can just tell he enjoys being in class and teaching. Prof. Irick's personality and knowledge of the topic is what made this class worth taking. |
| This instructor is ideal for a seminar setting. He fosters conversation and gives positive reinforcement to insights. He provides both sides of arguments articulately. |
| Real practical class that provides real knowledge. |
| Probably the best professor I have had in law school. Judge Irick was very enthusiastic about the material and explained cases and holdings in a way much clearer than I have ever had in law school. He encouraged student contributions and disagreements to foster better understanding of the material. He was excellent in providing feedback on the papers and was always available to help. Overall I could not be more pleased that I took this class. |
| Great ability to take very difficult concepts and break them down, highlighting apparent discrepancies. Approachable, affable, friendly, flexible, funny; I have nothing but good things to say about Judge Irick. Not only was this seminar relevant in topic, it was also an invaluable way to understand how a Federal Magistrate Judge is thinking about relevant issues. That perspective is so unique and few really have the opportunity to get that point of view in law school. So it grounded the subject in practice. I always looked forward to this class and its discussions and it is likely the best course I have taken at the law school. I was very anxious about the paper requirement, but he has made the process enjoyable and interesting. The set deadlines meant we had a clear barometer of where we should be so progression and thought occurred across the entire semester. And he made himself more than available to address any and all concerns. I feel like he has bent over backward to help us produce our best work. It is actually somewhat mind boggling that he would take 3 hours of his time to meet with us every week, and that doesn't even include the commute time. I have told everyone who has not completed a seminar yet that they would benefit greatly from taking one with Judge Irick. UF is very lucky to have him. |

What additional constructive feedback can you offer the instructor that might help improve the course?

| Comments |
|--|
| Less reading – it felt like a lot of reading for each class and hard to follow it all at points. |
| None, really. |
| Wish I could offer something helpful here, but just keep doing what you're doing. |

What constructive suggestion(s) do you have for improving the course materials, organization, and assignments?

| Comments |
|---|
| Making more pages of the paper due earlier in the semester for more feedback opportunities. |
| None. The readings were well-selected for understanding and not excessive. |
| Nothing! Just wish we had more time to do more. |
| Really nothing— the reading was given with sufficient time to read, it was the right amount of reading. I liked that we had clear direction on dates that things were due (with flexibility if we had a problem). The course had a logical progression. |

Please identify the topics and/or skills you learned in the course that you believe will have the highest application for future courses or professional growth.

| Comments |
|--|
| He really helped me understand the point of view of the DOJ in a way I did not before |
| Overall analytical skills on complex topics. Recognizing both good and flawed arguments. Time management with large assignments. I also think the material was interesting, relevant, and highly applicable, setting us up well to understand where the Court may be headed with privacy doctrine. |

Project Title: **University of Florida GatorEvals – Spring 2020**Courses Audience: **25**
Responses Received: **15**
Response Ratio: **60.0%**Instructors Audience: **25**
Responses Received: **15**
Response Ratio: **60.0%**

INTRODUCTION

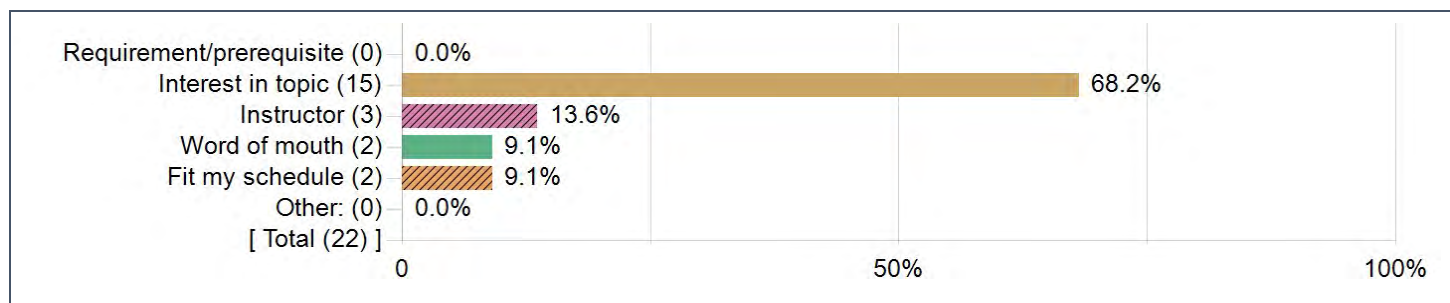
Teaching is a fundamental purpose of the University of Florida and the dissemination of new knowledge in our classrooms, studios, and clinics enables our students and trainees to fully explore their intellectual boundaries. Assessment and evaluation of our courses are designed to enhance instruction and maximize learning to meet the mission of the university. This report contains the results gathered through the new GatorEvals system. Students were invited to share their feedback on the teaching and course material. We invite every faculty member to examine the analysis in the report and utilize the resources provided in the report. Thank you for your continued great work!

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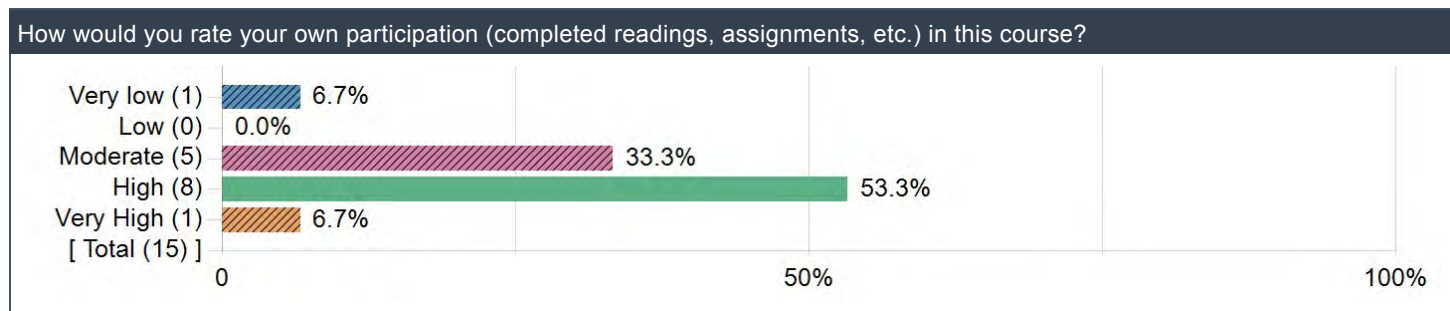


Student Self-Evaluation Questions

Why did you take this course?



How would you rate your own participation (completed readings, assignments, etc.) in this course?



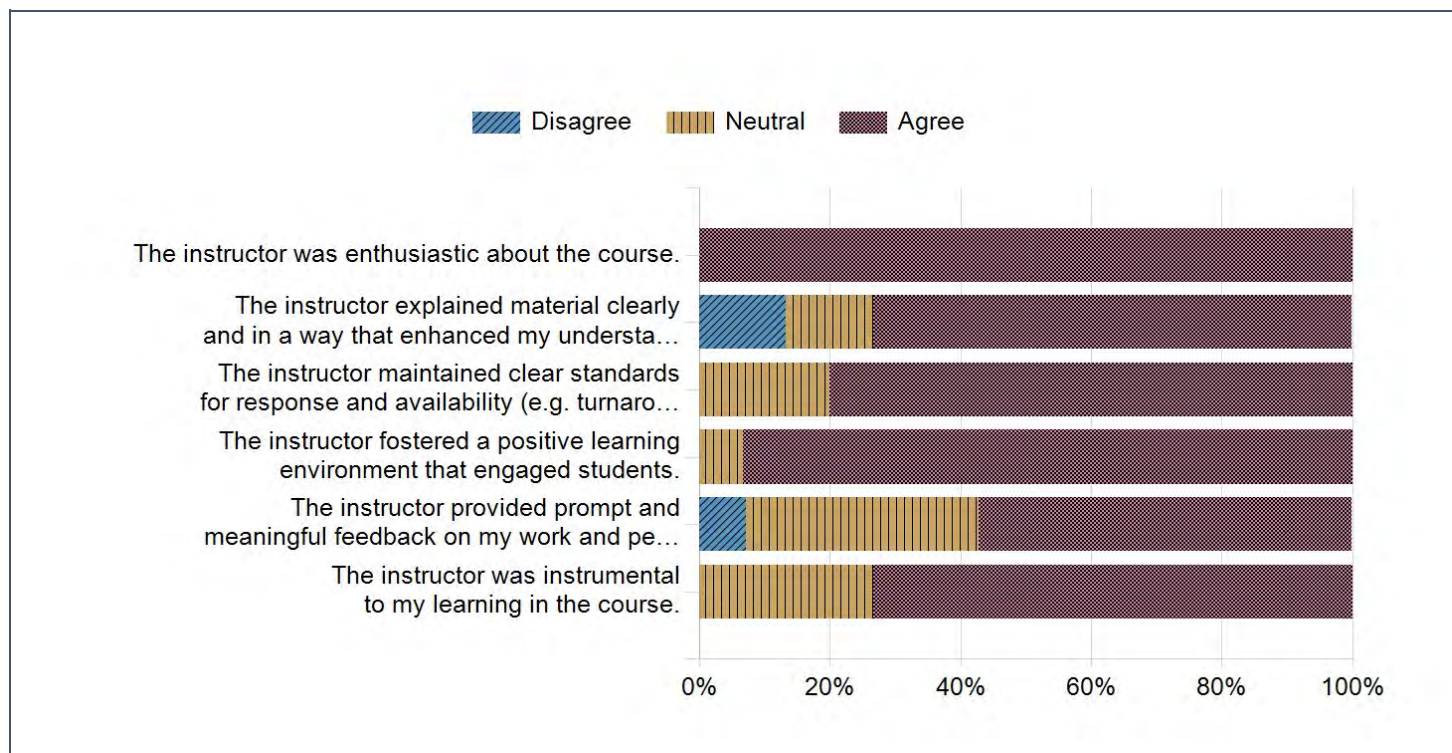
Instructor Evaluation Questions

University Core Instructor Evaluation Questions - Comparative Scores

| Question | Your Score | | DPT Mean Grad/Ugrad (Grad-LAW(LW)-Deans Office) | | College Average (College-Law) | | University Average | |
|--|-------------|----------|---|----------|-------------------------------|----------|--------------------|----------|
| | Mean | Median | Mean | Median | Mean | Median | Mean | Median |
| The instructor was enthusiastic about the course. | 4.73 | 5.00 | 4.77 | 5.00 | 4.75 | 5.00 | 4.54 | 5.00 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 4.00 | 4.00 | 4.48 | 5.00 | 4.46 | 5.00 | 4.29 | 5.00 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 4.33 | 5.00 | 4.65 | 5.00 | 4.63 | 5.00 | 4.46 | 5.00 |
| The instructor fostered a positive learning environment that engaged students. | 4.53 | 5.00 | 4.61 | 5.00 | 4.59 | 5.00 | 4.40 | 5.00 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 3.93 | 4.00 | 4.46 | 5.00 | 4.45 | 5.00 | 4.25 | 5.00 |
| The instructor was instrumental to my learning in the course. | 4.27 | 5.00 | 4.49 | 5.00 | 4.48 | 5.00 | 4.20 | 5.00 |
| Overall | 4.30 | - | 4.57 | - | 4.56 | - | 4.36 | - |

University Core Instructor Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



University Core Instructor Evaluation Questions

| | Strongly Disagree 1 | Disagree 2 | Neutral 3 | Agree 4 | Strongly Agree 5 | Count | Mean | Median | SD |
|--|------------------------|---------------|--------------|------------|---------------------|-------|------|--------|------|
| The instructor was enthusiastic about the course. | 0.0% | 0.0% | 0.0% | 26.7% | 73.3% | 15 | 4.73 | 5.00 | 0.46 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 0.0% | 13.3% | 13.3% | 33.3% | 40.0% | 15 | 4.00 | 4.00 | 1.07 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 0.0% | 0.0% | 20.0% | 26.7% | 53.3% | 15 | 4.33 | 5.00 | 0.82 |
| The instructor fostered a positive learning environment that engaged students. | 0.0% | 0.0% | 6.7% | 33.3% | 60.0% | 15 | 4.53 | 5.00 | 0.64 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 0.0% | 7.1% | 35.7% | 14.3% | 42.9% | 14 | 3.93 | 4.00 | 1.07 |
| The instructor was instrumental to my learning in the course. | 0.0% | 0.0% | 26.7% | 20.0% | 53.3% | 15 | 4.27 | 5.00 | 0.88 |

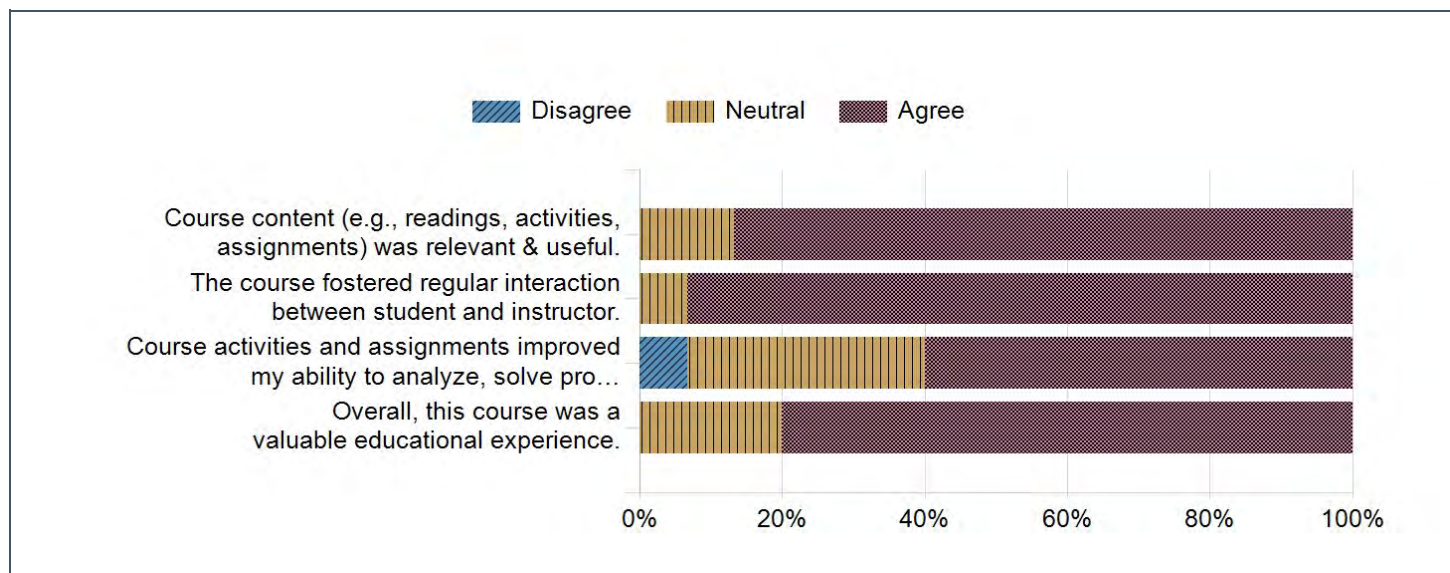
Course Evaluation Questions

University Core Course Evaluation Questions - Comparative Scores

| Question | Your Score | | DPT Mean Grad/Ugrad (Grad-LAW(LW)-Deans Office) | | College Average (College-Law) | | University Average | |
|--|------------|--------|---|--------|-------------------------------|--------|--------------------|--------|
| | Mean | Median | Mean | Median | Mean | Median | Mean | Median |
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 4.20 | 4.19 | 4.41 | 4.59 | 4.42 | 4.59 | 4.25 | 4.38 |
| The course fostered regular interaction between student and instructor. | 4.40 | 4.43 | 4.45 | 4.65 | 4.45 | 4.65 | 4.05 | 4.25 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 3.87 | 3.88 | 4.37 | 4.58 | 4.37 | 4.58 | 4.18 | 4.35 |
| Overall, this course was a valuable educational experience. | 4.27 | 4.40 | 4.48 | 4.68 | 4.47 | 4.68 | 4.23 | 4.44 |
| Overall | 4.18 | - | 4.43 | - | 4.43 | - | 4.18 | - |

University Core Course Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



University Core Course Evaluation Questions

| Question | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree | Count | Mean | Median | SD |
|--|-------------------|----------|---------|-------|----------------|-------|------|--------|------|
| | 1 | 2 | 3 | 4 | 5 | | | | |
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 0.0% | 0.0% | 13.3% | 53.3% | 33.3% | 15 | 4.20 | 4.00 | 0.68 |
| The course fostered regular interaction between student and instructor. | 0.0% | 0.0% | 6.7% | 46.7% | 46.7% | 15 | 4.40 | 4.00 | 0.63 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 0.0% | 6.7% | 33.3% | 26.7% | 33.3% | 15 | 3.87 | 4.00 | 0.99 |
| Overall, this course was a valuable educational experience. | 0.0% | 0.0% | 20.0% | 33.3% | 46.7% | 15 | 4.27 | 4.00 | 0.80 |

For additional information and resources in each of these question areas, please visit the GatorEvals Website at <https://gatorevals.ua.ufl.edu/resources--policies/question-set/>

Free Response Section

Please identify the instructor's strengths that contributed to your learning in the course.

| Comments |
|---|
| He has so much experience with the materials we are learning, which makes the course even more exciting. |
| He was always present for the entire class period and accessible on the days that we had class, even though he had a long distance to travel. Also, he made sure to answer any questions that we had when we were lost. |
| Judge Irick is respectful and very knowledgeable. He encourages critical thinking and questions, which I think really helps. |
| He has a deep knowledge of the topic, and he has a passion for the topic as well |
| Judge Irick was an AUSA so all of the topics, methods, and procedures we discussed he used first hand in federal criminal investigation. His intimate familiarity with the subject made the class interesting and more grounded in reality. |
| Judge Irick is clearly well-versed and highly interested in the subject matter. Having an on-call system is helpful because readings are lengthy. Open and willing to answer student questions and clarify material. |
| His mastery of the topic and how those areas of law are progressing. |
| Judge Irick did a good job at simply explaining such dense cases and laws. |
| Judge Irick's hands-on experience as an AUSA is really what makes this class so great – he has so much practical experience to share and illuminate the issues we discuss. |
| Judge Irick is extremely bright, passionate about the subject, gets genuinely excited about cases and hypos, and is very good at identifying what the student is asking/getting at, and explaining the answer clearly. Judge Irick was great at making the students see the forest and not get lost in the trees. |

Please identify the instructor's strengths that contributed to your learning in the course.

Note: The table below analyzes all student free responses by using data dictionaries to group the comments into themes and attributes. A minimum of ten responses must be received in order for the text analytics table to display.

| Attributes [No. of comments] | Overall [10] |
|---------------------------------|-----------------|
| KNOWLEDGEABLE | 30.0 % |
| INTERESTING | 30.0 % |
| POSITIVE - GENERAL | 30.0 % |
| ENTHUSIASTIC / DEDICATED | 20.0 % |
| HELPFUL / SUPPORTIVE | 20.0 % |

What additional constructive feedback can you offer the instructor that might help improve the course?

| Comments |
|--|
| n/a |
| I would suggest providing Powerpoints for each concept, explaining the background for the different statutes and regulations and how they connect to each case. I think it was very hard to connect the dots in this class without some sort of background, foundation, and breakdown outside of the statutes and cases that we read. |
| I think having certain rules and acts laid out in some sort of visual, to show when they may apply or not, or if there is still a lot of gray area etc. would be helpful. |
| I have absolutely no idea what the final will be like, which is concerning. |
| I think if we discussed the different ideas and investigative methods broadly, and gave a foundation to them, before diving into the caselaw the course would have been easier to digest. I often found myself wondering what broader principles we were getting at with all the different cases, especially later in the course when the waters got muddier with ECPA, SCA, etc. |
| I enjoyed your course but unfortunately, I do not think the way the course is run is conducive to my (and many others) learning styles. I retain information best when I can see, hear, and interact. I think that the questions asked when briefing the cases were not the most relevant questions. I think we took too much time putting together the facts and procedural history and not enough time on analysis. A simple but highly effective change would be incorporating PowerPoints/presentation style. Taking notes was impossible for me because it wasn't always clear what I should be taking from each case, statute, or JM excerpt. I was honestly just confused all semester and without any presentation I could physically see, I was quite often lost. Putting together 10 slides per class would make all the difference. One slide about background info that is relevant to understanding the case (as many of us simply have no idea about some of these things and have not taken relevant coursework), one slide with the important facts, and a slide with the takeaways. This would facilitate note-taking, allow me to pay attention more to the lecture and not rushing to write down everything you say, and would likely increase participation. At the start of each class, it would be nice to have a couple of slides reiterating what was covered/main takeaways from the last class, seeing as the classes are one week apart. Also, if this course continues, I think it would be extremely beneficial if you could put together a PDF with all relevant cases, statutes, JM excerpts, etc. We could download the pdf, print it out, and bind it. Students that prefer to read online could have it up for easy access. It just saves so much time, would put less pressure on students to essentially type the entire course, and allow students to enjoy a clear trajectory of the course. |
| Finally, Judge Irick was the only professor I had this semester that refused to upload class recordings to Canvas. We are going through unprecedented, extraordinary times and it seems irresponsible to assume every student has the same quiet, comfortable workspace at home. I did not appreciate the "recording may be a violation of criminal law" language in the announcement about not recording the class. Of course, I respected those wishes, but reviewing the class at our convenience when we are all acclimating to a global crisis did not strike me as asking too much of our professors. As I mentioned above, Judge Irick's class is hard to follow because it is simply lecture style. |
| This class is unique and I know many students would be jumping to take this course if the above changes would be taken into consideration. |
| His mastery of the topic makes it intimidating to ask questions and also makes his talk fast, throw unfamiliar acronyms into the discussion which can be very confusing at times. Also, it would probably help to talk about how each section buildings on the other before moving onto the next topic- the review during the final classes were very helpful but would have been better throughout the course or after each section. |
| He should try to be more compassionate and considerate. Prior to the lockdowns due to the pandemic, Judge Irick seemed pretty okay. But after classes went online, he seemed like he wasn't in tune with the needs of the students. I understand the law school wanted professors to adhere to their syllabi as much as possible (which was also uncompassionate and inconsiderate), but our readings are already so long and dense. It would've been nice to have Judge Irick understand that students are going through an awful lot right now and maybe ease up just a tad. Yeah we're about to be attorneys, but we're also still humans. The legal field needs more humanity. In an ideal world, judges would have the most humanity. We also should've been given access to the zoom recordings. There's a lot going on right now; students could really use that additional help given the drastic change in the learning environment. |
| Judge Irick was definitely intimidating the first few classes, which made people nervous to speak up and try to answer questions. |
| Also, I'm a visual learner, and I think your class could do a better job catering to different learning styles in that respect. As is, I had to rely solely on my ability to take in information auditorily a lot. Because the material was very dense and often included unfamiliar terminology, I found it hard sometimes to keep up with taking notes as you talked. Not having slides to compare my notes to will make it trickier to study, which worries me. |
| It was a bit stressful to put everything together at the end of the course. I did all the readings, yet still felt overwhelmed during the semester. The last two classes made everything clear, and I did feel like I learned a lot (that was not my feeling during the semester). Assuring students earlier that everything will be OK and tying things together earlier would relieve a lot of pressure. |

What additional constructive feedback can you offer the instructor that might help improve the course?

Note: The table below analyzes all student free responses by using data dictionaries to group the comments into themes and attributes. A minimum of ten responses must be received in order for the text analytics table to display.

| Attributes [No. of comments] | Overall [10] |
|---------------------------------|-----------------|
| DIFFICULT | 50.0 % |
| HELPFUL / SUPPORTIVE | 30.0 % |
| UNAPPROACHABLE | 20.0 % |
| EASY | 20.0 % |
| MUST CHANGE | 20.0 % |

What constructive suggestion(s) do you have for improving the course materials, organization, and assignments?

| Comments |
|--|
| none |
| I think it was unhelpful to assign an entire statute or statutes to read for class, particularly since we only talked about the most salient sections (i.e., § 2703). Besides that, I thought all the cases and the sections of the Justice Manual were helpful. |
| a practice final to relieve some of the student's stress. |
| Now that you have taught the course twice, I hope that you can divide up the reading assignments more evenly among all the weeks. |
| Perhaps a powerpoint used to outline the basics would make the course flow easier. |
| Connections between the different investigative techniques and statutes should've been made more clear. I feel like we learned a lot of information, but I'm not sure how it all connects. We had one of the two class periods that's supposed to bring everything together, and it was a minimally helpful. But is certainly was not enough to feel prepared for the final. Hopefully the next class period is more helpful. We should've had at least three class periods to connect all the dots. Additionally, some of the cases were very long, and we'd only cover a few pieces of the case. We should've been given specific pages to read instead. |
| I think this class might be better off capped at a smaller number of students. From what I can tell, we didn't get through as much material as the much-smaller class did last semester. |
| I would like Judge Irick to think about breaking the material into more realistic assignments for the early weeks of class – the first week or few had huge reading assignments (which he acknowledged in the syllabus was front loaded) but we didn't get through all of it on the assigned days. The current syllabus structure imposes a lot of stress to complete a disproportionately large amount of reading on time, and then makes me perform less well when we do cover the material in a later class, because it's not as fresh in my mind. |
| I would have loved to do more hypos during the course. I know they're hard to analyze without learning most of the material, but that would have been helpful and fun. Everyone seemed to be engaged and excited to do them. |

Please identify the topics and/or skills you learned in the course that you believe will have the highest application for future courses or professional growth.

| Comments |
|--|
| I loved learning about all of the wiretap rules! |
| I learned that information stored in our technology is not totally inaccessible and can easily be intercepted and searched through various federal statutes. |
| I want to work in prosecution or federal law enforcement, and I think this course showed how those two professions interact toward making the government's case. |
| Everything about electronic surveillance and the government's ability to spy on citizens |
| everything! |
| Actually knowing the case law and FISA, ECPA, Title 3 requirements and the like is pretty cool. I'm going into corporate law, so most likely none of this will be helpful at my firm, but I knew that and took the course anyway. I had no idea there was this entire new world that deals specifically with federal investigations. |

Daniel C. Irick

(407) 835-3840 • daniel_irick@flmd.uscourts.gov

| | | |
|------------------|--|----------------------------------|
| Education | University of Florida Levin College of Law Juris Doctor, <i>magna cum laude</i> ; 3 of 218 | Gainesville, FL May 2004 |
| | <i>Activities:</i> <i>Florida Law Review:</i> Senior Research Editor – Spring 2004 Senior Assistant Research Editor – Fall 2003 Teaching Assistant: Legal Research & Writing; Appellate Advocacy | |
| | <i>Honors:</i> <i>Florida Law Review:</i> Outstanding Associate Editor <i>Order of the Coif</i> Book Awards: • Administrative Law • Legal Drafting • Professional Responsibility • Evidence • Complex Criminal Investigations • Estates & Trusts | |
| | University of Florida Bachelor of Arts in Criminology / Minor in Russian | Gainesville, FL December 2000 |

Professional Experience

United States District Court, Middle District of Florida Orlando, FL
United States Magistrate Judge, Orlando Division October 2016 – present

University of Florida, Levin College of Law Gainesville, FL
Adjunct Professor

- *Criminal Investigation in a Digital Age* (Fall 2022)
Created and taught an in-person seminar on federal criminal investigation, focusing primarily on electronic surveillance and evidence gathering.
- *Trial Practice* (Spring 2022)
Taught a two-credit, in-person experiential learning course.
- *Complex Federal Criminal Investigation* (Spring 2019, Spring 2020)
Created and taught a two-credit, in-person course on federal criminal investigation, focusing primarily on electronic surveillance and evidence gathering.

United States Attorney's Office (USAO), Middle District of Florida Orlando, FL
Assistant United States Attorney October 2007 – September 2016
Deputy Chief, Orlando & Ocala Criminal Divisions

Served as a supervisory Assistant United States Attorney for federal prosecutors and support staff in two USAO Division offices. That supervisory authority included approval authority over all criminal complaints and search warrants in the Ocala and Orlando Divisions, as well as duties involving case management, agency relations, employee relations, expenditures, and attorney development.

Served as the Anti-Terrorism Advisory Council (ATAC) Coordinator and the National Security Cyber Specialist (NSCS) for the USAO, covering all five Divisions in the Middle District of Florida. As the ATAC Coordinator, served as the first-line supervisor in all cases involving terrorism and national security matters. That supervisory authority included approval authority over all criminal process, such as search warrants, *ex parte* requests for tax information, indictments, and plea agreements. As NSCS, coordinated all cyber-crime

cases. In both roles, served as the USAO's liaison with the Department of Justice's National Security Division, including both the Counterintelligence and Export Control Section and the Counterterrorism Section.

Prosecuted criminal violations of federal law, focusing on economic crime, cyber-crime, and national security matters. Areas of substantial experience include crime affecting financial institutions, crime involving intellectual property and trade secrets, identity theft, access device fraud, public corruption, money laundering, crime involving international drug-trafficking organizations, and crime by health care professionals.

Regular duties included: coordinating long-term grand jury investigations; making real-time, discretionary decisions as to the direction and outcome of those investigations; and representing the United States at all stages of litigation in federal court by acting as lead counsel in hundreds of evidentiary hearings and trying cases to verdict before juries.

Collateral duties included:

- Chairperson, Orlando Research & Tech. Protection Working Group (2013-2015)
- USAO Representative, Space Coast Research & Tech. Protection Working Group
- USAO Representative, Florida Industrial Security Working Group
- Mentor to new Assistant US Attorneys
- Special Attorney to the US Attorney General, Southern District of Florida
- Detailee, Office of the Pardon Attorney, Deputy Attorney General's Executive Clemency Initiative, US Dept. of Justice, Washington, DC (2014-2015)
- Organized Crime and Drug Enforcement Task Force attorney (2013-2015)
- Special Assistant US Attorney, USAO, Southern District of Florida (2013-2014)
- Joint Terrorism Task Force attorney (2011-2012)

Recognitions:

- Award from the US Secret Service Director (2014): For the prosecution of a series of cases involving an international identity theft and credit card fraud ring.
- Award from the FBI Director (May 2012): For the prosecution of a case involving money laundering and the international trafficking of drugs and firearms.
- USAO (September 2010): For "Selfless Assistance to Office and Colleagues."
- Award from the FBI Director (July 2009): For the prosecution of a case against medical doctors, pharmacists, and the operators of an illegal Internet pharmacy.
- US Postal Service, Office of Inspector General (March 2009): For prosecutions involving health care fraud and theft by postal employees.
- Department of Homeland Security, Office of Inspector General (2008): For prosecutions involving fraud against FEMA hurricane-relief programs.

United States District Court, Middle District of Florida

Ocala, FL

Law Clerk to the Honorable William Terrell Hodges

June 2006 – October 2007

Provided research, analysis, and drafting support to a federal district judge in relation to civil matters arising in federal court.

White & Case, LLP

Miami, FL

Litigation Associate

September 2004 – May 2006

Represented corporate clients in litigation in federal and state court, including matters involving complex regulatory, environmental, commercial, securities, bankruptcy, and tort litigation. Also represented clients concerning federal investigation and prosecution.

| | | |
|--------------------|--|----------------|
| Admittances | The Florida Bar | September 2004 |
| | United States District Court, Southern District of Florida | February 2005 |
| | United States District Court, Middle District of Florida | November 2005 |

Professional Service

United States District Court, Middle District of Florida

- Judicial IT Committee 2025 – present
- Magistrate Judge Committee (Orlando Rep.) 2021 – present
- Criminal Justice Act Advisory Subcommittee 2025 – present
- Bench-Bar Fund Committee 2024
- Local Rules Committee 2017 – 2024
- Diversity and Inclusion Committee 2021 – 2024
- COVID-19 Ad Hoc Committee 2020 – 2023
- Staff Attorneys Committee 2017 – 2022
- Criminal Law Committee 2017 – 2021
- Orlando Division Judicial Relations Committee 2015 – present

Administrative Office of the United States Courts

- Magistrate Judges Advisory Group (11th Circuit Rep.) 2022 – 2024

Eleventh Circuit Court of Appeals

- Civics Education Committee (MDFL Rep.) 2020 – 2021

The Florida Bar

- Federal Court Practice Committee 2025 – present
- Constitutional Judiciary Committee 2023 – 2024
- Federal Court Practice Committee 2017 – 2023
 - Co-Chair, The Florida Bar’s 2022 Federal Judicial Roundtable

University of Florida College of Law, Law Center Association

- Member, Board of Trustees 2022 – present
- Member, Student Recruitment Committee

Federal Magistrate Judges Association

- Technology Committee 2023 – present
 - Chair of the Technology Committee (2024 – present)
 - Co-Chair of the AI-Innovation Subcommittee (2024)
- International Committee 2023 – present
 - Editor of the Book Corner (2023 – present)

Federal Bar Association (FBA), Orlando Chapter

- Orlando Summer Series Committee 2019 – present
- Board of Directors (Secretary) 2014 – 2016

Orange County Bar Association (OCBA)

- Member 2022 – present
-

Speaking

- Engagements**
- FAMU Law Courthouse Tour, FBA Orlando, FAMU Law Student Chapter, April 2025
 - *Civil Discourse Program*, FBA Orlando, March 2025

- *Federal Practice for the Occasional Federal Practitioner*, FBA Orlando & OCBA Young Lawyers Section, February 2025
- *Civil Discourse Program*, FBA Orlando, February 2025
- *Civil Discourse Program*, FBA Orlando, January 2025
- *Barry Law School Panel on Legal Careers*, Barry Law School, November 2024
- *U.S. DOJ Judicial Visit to Romania*, Office of Overseas Prosecutorial Development, Assistance and Training, panels included *The U.S. Federal System*, *Evidence Collection*, *The Judge's Role in Admitting and Excluding Evidence*, *Reviewing Search/Seizure Warrants*, *Electronic Evidence*, *The Judge's Role in Reviewing MLA Requests*, *Arrest Warrants*, *Extradition Requests*, and *Dual Criminality and EU Law*, Bucharest, Romania, November 2024
- *A Discussion on the U.S. Legal System*, University of Bucharest Law School, Bucharest, Romania, November 2024
- *Electronic Evidence*, Nat'l Institute of Magistracy, Bucharest, Romania, November 2024
- *Civil Discourse Program*, FBA Orlando, November 2024
- *Legal Drafting* (guest lecture), Barry Law School, October 2024
- *Civil Discourse Program*, FBA Orlando, September 2024
- *A View From the Bench; Current Challenges*, Federal Judicial Center National Workshop: Search and Surveillance in the Digital Age, San Jose, CA, September 2024
- *Advanced Principles of Criminal Justice* (guest lecture), CCJ 3024, University of Florida, September 2023
- *Professionalism in the age of Chat GPT – Challenges with Engaging New AI Tools in the Practice of Law*, FBA Orlando, September 2024
- *Discovery Boot Camp for Summer Associates*, FBA Orlando, June 2024
- *Best Practices for 30(b)(6) Depositions*, FBA Orlando, May 2024
- *Use of Encrypted Communications in Criminal Proceedings—Comparative Overview*, U.S. Embassy Belgrade & Office of Overseas Prosecutorial Development, Assistance and Training, Belgrade, Serbia, April 2024
- *Searching Electronic Devices and Accounts*, Circuit Court for the Ninth Judicial Circuit of Florida, April 2024
- *Civil Discourse Program*, FBA Orlando, November 2023
- *Regional Coordination Meeting on Countering Foreign Terrorist Fighters in Eastern Africa*, United Nations Office of Drugs and Crime, Nairobi, Kenya, November 2023
- *Advanced Principles of Criminal Justice* (guest lecture), CCJ 3024, University of Florida, September 2023
- *Federal Practice Luncheon Panel*, OCBA, August 2023
- *Discovery Boot Camp for Summer Associates*, FBA Orlando, July 2023
- *Discussion with Magistrate Judges*, The Florida Bar Federal Court Practice Committee's Federal Judicial Roundtable, June 2023

- *Consenting to the Magistrate Judge: When, Why, and How*, FBA Orlando, June 2023
- *Federal Practice*, FAMU Law School, April 2023
- *Discovery Boot Camp*, FBA Orlando, April 2023
- *Federal Courthouse Panel*, FAMU Law School, March 2023
- *Evidence* (guest lecture), University of Florida College of Law, February 2023
- *Civil Discourse Program*, FBA Orlando, January 2023
- *Discussion with United States Magistrate Judges*, The Florida Bar Federal Court Practice Committee, January 2023
- *Civil Discourse Program*, FBA Orlando, January 2023
- *Introduction of the Honorable Roy. B. "Skip" Dalton, Jr.*, Central Florida Association of Criminal Defense Lawyers (CFACDL), December 2022
- *Civil Discourse Program*, FBA Orlando, October 2022
- *Cell Site Location: Do you need a Search Warrant or a Tracking Warrant*, Federal Judicial Center National Workshop for United States Magistrate Judges, Salt Lake City, UT, July 2022
- *Discovery Boot Camp for Summer Associates*, FBA Orlando, July 2022
- *Orlando Intensive Reentry Program Graduation*, June 2022
- *Introduction for The Florida Bar Federal Court Practice Committee's Federal Judicial Roundtable*, June 2022
- *Civil Discourse Program*, FBA Orlando, May 2022
- *Discovery Bootcamp*, FBA Orlando, April 2022
- *A Roundtable Discussion on Social Security Disability Appeals*, FBA Orlando, April 2022
- *Cell Site Location: Do you need a Search Warrant or a Tracking Warrant*, Federal Judicial Center National Workshop for United States Magistrate Judges, Nashville, TN, April 2022
- *Detention Hearings: A Primer*, FBA Orlando, March 2022
- *Initial Appearances: A Primer*, FBA Orlando, November 2021
- *Virtual Brown Bag Lunch*, FBA Orlando and Broward, July 2021
- *Becoming a U.S. Citizen*, FBA Orlando Summer Series, July 2021
- *A Federal Primer*, FBA Orlando and OCBA Young Lawyers' Section, January 2021
- *The New Local Rules of the Middle District*, FBA Orlando, January 2021
- *Digital Privacy and Warrants, Post-Carpenter*, Federal Judicial Center Virtual Case Law Update for United States Magistrate Judges, November 2020
- *Practicing with Professionalism in Federal and State Courts*, OCBA, September 2020
- *Search and Surveillance Warrants in the Digital Age* (peer facilitator), Federal Judicial Center National Workshop, Stanford Law School, Redwood City, CA, September 2019

- *Components of Criminal Justice*, FBA Orlando Summer Series, July 2019
 - *Discovery Bootcamp*, FBA Orlando, May 2019
 - *Applying the Constitution to Advancing Technologies and ESI in Criminal Investigations*, Federal Judicial Center National Workshop for United States Magistrate Judges, Miami, FL April 2019
 - *Courthouse to Schoolhouse*, FBA Orlando, April 2019
 - *E-Discovery Judicial Panel*, University of Florida College of Law E-Discovery Conference, March 2019
 - *Making Keyword Search Work Panel*, University of Florida College of Law E-Discovery Conference, March 2019
 - *Taking a Plea*, Federal Judicial Center National Workshop for United States Magistrate Judges, Denver, CO, July 2018
 - *Reacting to and Managing the Potential Terrorist Event*, US Dept. of Justice National Security Symposium, National Advocacy Center, Columbia, SC, July 2018
 - *Judicial Panel*, OCBA Labor & Employment Section, May 2018
 - *Federal Practice*, Central Florida Assoc. of Criminal Defense Lawyers, February 2018
 - *Meet the Middle District's New Magistrate Judge*, FBA Orlando, January 2017
 - *Courthouse to Schoolhouse*, FBA Orlando, April 2016
 - *Training for National Security Prosecutors*, USAO, Middle District of Florida, December 2015
 - *Cyber Security and the Dept. of Justice*, Florida Center for Cybersecurity at the University of South Florida, Tampa, FL, July 2015
 - *Advanced Principles of Criminal Justice* (guest lecture), CCJ 3024, University of Florida, October 2014
 - *Legal and Proof Issues in Nonproliferation Cases*, FBI Joint Terrorism Task Force, Orlando, September 2014
 - *Obtaining and Using Evidence from Social-Networking Sites*, Inspector General Criminal Investigator Academy, New Agent Training, Orlando, April 2014
 - *Criminal Investigations* (guest lecture), University of Central Florida, April 2013
 - *The Dept. of Justice's Role in Cyber and National Security Investigations*, Florida Industrial Security Working Group, Orlando, March 2013
 - *Advanced Principles of Criminal Justice* (guest lecture), CCJ 3024, University of Florida, March 2013
 - *Title III Wiretap Investigations*, Drug Enforcement Admin., Orlando, April 2011
-

New Course Proposal Form

To: Curriculum Committee

From: Derek E. Bambauer

Date: 8 April 2025

| | |
|--|---|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: |
| Course Title | Cybersecurity & Cyberlaw |
| Number of credits | 3__ hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>45</u> hours of in-class instruction and at least <u>10</u> hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | This course covers legal, technical, economic, and social aspects of Internet / cybersecurity regulation. It covers technical foundations of Internet-based communications; networking principles; systemic cybersecurity challenges; legal concepts in Internet law / policy; core |
| Pre-requisites or Co-Requisites? | None |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | This class is designed to enable you to: <ul style="list-style-type: none"> · Understand the theoretical rationales for regulating Internet communications and activity · Analyze legal, business, and policy challenges from both an engineering and legal perspective |
| Enrollment cap requested? If requested, what is pedagogical justification? | |

| | | |
|---|--|---|
| <p>Method of evaluation</p> | <p>60 % Final exam</p> <p>_____ % Skills assessment</p> <p>35 % Paper</p> | <p>_____ % Classroom participation</p> <p>5 % Other</p> |
| <p>Casebook or other source of readings? (If casebook, include title, author, publisher, edition)</p> | <p>§ There are two required textbooks for this class:</p> <ul style="list-style-type: none"> ▪ Derek E. Bambauer, Justin (Gus) Hurwitz, David Thaw, & Charlotte Tschider, <i>Cybersecurity: An Interdisciplinary Problem</i> (2021) | |
| <p>Have you discussed this proposal with members of the UF Law faculty or administration?</p> <p>If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.</p> | <p>Yes: with Deans Luke, Molk, and McAlister, and with faculty members who teach in law & technology.</p> | |
| <p>Attachment checklist</p> | <p><input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.</p> <p><input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components.</p> <p><input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.</p> <p>*The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.</p> <p><input type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents</p> <p><input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)</p> <p><input checked="" type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.</p> | |

Cyberlaw & Cybersecurity – Spring 2025

| | | |
|--|------------------------------|---|
| Tuesday / Thursday, 10:30 – 11:55AM | Room: Holland 355D | Professor Derek Bambauer |
| Course: LAW 6930 Class: 16861 | Credits: 3 | Office Hours: Wednesdays 11:00AM – 1:00PM |

Last updated: 2 January 2025

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Course Description

Welcome to Cyberlaw & Cybersecurity! In this course, we will study the legal, technical, economic, and social aspects of Internet regulation, with a particular focus on information security. We will use an interdisciplinary approach designed, in part, to train lawyers to think more like engineers (and vice versa). The course will cover the technical foundations of Internet-based communications, including networking principles and the systemic challenges of cybersecurity; the legal concepts deployed in Internet law and policy, with particular emphasis on the New Chicago School of regulatory modalities; the issue of Internet exceptionalism; and current controversies such as network neutrality, software security liability, and algorithmic / artificial intelligence governance. The class does not assume any prior exposure to Internet law or to the technologies that undergird it.

Contact Information

Professor Bambauer can be reached by e-mail (bambauer@law.ufl.edu), by telephone (352.273.0957), or in Holland Hall 326. The best way to reach me is via e-mail; I infrequently check voice mail. If you haven't received a reply to your e-mail within 48 hours, please politely remind me.

Professor Bambauer's office hours are Wednesdays from 11:45AM – 1:00PM; you are welcome (and encouraged!) to stop by.

I am also available by appointment, and am happy to get together over coffee / tea / lunch, in real space or via Zoom, to discuss tech law, jobs, the obvious superiority of the Boston Red Sox (except this year), or anything else of interest. You can also follow me on Twitter/X (mostly retweets) [@dbambauer](#), for as long as that platform survives.

Logistics

- **Materials** – There are two required textbooks for this class:
 - Derek E. Bambauer, Justin (Gus) Hurwitz, David Thaw, & Charlotte Tschider, [Cybersecurity: An Interdisciplinary Problem](#) (2021)
 - Eric Goldman, [Internet Law: Cases and Materials](#) (2023 ed.)

Any additional materials for this course are linked from this syllabus or posted to the course Canvas site.
- **Course Meeting Times** – The class will meet live on Tuesdays and Thursdays, from 10:30AM – 11:55AM, in Holland Hall 355D. These sessions will be recorded automatically. I give blanket permission for any student in this class to access these recordings at any time. In addition, if you would like me to record a class via Zoom and make it available on Canvas, please send me an e-mail, preferably at least 24 hours in advance of the class. **In addition**, there will be unscheduled assignments, group activities, and asynchronous video lectures. You are responsible for completing these course components by the deadlines indicated.
- **Communication** - I will communicate with the class via e-mail and via the course Canvas site. Please monitor your e-mail account, sign up for the course Canvas site, and check the Canvas site regularly.
- **Assignments** - Please see the syllabus below for reading assignments. You are expected to have read and prepared the materials assigned for each class meeting. Please note carefully the page numbers and instructions; often, you will only need to read **part** of a case or section.

The syllabus will undoubtedly change; please check Canvas regularly for updates and note the “Last Updated” date at the top of the syllabus. You are responsible for reading the materials closely, and for posing questions about anything you do not understand.

- **Helpful Resources** – You should not need any additional resources beyond the required materials. However, if you would like more information on patent law, I recommend:
 - Eric Goldman, [Technology & Marketing Law Blog](#)
 - [Krebs on Security](#)
 - Hal Abelson, Ken Ledeen, and Harry Lewis, [Blown to Bits](#).
 - Lawrence Lessig, *Code Version 2.0*, available in [print](#), [Kindle](#), or [on-line](#).
 - John R. Levine, Carol Baroudi, and Margaret Levine Young, [The Internet for Dummies](#). This is a useful primer on the Internet's technical underpinnings,

written for a non-technical audience.

- [Lawfare](#)

Policies

- **Attendance** - Regular, punctual attendance is required under the College of Law and American Bar Association rules. You are responsible for ensuring that you are not recorded as absent if you arrive late. If you fail to meet the attendance requirement, you may be dropped from the course. The law school's policy on attendance can be found [here](#).

If you face special circumstances that require you to arrive late, leave early, or miss class sessions, please contact me so we can discuss how best to manage the situation. In particular, if you face an extended absence, contact me so I can help you stay current on the material.

- If you feel sick or may have been in contact with someone who is infectious, please stay home and contact me so you can participate by Zoom. Except for seeking medical care, avoid contact with others and do not travel.
- Please notify me if you will miss a scheduled course component. All course sessions are recorded so that you can access material that you miss, or review course content.
- **Professionalism** - Please be professional while attending class and while participating in assignments outside class (for example, blog discussions and e-mail exchanges). This includes treating other students and faculty courteously, being prepared for class, ensuring that you do not distract other students, and engaging the material as best you are able. In particular, I ask that you try to curb electronic distractions: turn cellular phones **off** whenever possible, avoid playing computer games, and do not use communication tools such as instant messaging or e-mail during class time. In return, I commit to treat you with respect and professionalism, including by beginning and ending class on time.
- **Blogging / Podcasting** - You are welcome to blog and podcast about class discussions and assignments, with this proviso: you may not identify any of your classmates by name (for example, "Jane Doe said that everything in this class is a security violation") without that person's permission. This policy seeks to ensure frank, enthusiastic discussion in class without concern that an inadvertent error may be preserved forever by Google.
- **Special Circumstances** - If you face special circumstances that could affect your participation in class or your ability to prepare adequately (such as a life event, a disability, repetitive strain injury (RSI), or stage fright), please contact me. There are resources at the College of Law and beyond that we can enlist to assist you. Law school can be a stressful experience; I (along with the rest of the faculty and administration) am here to help you manage its challenges. This applies outside of class as well: if you

need help or are facing a problem, please reach out. There are a lot of resources here to assist you. In particular, I would like you to be aware of:

- [Wellness at UF Law](#)
 - [U Matter, We Care](#) – contact at <umatter@ufl.edu> or 352.392.1575 (24 hours)
 - [Counseling and Wellness Center](#) – <UFLawCares@law.ufl.edu> or 352.392.1575
 - [Student Health Care Center](#) – 352.392.1161 (24 hours)
 - [University of Florida Shands Emergency Room / Trauma Center](#) – 352.733.0111; the ER is at 1515 SW Archer Road, Gainesville, FL 32608.
- **Out-of-Class Requirements** – American Bar Association Standard 310 requires devoting 2 hours of preparation outside (before) class for each hour of classroom instruction. This class has approximately three hours of classroom instruction per week; thus, you should spend roughly six hours per week outside class reading the assigned materials, preparing practice problems, formulating questions, and so forth.
 - **Feedback:** At several points during the course, I will ask you for feedback in writing / electronically about how the course is progressing and how it can be improved. This feedback is anonymous, and it is extremely important to me. It is also a **required component** of the class. I will read and carefully consider everything that the class shares with me; then, I will summarize it at the start of the next session and also describe how I will respond based upon it.
 - **College of Law Standard Syllabus Policies** - Information about other College of Law policies, including compliance with the University Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Grading

Your grade for the class will be based upon **3 components**: class feedback, a midterm exercise, and the final examination.

Deadlines are vitally important to technology lawyers. Failing to meet a deadline can mean that your client will be treated as having abandoned a trademark application (potentially forfeiting rights to a competitor), or as having waived objections or counterarguments in litigation. I may grant deadline extensions for these evaluations in my discretion, on a case by case basis, **if you ask for the extension in advance**. Late assignments will be penalized or will receive no credit **at my discretion**.

- **Feedback (5% total grade)** – At one or more points during the semester, I will ask you to submit feedback about the course via written response, Canvas post, or e-mail message. I use this feedback to adjust the course during the semester and to improve it year to year. **You earn points simply for submitting feedback – you will not be evaluated in any way based upon the content of the feedback.** (That’s the point of asking for candid input!)

- **Midterm Exercise (35%)** – Roughly halfway through the course, you will be asked to prepare a research memo on a cybersecurity topic. The memo will be styled after projects typically assigned to junior associates in a law firm: you will be responsible for determining the applicable laws, applying them to a set of facts provided to you, evaluating risks (including from legal or factual uncertainty), and making a set of pragmatic recommendations—all in a relatively short piece of writing. I will provide you with a cover memo that details the facts, the assignment, the constraints (such as word length), and a due date. You will have ten working days to complete the exercise. The exercise is open book, open note, and open Internet: the only restriction is that you may not consult anyone else about it. All work must be your own.
- **Final Examination (60%)** - The largest single component of your grade will be the final examination. It will consist of an **8-hour test** that you can download and take **at a point of your choosing** during exam period (April 25 – May 8). I will post instructions for the final exam to the course Canvas site well in advance of the test - **read them carefully**. You can use your notes, the textbook, and any other resource available to you to respond to the problem. You may not copy pre-prepared material into your exam answer. It goes without saying that your exam must consist of your own work; you may not accept assistance from anyone or provide aid to other students during the examination. (Collaborative preparation in studying for the exam is permitted, and encouraged, to the degree you find it helpful.)

Course Objectives

This class is designed to enable you to:

- Understand the theoretical rationales for regulating Internet communications and activity
- Analyze legal, business, and policy challenges from both an engineering and legal perspective
- Understand, and explain, the technical, social, and legal challenges of securing complex information technology systems
- Explore and apply the range of guidance and policy material for cybersecurity and cyberlaw problems, including statutes, federal regulations, agency documents, technical standards, and engineering literature
- Understand the professional and ethical ramifications of practice as a cybersecurity or Internet attorney

Syllabus

Page numbers refer to the textbook unless otherwise indicated. “Cybersecurity” refers to the Bambauer, Hurwitz, Thaw, and Tschider book. “Internet” refers to the Goldman book. Statutory references are to the U.S. Code unless otherwise indicated.

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| Alternative Modalities of Risk Regulation I | 18 Feb. | Cybersecurity 509-67 |
| Alternative Modalities of Risk Regulation II | 20 Feb. | Frank H. Easterbrook, <i>Cyberspace and the Law of the Horse</i> , 1996 <i>U. Chi. Legal F.</i> 207, 207-08, 210, 211 (from "Simply put") - 213, 216 last paragraph (Canvas) Lawrence Lessig, <i>The Law of the Horse: What Cyberlaw Might Teach</i> , 113 <i>Harv. L. Rev.</i> 501, 501-06, 515, 517, 519-20, 522-23, 530-31, 534-35, 537-38, 541, 548 (1999) (Canvas) |
| Engineering for Risk | 25 Feb. | Cybersecurity 309-52 |
| <i>Cyberlaw</i> | | |
| What Is the Internet? Who Regulates It? | 27 Feb. | Internet 1-30 |
| Jurisdiction I | 4 Mar. | Internet 31-40 |
| Jurisdiction II | 6 Mar. | Alan M. Trammell & Derek E. Bambauer, Personal Jurisdiction and the Interwebs , 100 <i>CORNELL LAW REVIEW</i> 1129 (2015). |
| Online Contracts | 11 Mar. | Internet 41-92 |
| Defamation and Internet Torts | 13 Mar. | Internet 261-65, Defamation packet (Canvas) |
| Section 230 I | 25 Mar. | 47 U.S.C. § 230; Internet 266-93 |
| Section 230 II | 27 Mar. | Internet 294-327 |

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| Section 230 III | 1 Apr. | <ul style="list-style-type: none"> • Derek Bambauer, Ninth Circuit Rules Roommates.com May Be Unlawful Host, <i>Info/Law</i>, Apr. 3, 2008 • Doe v. MySpace, 528 F.3d 413 (5th Cir. 2008) • Skim Doe v. Friendfinder, 540 F. Supp. 2d 288 (D.N.H. 2008) • Mazur v. eBay, 2008 U.S. Dist. LEXIS 16561 (N.D. Cal. 2008) • Michelle Yang, JOLT Digest: Chicago Lawyers Committee for Civil Rights Under Law v. Craigslist, 519 F.3d 666 (2008) (7th Cir. 2008) • Eric Goldman, Dozen Amicus Briefs Oppose the Worst Section 230 Ruling of 2016 (and One Supports It)–Hassell v. Bird, <i>Tech. & Mktg. Law Blog</i> (Apr. 20, 2017) • (optional) David S. Ardia, Free Speech or Shield for Scoundrels?, 43 <i>Loyola L.A. L. Rev.</i> 373 (2010) |
| Network Neutrality I | 3 Apr. | <ul style="list-style-type: none"> • Alexis C. Madrigal & Adrienne LaFrance, Net Neutrality: A Guide to (and History of) a Contested Idea, <i>The Atlantic</i> (Apr. 25, 2014) • Jim Puzzanghera, A brief, strange history of net neutrality (including a 'series of tubes,' a dingo and James Harden), <i>L.A. Times</i> (May 3, 2017) • Gerald R. Faulhaber, <i>Economics of Net Neutrality: A Review</i>, 3 <i>Communications & Convergence Review</i> 53 (2011) (Canvas) • Net Neutrality, Last Week Tonight with John Oliver, <i>HBO</i> (June 1, 2014) • Net Neutrality, <i>The Oatmeal</i> • Don't Break the Net (read the "Understand" section) • (optional) David Isenberg, The Rise of the Stupid Network • J.H. Saltzer, D.P. Reed, D.D. Clark, End-to-End Arguments in System Design, 2 <i>ACM Transactions on Computer Systems</i> 277 (1984) |
| Network Neutrality II | 8 Apr. | <ul style="list-style-type: none"> • B. Carpenter (ed.), Architectural Principles of the Internet (RFC 1985) (June 1996) |

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| | | <ul style="list-style-type: none"> • Robert Macmillan, What Everyone Gets Wrong in the Debate Over Net Neutrality, <i>WIRED</i> (June 23, 2014) • Verizon v. Federal Communications Comm'n, No. 11-1355 (D.C. Cir. 2014) (please read pages 2-18, 22-30, 31-40, 42-43, 45-47, 50(B)-53, 56(C)-60, 62-63 ; the rest is optional) • Russell Brandom, Verizon admits to throttling video in apparent violation of net neutrality, <i>The Verge</i> (July 21, 2017) • Alina Selyukh & David Greene, FCC Chief Makes Case For Tackling Net Neutrality Violations 'After The Fact.' <i>NPR</i> (May 5, 2017) • (optional) Rob Frieden, Internet 3.0: Identifying Problems and Solutions to the Network Neutrality Debate, 1 <i>Int'l J. Comm'n</i> 461 (2007) |
| Spam | 10 Apr. | <p>Internet 352</p> <ul style="list-style-type: none"> • 15 U.S.C. 7701, 7702, 7704, 7705, 7706(a), (f)(1), (g), 7707 • Tim Weber, Gates forecasts victory over spam, <i>BBC News</i> (Jan. 24, 2004) • Carolyn Duffy Marsan, CAN-SPAM: What Went Wrong?, <i>Network World</i> (Oct. 6, 2008) • Venkat, Holomaxx Sues Yahoo, Microsoft, and Others for Non-Delivery of Bulk Emails, <i>Technology & Marketing Law Blog</i> (Nov. 15, 2010) (for the outcome, see Order Granting Motion to Dismiss With Leave to Amend in Part, <i>Holomaxx Tech. v. Microsoft</i>, No. CV-10-4924-JF (N.D. Cal. 2011)) • Derek E. Bambauer, Solving the Inbox Paradox, 10 <i>Va. J. L. & Tech.</i> 1 (2005) (read 8-14, skim 15-30, 50-54) • CompuServe v. Cyber Promotions, 962 F. Supp. 1015 (S.D. Ohio 1997) |
| Social Media | 15 Apr. | Internet 352-72 |
| Course Review / Practice Exam Problems | 17 Apr. | |

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| Reading Period | April 22-24 | |
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| Exam | April 25 – May 8 | |

Cybersecurity & Cyberlaw – Spring 2024

| | | |
|--|------------------------------|--|
| Tuesday / Thursday, 10:30 – 11:55AM | Room: Holland 285C | Professor Derek Bambauer |
| Course: LAW 6930 Class: 19427 | Credits: 3 | Office Hours: Tuesday & Thursday, 1-2PM, and by appointment |

Last updated: 30 December 2023

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- [Contact Information](#)
- [Logistics](#)
- [Policies](#)
- [Grading](#)
- [Course Objectives](#)
- [Syllabus](#)

Course Description

Welcome to Cybersecurity & Cyberlaw! In this course, we will study the legal, technical, economic, and social aspects of Internet regulation, with a particular focus on information security. We will use an interdisciplinary approach designed, in part, to train lawyers to think more like engineers (and vice versa). The course will cover the technical foundations of Internet-based communications, including networking principles and the systemic challenges of cybersecurity; the legal concepts deployed in Internet law and policy, with particular emphasis on the New Chicago School of regulatory modalities; the issue of Internet exceptionalism; and current controversies such as network neutrality, software security liability, and algorithmic / artificial intelligence governance. The class does not assume any prior exposure to Internet law or to the technologies that undergird it.

Contact Information

Professor Bambauer can be reached by e-mail (bambauer@law.ufl.edu), by telephone (352.273.0957), or in Holland Hall 326. The best way to reach me is via e-mail; I infrequently check voice mail.

Professor Bambauer's office hours are Tuesday & Thursday from 1-2PM; you are welcome (and encouraged!) to stop by.

I am also available by appointment, and am happy to get together over coffee / tea / lunch, in real space or via Zoom, to discuss tech law, jobs, the obvious superiority of the Boston Red Sox (except this year), or anything else of interest. You can also follow me on Twitter/X (mostly retweets) [@dbambauer](#), for as long as that platform survives.

Logistics

- **Materials** – There are two required textbooks for this class:
 - Derek E. Bambauer, Justin (Gus) Hurwitz, David Thaw, & Charlotte Tschider, [Cybersecurity: An Interdisciplinary Problem](#) (2021)
 - Eric Goldman, [Internet Law: Cases and Materials](#) (2023 ed.)

Any additional materials for this course are linked from this syllabus or posted to the course Canvas site.
- **Course Meeting Times** – The class will meet live on Tuesdays and Thursdays, from 10:30AM – 11:55AM, in Holland Hall 285C. These sessions will be recorded automatically. I give blanket permission for any student in this class to access these recordings at any time. In addition, if you would like me to record a class via Zoom and make it available on Canvas, please send me an e-mail, preferably at least 24 hours in advance of the class. **In addition**, there will be unscheduled assignments, group activities, and asynchronous video lectures. You are responsible for completing these course components by the deadlines indicated.
- **Communication** - I will communicate with the class via e-mail and via the course Canvas site. Please monitor your e-mail account, sign up for the course Canvas site, and check the Canvas site regularly.
- **Assignments** - Please see the syllabus below for reading assignments. You are expected to have read and prepared the materials assigned for each class meeting. Please note carefully the page numbers and instructions; often, you will only need to read part of a case or section.

The syllabus will undoubtedly change; please check Canvas regularly for updates and note the “Last Updated” date at the top of the syllabus. You are responsible for reading the materials closely, and for posing questions about anything you do not understand.

- **Helpful Resources** – You should not need any additional resources beyond the required materials. However, if you would like more information on patent law, I recommend:
 - Eric Goldman, [Technology & Marketing Law Blog](#)
 - [Krebs on Security](#)
 - Hal Abelson, Ken Ledeen, and Harry Lewis, [Blown to Bits](#).
 - Lawrence Lessig, *Code Version 2.0*, available in [print](#), [Kindle](#), or [on-line](#).
 - John R. Levine, Carol Baroudi, and Margaret Levine Young, [The Internet for Dummies](#). This is a useful primer on the Internet's technical underpinnings,

written for a non-technical audience.

- [Lawfare](#)

Policies

- **Attendance** - Regular, punctual attendance is required under the College of Law and American Bar Association rules. You are responsible for ensuring that you are not recorded as absent if you arrive late. If you fail to meet the attendance requirement, you may be dropped from the course. The law school's policy on attendance can be found [here](#).

If you face special circumstances that require you to arrive late, leave early, or miss class sessions, please contact me so we can discuss how best to manage the situation. In particular, if you face an extended absence, contact me so I can help you stay current on the material.

- If you feel sick or may have been in contact with someone who is infectious, please stay home and contact me so you can participate by Zoom. Except for seeking medical care, avoid contact with others and do not travel.
- Please notify me if you will miss a scheduled course component. All course sessions are recorded so that you can access material that you miss, or review course content.
- **Professionalism** - Please be professional while attending class and while participating in assignments outside class (for example, blog discussions and e-mail exchanges). This includes treating other students and faculty courteously, being prepared for class, ensuring that you do not distract other students, and engaging the material as best you are able. In particular, I ask that you try to curb electronic distractions: turn cellular phones **off** whenever possible, avoid playing computer games, and do not use communication tools such as instant messaging or e-mail during class time. In return, I commit to treat you with respect and professionalism, including by beginning and ending class on time.
- **Blogging / Podcasting** - You are welcome to blog and podcast about class discussions and assignments, with this proviso: you may not identify any of your classmates by name (for example, "Jane Doe said that everything in this class is a security violation") without that person's permission. This policy seeks to ensure frank, enthusiastic discussion in class without concern that an inadvertent error may be preserved forever by Google.
- **Special Circumstances** - If you face special circumstances that could affect your participation in class or your ability to prepare adequately (such as a life event, a disability, repetitive strain injury (RSI), or stage fright), please contact me. There are resources at the College of Law and beyond that we can enlist to assist you. Law school can be a stressful experience; I (along with the rest of the faculty and administration) am here to help you manage its challenges. This applies outside of class as well: if you

need help or are facing a problem, please reach out. There are a lot of resources here to assist you. In particular, I would like you to be aware of:

- [Wellness at UF Law](#)
 - [U Matter, We Care](#) – contact at <umatter@ufl.edu> or 352.392.1575 (24 hours)
 - [Counseling and Wellness Center](#) – <UFLawCares@law.ufl.edu> or 352.392.1575
 - [Student Health Care Center](#) – 352.392.1161 (24 hours)
 - [University of Florida Shands Emergency Room / Trauma Center](#) – 352.733.0111; the ER is at 1515 SW Archer Road, Gainesville, FL 32608.
- **Out-of-Class Requirements** – American Bar Association Standard 310 requires devoting 2 hours of preparation outside (before) class for each hour of classroom instruction. This class has approximately three hours of classroom instruction per week; thus, you should spend roughly six hours per week outside class reading the assigned materials, preparing practice problems, formulating questions, and so forth.
 - **Feedback:** At several points during the course, I will ask you for feedback in writing / electronically about how the course is progressing and how it can be improved. This feedback is anonymous, and it is extremely important to me. It is also a **required component** of the class. I will read and carefully consider everything that the class shares with me; then, I will summarize it at the start of the next session and also describe how I will respond based upon it.
 - **College of Law Standard Syllabus Policies** - Information about other College of Law policies, including compliance with the University Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Grading

Your grade for the class will be based upon **3 components**: class feedback, a midterm exercise, and the final examination.

Deadlines are vitally important to technology lawyers. Failing to meet a deadline can mean that your client will be treated as having abandoned a trademark application (potentially forfeiting rights to a competitor), or as having waived objections or counterarguments in litigation. I may grant deadline extensions for these evaluations in my discretion, on a case by case basis, **if you ask for the extension in advance**. Late assignments will be penalized or will receive no credit **at my discretion**.

- **Feedback (5% total grade)** – At one or more points during the semester, I will ask you to submit feedback about the course via written response, Canvas post, or e-mail message. I use this feedback to adjust the course during the semester and to improve it year to year. **You earn points simply for submitting feedback – you will not be evaluated in any way based upon the content of the feedback.** (That’s the point of asking for candid input!)

- **Midterm Exercise (35%)** – Roughly halfway through the course, you will be asked to prepare a research memo on a cybersecurity topic. The memo will be styled after projects typically assigned to junior associates in a law firm: you will be responsible for determining the applicable laws, applying them to a set of facts provided to you, evaluating risks (including from legal or factual uncertainty), and making a set of pragmatic recommendations—all in a relatively short piece of writing. I will provide you with a cover memo that details the facts, the assignment, the constraints (such as word length), and a due date. You will have ten working days to complete the exercise. The exercise is open book, open note, and open Internet: the only restriction is that you may not consult anyone else about it. All work must be your own.
- **Final Examination (60%)** - The largest single component of your grade will be the final examination. It will consist of an **8-hour test** that you can download and take **at a point of your choosing** during exam period (April 26 – May 9). I will post instructions for the final exam to the course Canvas site well in advance of the test - **read them carefully**. You can use your notes, the textbook, and any other resource available to you to respond to the problem. You may not copy pre-prepared material into your exam answer. It goes without saying that your exam must consist of your own work; you may not accept assistance from anyone or provide aid to other students during the examination. (Collaborative preparation in studying for the exam is permitted, and encouraged, to the degree you find it helpful.)

Course Objectives

This class is designed to enable you to:

- Understand the theoretical rationales for regulating Internet communications and activity
- Analyze legal, business, and policy challenges from both an engineering and legal perspective
- Understand, and explain, the technical, social, and legal challenges of securing complex information technology systems
- Explore and apply the range of guidance and policy material for cybersecurity and cyberlaw problems, including statutes, federal regulations, agency documents, technical standards, and engineering literature
- Understand the professional and ethical ramifications of practice as a cybersecurity or Internet attorney

Syllabus

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| Network Neutrality II | 9 Apr. | <ul style="list-style-type: none"> • B. Carpenter (ed.), Architectural Principles of the Internet (RFC 1985) (June 1996) |

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| | | <ul style="list-style-type: none"> • Robert Macmillan, What Everyone Gets Wrong in the Debate Over Net Neutrality, <i>WIRED</i> (June 23, 2014) • Verizon v. Federal Communications Comm'n, No. 11-1355 (D.C. Cir. 2014) (please read pages 2-18, 22-30, 31-40, 42-43, 45-47, 50(B)-53, 56(C)-60, 62-63 ; the rest is optional) • Russell Brandom, Verizon admits to throttling video in apparent violation of net neutrality, <i>The Verge</i> (July 21, 2017) • Alina Selyukh & David Greene, FCC Chief Makes Case For Tackling Net Neutrality Violations 'After The Fact.' <i>NPR</i> (May 5, 2017) • (optional) Rob Frieden, Internet 3.0: Identifying Problems and Solutions to the Network Neutrality Debate, 1 <i>Int'l J. Comm'n</i> 461 (2007) |
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| Social Media | 16 Apr. | Internet 352-72 |
| Course Review / Practice Exam Problems | 18 Apr. | |

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| | | |
| Reading Period | April 23-25 | |
| | | |
| Exam | April 26 – May 9 | |



**Santa Clara
University**

**INTERNET LAW:
CASES & MATERIALS**

Professor Eric Goldman

August 2024 version

Portions © Eric Goldman

Follow new developments in Internet Law at my Technology & Marketing Law blog [<http://blog.ericgoldman.org/>] and my social media feeds:

Mastodon: <https://mastodon.lawprofs.org/@ericgoldman>

Bluesky: <https://bsky.app/profile/ericgoldman.bsky.social>

To make sure you are looking at the most current versions, I have excluded the text of most statutes and similar rulesets from the book and linked to the statutes in the table of contents. However, Internet law is principally a statute-driven course, and there's no substitute for actually reading the statutes!

Editing Notes for Cases:

- Textual omissions are noted with ellipses.
- Omitted footnotes are not indicated, but all footnote numbers are original.
- In-text citations are omitted without indication (including parenthetical explanations and some parallel citations).
- Although I have tried to preserve the original formatting (such as italics, bold and blockquotes), some formatting may have changed or been lost.
- I included the authoring judge's name only when I think that may be interesting.
- I've made minor edits to my blog posts without indicating those changes.

To improve readability, I have aggressively stripped out case citations and parenthetical explanations (more so than in most casebooks). If you are interested in the court's actual words or intend to quote or cite one of these opinions, I **STRONGLY** recommend that you find and read the unedited opinion.

There are a few review questions sprinkled throughout the book. Answers are at the end of the book, but no fair peeking until you've tried your best!

People disagree whether the "I" in Internet should be capitalized. *See, e.g.,* Susan C. Herring, *Should You Be Capitalizing the Word 'Internet'?*, WIRED, Oct. 19, 2015, <https://www.wired.com/2015/10/should-you-be-capitalizing-the-word-internet/>. Like most old-timers, I *always* capitalize "Internet."

If you are a professor and adopting this book for your course, please email me at (egoldman@gmail.com). I can share my slide deck and other resources.

Hard copies of this book lack color images, clickable links, and keyword searching. Email me (egoldman@gmail.com) your hard copy purchase receipt showing which edition you bought, and I will happily email you a PDF at no extra cost to you.

I'm grateful to many people over the years who have provided helpful comments to improve this book, including Venkat Balasubramani, Lydia de la Torre, Mary Rose Finnigan, James Grimmelmann, Daphne Keller, Jeff Kosseff, Alex Levy, Jess Miers, Tyler Ochoa, Irina Raicu, Lourdes Turrecha, and Nathan Walker. I welcome your comments or corrections at egoldman@gmail.com.

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Review: 15 U.S.C. §1114 [<http://www.law.cornell.edu/uscode/text/15/1114>], 15 U.S.C. §1125 [<http://www.law.cornell.edu/uscode/text/15/1125>], and 15 U.S.C. §8131 [<http://www.law.cornell.edu/uscode/text/15/8131>]

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New Course Proposal Form

To: Curriculum Committee

From: Jiaying Jiang

Date: April 9, 2025

| | |
|--|---|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 13 students (F23); 10 students |
| Course Title | FinTech |
| Number of credits | <u>2</u> hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>2</u> hours of in-class instruction and at least <u>4</u> hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | The landscape of financial services is undergoing a transformative change, driven by technology. Innovations such as robo-advising, high frequency trading, marketplace lending, mobile payments and digital assets are not only redefining how financial services are |
| Pre-requisites or Co-Requisites? | no |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | This course fills a gap in legal education. While traditional banking and securities regulation remain foundational, lawyers entering today's financial markets must also be fluent in technological innovation and evolving regulatory frameworks. From the classification of cryptocurrencies under securities laws to anti-money |
| Enrollment cap requested? If requested, what is pedagogical justification? | no |

| | | |
|--|--|---|
| Method of evaluation | <p>_____ % Final exam</p> <p>_____ % Skills assessment</p> <p>75 % Paper</p> | <p><u>10</u> % Classroom participation</p> <p><u>15</u> % Other</p> |
| Casebook or other source of readings? (If casebook, include title, author, publisher, edition) | Fintech Law, the Case Studies, Howell Jackson, and Margaret Tahyar Fintech Law and Policy, Lee Reiners Fintech Law in a Nutshell, Chris Brummer | |
| Have you discussed this proposal with members of the UF Law faculty or administration? If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations. | Amy Stein I discussed this new course with Amy Stein in the fall of 2022, when she was serving on the curriculum committee. She agreed that it was important for me to teach it to UF students. As a result, I began offering the course in the spring of 2023 as a 3-credit course. I then revised it into a 2-credit seminar in the fall of 2023. | |
| Attachment checklist | <p><input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.</p> <p><input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components.</p> <p><input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.</p> <p>*The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.</p> <p><input checked="" type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents</p> <p><input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)</p> <p><input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.</p> | |

FINTECH
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2025 SYLLABUS – LAW 6936 – 2 CREDITS

Professor Jiaying Jiang
Office 378
Office Phone: 352 273 0625
Email: jiang@law.ufl.edu
Office Hours: Mondays 2:00 pm – 3:00 pm (in person)
 Tuesdays 2:00 pm – 3:00 pm (in person)

MEETING TIME AND LOCATION

Tuesdays 3:00 pm – 5:00 pm
HOL 285D

COURSE DESCRIPTION

The landscape of financial services is undergoing a transformative change, driven by technology. Innovations such as robo-advising, high frequency trading, marketplace lending, mobile payments and digital assets are not only redefining how financial services are conducted but also creating unique legal and regulatory challenges. This course aims to provide a comprehensive overview of these innovations and the regulatory framework being adopted to oversee them.

The course will explore a distinct fintech innovation each week for two hours. The first hour will be dedicated to understanding the history, concept, characteristics, business model, and major industry participants of the chosen fintech innovation. The second hour will focus on applicable laws and regulations and will engage students in a critical analysis of whether current legal structures are equipped to address the unique issues arising from these fintech innovations.

STUDENT LEARNING OUTCOMES

By the end of this course, students should be able to perform the following:

- Develop a comprehensive understanding of fintech's brief history and the evolving dynamics between fintech entities and traditional financial institutions.
- Gain a solid grasp of various fintech advancements including crowdfunding, robo-advising, high-frequency trading, marketplace lending, mobile payments, and digital assets.
- Apply existing laws and regulations to these fintech innovations.
- Critically evaluate the suitability of current laws and regulations in addressing the unique challenges posed by these fintech developments.
- Weigh the advantages and disadvantages of existing legal and regulatory frameworks in the fintech space.
- Deepen their understanding of the challenges fintech firms face, comprehend the legal and regulatory objectives pursued by lawmakers and regulators, and identify the potential conflicts between these two aspects.

REQUIRED TEXTBOOKS

Fintech Law, the Case Studies, Howell Jackson, and Margaret Tahyar (Free eBook available online)

Fintech Law and Policy, Lee Reiners (Excerpts will be distributed on Canvas)

Fintech Law in a Nutshell, Chris Brummer (Free eBook available on Canvas)

Weekly reading assignments and study materials will be provided via Canvas. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS

For a successful seminar experience, the following requirements should be met:

- *Preparation:* Prior to each session, please ensure you've thoroughly studied the assigned materials. This will foster productive and insightful discussions. All resources will be available on Canvas.
- *Active Participation:* Each class session is designed to be dynamic and engaging, consisting of lectures, guest speaker sessions, small group activities, and discussions. Your active participation is a fundamental component of the learning experience.
- *“Discussion Leader” Assignment:* Throughout this seminar, we'll delve into five main topics: crowdfunding, high-frequency trading, robo-advisors, marketplace lending, and payment. For one of these topics, you will take on the role of a “discussion leader”, presenting a concise history, the underlying concept, characteristics, business model, and key industry players of your chosen fintech innovation. In addition, you will lead the discussion for the first hour of the class. A week prior to your “discussion leader” role, we will have a one-on-one meeting to prepare you for this task.
- *Draft Presentation and Final Paper:* You are expected to write a comprehensive **10-12 pages paper, single-spaced in 12 point, Times New Roman font**. You will present this paper to the class. This topic can focus on any aspect of fintech. However, it may be beneficial to select a topic aligned with your “discussion leader” duty, as you'll have to conduct research on that topic. The **outline** is due 24 hours before you meet with me to discuss your outline and receive individualized feedback. Your **first draft** is due a week before your presentation. The **final paper** is due on the last day of the exam period.
- *Peer Feedback:* The presentations will be split across two days, with half of the students presenting on each day. On the day of your presentation, you are also expected to provide a one-page written feedback on the other presentations within 48 hours. You should also prepare to ask questions and provide verbal feedback to your peers presenting on the alternate day.

GRADING EVALUATION

| Class Component | Percent of Grade |
|------------------------------|-------------------------|
| Class participation | 10% |
| Discussion leader assignment | 15% |
| Draft presentation | 15% |
| Feedback to peers | 10% |
| Final paper | 50% |
| TOTAL | 100% |

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

CLASS ATTENDANCE POLICY

Both the ABA and Law School mandate class attendance. The school's attendance policy can be found [here](#). Attendance will be monitored at each session. You're allowed up to **TWO** absences per semester. Ensure you're not marked absent if you arrive late, and kindly inform me ahead of time if you're unable to attend a class.

- Absences beyond two will result in a one-third grade reduction for each additional absence (e.g., from A- to B+).
- If a student misses four classes, the professor has the discretion to render the student ineligible to receive credit for the course.
- A seating chart will be provided on the first day of class. Choose your preferred seat on this day, as this will be your assigned spot for the remainder of the semester.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS:



ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This weekly class is **two** hours in length, requiring at least **four** hours of preparation outside of class.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS (TENTATIVE)

This syllabus is offered as a guide to the direction of the seminar. It will be regularly updated on Canvas with specific reading assignments and may be adjusted based on guest speaker

availability. The pace may vary depending on the level of interest and complexity of each topic and is therefore subject to change. Initial readings assignments are included below, but Canvas will be the primary source for all topics, assignments and reading material links.

| | |
|-------------------|---|
| <p>1 1/14</p> | <p>Fintech Introduction</p> <ul style="list-style-type: none"> • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Introduction: Regulating Financial Innovation • Fintech Law, the Case Studies <ul style="list-style-type: none"> ◦ The Nature of the Fintech Firm • Fintech Law and Policy <ul style="list-style-type: none"> ◦ The evolving relationship between Fintech, Regulators, and Traditional Financial Institutions • The Future of FinTech, A Paradigm Shift in Small Business Finance https://www3.weforum.org/docs/IP/2015/FS/GAC15_The_Future_of_FinTech_Paradigm_Shift_Small_Business_Finance_report_2015.pdf • (Optional Reading) Fintech: Overview of Financial Regulators and Recent Policy Approaches, Congress Research Services https://crsreports.congress.gov/product/pdf/R/R46333Links to an external site. |
| <p>2 1/21</p> | <p>Crowdfunding</p> <ul style="list-style-type: none"> • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Chapter 1 Crowdfunding • Crowdfunding Explained, European Commission https://single-market-economy.ec.europa.eu/access-finance/guide-crowdfunding/what-crowdfunding/crowdfunding-explained_enLinks to an external site. • The Legal Regulation of U.S. Crowdfunding https://ir.law.utk.edu/cgi/viewcontent.cgi?article=1870&context=utklaw_facpubs • Regulation Crowdfunding: A Small Entity Compliance Guide for Issuers https://www.sec.gov/info/smallbus/secg/rcomplianceguide-051316 Links to an external site. |
| <p>3 1/28</p> | <p>Robo-advisors</p> <ul style="list-style-type: none"> • Will Robots Replace Human Advisors? |

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| | <p>https://www.youtube.com/watch?v=suUVjOi5tHALLinks to an external site.</p>  <ul style="list-style-type: none"> • Robo-advisor Landscape 2022 • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Chapter 3, Robo-Advisors • In the Matter of Charles Schwab & Co., INC., Charles Schwab Investment Advisory, Inc. and Schwab Wealth Investment Advisory, Inc. https://www.sec.gov/litigation/admin/2022/34-95087.pdfLinks to an external site. • SEC Adopts Modernized Marketing Rule for Investment Advisers https://www.sec.gov/news/press-release/2020-334Links to an external site. • The SEC's New Marketing Rule: Key Takeaways for Advisers https://www.morganlewis.com/-/media/files/publication/morgan-lewis-title/white-paper/2021/the-secs-new-marketing-rule-key-takeaways-for-advisers.pdfLinks to an external site. |
| <p>4 2/4</p> | <p>High Frequency Trading</p> <ul style="list-style-type: none"> • High Frequency Trading https://www.youtube.com/watch?v=z4nCTdQIH8wLinks to an external site.  <ul style="list-style-type: none"> • SEC Press Release https://www.sec.gov/news/press-release/2014-229Links to an external site. • Athena Capital Research, LLC- SEC.gov https://www.sec.gov/litigation/admin/2014/34-73369.pdfLinks to an external site. • The Wall Street Journal, High-Frequency Trader Athena Capital Settles Stock-Manipulation Charges https://www.wsj.com/articles/athena-capital-settles-stock-manipulation-charges-with-sec-1413486055Links to an external site. • Fintech Law, the Case Studies <ul style="list-style-type: none"> ◦ Algorithmic Trading Strategies |

| | |
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| | <ul style="list-style-type: none"> • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Chapter 4 High Frequency Trading |
| 5 2/11 | <p>Writing Period and Individualized Feedback</p> <p>Your outline due</p> <p>Class does not meet. Please stop by my office during our regular class time, this week or next, to discuss progress on your paper and receive individualized feedback. Bring your outline or draft.</p> |
| 6 2/18 | <p>Writing Period and Individualized Feedback</p> <p>Your outline due</p> <p>Class does not meet. Please stop by my office during our regular class time (if you did not stop by last week) to discuss progress on your paper and receive individualized feedback. Bring your outline or draft.</p> |
| 7 2/25 | <p>Generative AI</p> <p>Guest Speaker: Herve Troupe Chief Technology Officer, International Monetary Fund</p> |
| 8 3/4 | <p>Marketplace Lending</p> <ul style="list-style-type: none"> • Fintech Credit, Bank for International Settlement https://www.bis.org/publ/cgfs_fsb1.pdfLinks to an external site. • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Chapter 5 Marketplace Lending • Fintech Law and Policy <ul style="list-style-type: none"> ◦ Chapter 3 Banking Regulation in the United States • Case: Madden v. Midland Funding LLC • https://caselaw.findlaw.com/us-2nd-circuit/1701613.htmlLinks to an external site. • Case: In the Matter of People v County of Rehoboth Beach, Del., 45 A.D.3d 1136 (2007) • Federal banking Regulators Can and Should Resolve Madden and True Lender Developments, Davis Polk https://www.davispolk.com/sites/default/files/madden-true-lender-federal-regulatory-fix-whitepaper_final.pdfLinks to an external site. • (Optional) District Court Upholds OCC and FDIC’s “Valid when Made” Rules, Skadden https://www.skadden.com/insights/publications/2022/02/district-court-upholds-occ-and-fdic-valid-when-made-rulesLinks to an external site. |

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| <p>9 3/11</p> | <p>Payment I: Mobile Payments</p> <ul style="list-style-type: none"> • Fintech Law and Policy <ul style="list-style-type: none"> ◦ Chapter 5 Payment • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Chapter 6 Mobile Payments • Barrer v. Chase Bank USA https://casetext.com/case/barrer-v-chase-bankLinks to an external site. • FTC v. Capital City https://www.ftc.gov/sites/default/files/documents/cases/1998/01/capitcmp.pdf • Criminal charges against U.S. Bancorp https://www.justice.gov/usao-sdny/press-release/file/1035076/downloadLinks to an external site. |
| <p>10 3/25</p> | <p>Payment II: Digital Assets</p> <ul style="list-style-type: none"> • Fintech Law in a Nutshell <ul style="list-style-type: none"> ◦ Chapter 2 Digital Assets • Video: Expert Explains Blockchain in 5 Levels of Difficulty • Video: Blockchain, Simply Explained • Video: Thibault Schrepel, Understanding blockchain in just 7 minutes • Video: But How Does Bitcoin Actually Work? • Kevin Werbach, The Blockchain and the New Architecture of Trust <ul style="list-style-type: none"> ◦ The Trust Challenge, p17-31 ◦ Unpacking Blockchain Trust, p95-111 • SEC, the DAO report • 50-State Review of Cryptocurrency and Blockchain Regulation |
| <p>11 4/1</p> | <p>Fintech Startup from a Legal Perspective</p> <p>Guest speaker: Akua Abu Esq. Formerly an attorney at Wachtell, Lipton; currently a startup CEO</p> |
| <p>12 4/8</p> | <p>Student Presentations</p> |
| <p>13 4/15</p> | <p>Student Presentations</p> |
| <p>5/8</p> | <p>Final paper due</p> |

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New Course Proposal Form

To: Curriculum Committee

From: Mark Fenster

Date: April 3, 2025

| | |
|--|---|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 14 (S25); 29 (S24) |
| Course Title | Incarceration Law |
| Number of credits | 3 hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>39</u> hours of in-class instruction and at least <u>80</u> hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | Incarceration is both a pervasive element of society and a hidden aspect of our criminal justice system. This course studies the conditions of confinement, the constitutional and statutory basis for challenging them, and the remedies, limited though they may be, that |
| Pre-requisites or Co-Requisites? | None |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | The objective of this course is for students to develop a greater understanding of incarceration as a set of institutions and practices that the federal, state, and local governments have created, operate, and can better control. The course is descriptive, critical, and prescriptive. It covers the law, politics, and sociology of incarceration. |
| Enrollment cap requested? If requested, what is pedagogical justification? | None |

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| Method of evaluation | <u>90</u> % Final exam <u> </u> % Skills assessment <u> </u> % Paper | <u>10</u> % Classroom participation <u> </u> % Other |
| Casebook or other source of readings? (If casebook, include title, author, publisher, edition) | Schlanger et al., Incarceration and the Law (10th ed.) (West, 2020), Garcia Hernandez, Migrating to Prison (2nd ed. 2023) | |
| Have you discussed this proposal with members of the UF Law faculty or administration? If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations. | Yes, prior to provisional offering in Spring 2024. I've included Prof. Caballero as a guest speaker both years, and plan to coordinate with Prof. Wolking in the future for her Criminal Justice Inside Out course. | |
| Attachment checklist | <input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session. <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes. *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310. <input checked="" type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members) <input checked="" type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members. | |

Incarceration Law, Law 6930 (3 credits)
Spring 2024
Syllabus v. 2.0 (2/23/24)

Professor Mark Fenster
fenster@law.ufl.edu and 273-0962
Office: Holland Hall Room 371

Class meetings and classroom:

- T-Th 10:45-11:40, Holland Hall 382

Office hours:

- W 1:00-2:00 (online) at <https://ufl.zoom.us/j/3415941766>
- T 2:45-3:45 (in person) &
- by appointment.

Texts:

- SCHLANGER, BEDI, SHAPIRO, BRANHAM, INCARCERATION AND THE LAW, CASES AND MATERIALS (10th ed.).
- Any additional assignments will be available for download from the course's Canvas site.

Course Description and Student Learning Outcomes: Incarceration is both a pervasive element of society and a hidden aspect of our criminal justice system. This course studies the conditions of confinement, the constitutional and statutory basis for challenging them, and the remedies, limited though they may be, that litigation offers. It also considers other avenues for reform.

The objective of this course is for you to develop a greater understanding of incarceration as a set of institutions and practices that the federal, state, and local governments have created, operate, and can better control. The course is descriptive, critical, and prescriptive. We will cover the law, politics, and sociology of incarceration, justifications for its existence and the problems it creates, and avenues for its reform, including but not exclusively litigation.

Among other objectives, at the end of this course, students should:

- learn about how the various carceral institutions in the U.S. punish, incapacitate, and rehabilitate their subjects, and how well they do so;
- gain understanding of the various constitutional provisions that the judiciary has applied to prisoner complaints about prison conditions and prison officials' action, and gain facility in using those provisions and the doctrines that courts developed to make arguments on prisoners' and officials' behalf;
- obtain a deeper understanding and appreciation of specific constitutional provisions, including the First and Eight Amendments, and consider the extent to which prisoners continue to enjoy those rights while incarcerated;
- appreciate some of the basic dynamics and realities of civil rights litigation practice on behalf of indigent clients;
- understand the continually evolving politics of criminal justice reform; and
- continue to develop close reading and critical thinking skills.

Office Hours: My office hours are listed above. I am teaching two courses this semester and will share my office hours with both sets of students. Normally, I will invite multiple students from the same course to share their time to facilitate discussion and use our time more efficiently. Depending on the state of COVID-19 spread, I may hold in-person office hours outside or request that everyone attending wear masks. I encourage you to use appointments outside of office hours to discuss matters unrelated to the class materials. I will hold individual appointments outside of office hours in-person or remote by agreement.

In Person/ Zoom: Although most class periods this semester will be in-person, I will occasionally hold classes on Zoom, especially when we have visiting speakers. I have not yet decided how I will decide which class will be held in each modality, but I will endeavor to make that decision at least a week in advance. Certain extenuating circumstances about the progress of infection on campus, in the city, and among us may well force us to retreat to Zoom. *Note: Unless you receive permission from me prior to class, I will expect that you will leave your camera on if you are joining the class via Zoom, and I will mark absent those who fail to do so.*

Common Courtesy (late arrivals, getting up during class): Please do not arrive late to class or leave class early absent extenuating circumstances. Please be certain to obtain essential items or relieve yourself before class begins. If you think you will need to get up on a regular basis during class, *including because you anticipate that you will need to go to the bathroom*, please choose a seat near one of the exits. I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates. I also reserve the right to lock the doors at the beginning of class and to remove anyone from class who is being disruptive.

Class Preparation and ABA Out-of-Class Hours Requirements: You should arrive in class having read the materials closely. You should expect to spend, on average, approximately two hours preparing for every hour of class; therefore, expect to spend four hours each week to prepare for class. Reading assignments are posted below and I will announce specific class assignments in class and posted on the Canvas page. You should expect to have between 60 and 100 pages of reading each week.

Attendance/ Participation: Attendance is required, as per the requirements of both the ABA and the Law School. Each day, I will have at the front of the classroom an attendance chart for you to initial before class begins, and will employ a similar system for classes held remotely.

- **If you are “prepared,” I can cold-call on you.** Before I may not review the attendance chart before class, feel free (and without shame) to respond to a cold-call by saying that you did not sign in that day.
- To be “prepared” you must have read the assignment and have made a good faith effort to think through the materials so that I may cold-call on you. You do not have to have perfect answers to the questions we might pose, but you must be willing to discuss the assigned reading (and prior readings) and work through the questions with the class. If I call on you and I believe you are not prepared even though you have signed in as prepared, I reserve the right to lower your final grade. Also, I will consider it a violation of the honor code if you have someone else sign you in and you are not present, and I reserve the right to dock your final grade.
- **If you are not “present and prepared” for 6 or more of our regularly scheduled classes,** your grade for the semester will be adversely affected. Conversely, I reserve the right to increase your final grade for superior classroom participation, both when I call on you and for voluntary participation.
- **You may not sign in as present and prepared if you arrive late for class or if you forget to sign in before class.**

- If you have a medical reason for missing class, you must contact me ASAP before or soon after class and provide documentation for your absence to be excused. To be excused from class for religious holidays, students must contact me beforehand by e-mail.

Seating: I will circulate a seating chart on the second class meeting. You must occupy the same seat each day. It will help me learn your names—a skill with which I was not born, sadly—and provide some order to the class sessions.

Evaluation, Class Participation: There will be a take-home exam that you will have four hours to complete, with details to come. After spring break, you will also have a two-page assignment due on a topic we will cover; the due date will be an hour before class-time. You will have some say as to both topic and the date you will submit. The exam will be worth 90% and the short writing assignment will be worth 10%.

I grade your exams anonymously. This is especially important as the size of the class will subject the course to the enforced mean. After a blind grade is assigned, I may boost borderline grades if the student has participated actively in the class. Participation is judged by quality, not quantity. I may also lower grades for excessive absences or disruptive behavior.

I will assign readings every day for students to be on-call. After spring break, you will be on call only for the day for which you have a written assignment due.

Use of Computers in Class

I expect and encourage the use of computers in class for activities related to class, including taking notes and referring to readings from Canvas. I will not, however, tolerate the use of computers for activities unrelated to the class (e.g., e-mail, instant messaging, web surfing, game playing, shopping). I reserve the right to call on people whom I sense are engaging in unauthorized computer use during class, and to lower their final grades, *even if they have not signed in as present and prepared*.

Class Cancellation Policy

I may have to cancel class during the term. If I do, I will plan make-up classes later in the semester that will likely be held on Zoom. I will not take attendance for make-up classes and will make certain they are recorded.

UF Levin College of Law Standard Syllabus Policies

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Reading Assignments

The specific assignments listed below cover the weeks prior to Spring Break. Some of the remaining five weeks are generally accounted for but with dates TBA. The other class periods will cover subjects that interest you as a group. I have listed at the end possible topics, many of which are covered in the casebook.

Week 1:

- Tuesday: What are the Purposes of Incarceration?
 - Sharon Dolovich, “Teaching Prison Law” (Canvas)
 - Wayne LaFave, “Theories of Punishment” and “Conflict Between the Theories” (both on Canvas)
 - Casebook, pp. 33-40
- Wednesday: The History and Current State of Incarceration in the U.S.
 - Introduction & History of Mass Incarceration in the U.S., pp. 1-33
 - History of Prisoners’ Rights movement, pp. 41-54
 - Prison Policy Initiative, [Mass Incarceration: The Whole Pie 2023](#)
- Thursday: Overview of Prisoner Rights Litigation
 - Visit of [Dante Trevisani](#), Legal Director, Florida Justice Institute
 - Readings TBA

Week 2:

- Tuesday: Conditions of Confinement – Cruel and Unusual Punishment of Prisoners with Conviction
 - pp. 57-71
- Wednesday: Conditions of Confinement – Cruel and Unusual Punishment of Prisoners with Conviction, continued
 - pp. 71-101
- Thursday: Conditions of Confinement – Cruel and Unusual Punishment of Prisoners with Conviction (continued)
 - pp. 101-135; Casebook Update, pp. 5-9

Week 3:

- Tuesday: Cruel and Usual Punishment, doctrine, theory, critique: Visit of Prof. John Stinneford, Levin College of Law
 - pp. 135-138 and supplemental materials on Canvas
- Wednesday: Conditions of Confinement – Cruel and Unusual Punishment of Prisoners with Conviction (continued)
 - pp. 101-135; Casebook Update, pp. 5-9
- Thursday: Due Process: Pretrial Detainees
 - pp. 138-159

Week 4:

- Tuesday and Wednesday: Conditions of Confinement – Due Process: Pretrial Detainees
 - pp. 160-185; Casebook Update, pp. 9-10; review of federal constitutional challenges to prison conditions
- Thursday: Solitary Confinement 1: History and *Madrid v. Gomez*

- pp. 187-210 (with supplemental materials on Canvas)
 - Thursday:
- Week 5:
- Tuesday: Solitary Confinement 2: after *Madrid*
 - pp. 211-240
 - Wednesday: Solitary Confinement 3; Injunctive Litigation 1
 - pp. 240-251, Casebook Update, p. 10; 705-722, Casebook Update, pp. 14-15
 - Thursday: Injunctive Litigation 2: Before the PLRA
 - pp. 722-734, 747-763, Casebook Update, pp. 16-17
- Week 6:
- Tuesday: Injunctive Litigation 3: PLRA, and *Brown v. Plata* 1
 - pp. 763-811
 - Wednesday: *Brown v. Plata* 2; Contempt Proceedings and Assessing the PLRA
 - pp. 771-811; 811-824
 - Thursday: Damages 1: § 1983, *Bivens*, and Qualified Immunity
 - pp. 825-855; Casebook Update, pp. 17-20
- Week 7:
- Tuesday: Damages 2: FTCA and other issues
 - pp. 855-886
 - Wednesday: Litigation Process
 - pp. 887-914; Casebook Update, pp. 20-22
 - Thursday: Women Prisoners (1)
 - Pp. 575-599, 608-614
- Week 8 (March 5-7):
- Tuesday: Women Prisoners (2), visit of Bonnie Ernst, Dept. of Criminal Justice, Indiana University.
 - Introduction and Chapter 3 of BONNIE ERNST, CHALLENGING CONFINEMENT: MASS INCARCERATION AND THE FIGHT FOR EQUALITY IN WOMEN'S PRISONS (2023).
 - Wednesday: catch-up; TBD
 - Thursday: Visit of Dan Johnson, General Counsel, Department of Corrections
- Week 9 (March 19-21):
- Tuesday and Wednesday: First Amendment: Freedom of Expression and Religion
 - Tuesday: pp. 334-339, 355-366, 386-399
 - Wednesday: pp. 400-412, 421-432, Casebook Update, pp. 10-11
 - Thursday: Prisoner Access to the Courts
 - pp. 439-459; review *Lewis v. Casey* (pp. 722-734)
- Week 10 (March 26-28):
- Tuesday: Procedural Due Process: Parole and Discipline
 - pp. 461-472, 484-489, 502-516

- Wednesday: Fourth Amendment: Searches and Seizures
 - pp. 517-538
- Thursday: Race and Incarceration
 - pp. 541-572

Week 11 (April 2-4)

- Tuesday: Immigration Detention: Introduction (visit of Prof. Juan Caballero)
 - *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953) (edited)
 - *Zadvydas v. Davis*, 533 U.S. 678 (2001) (edited)
 - Felipe Jesús Hernández, [Extrajudicial Segregation: Challenging Solitary Confinement in Immigration Prisons](#)[Links to an external site.](#), 137 *Harv. L. Rev. F.* 175 (2024)
- Wednesday: Recent immigration detention cases
 - *Demore v. Kim*, 538 U.S. 510 (2003) (edited)
 - Margaret H. Taylor, “The Story of *Demore v. Kim*”
- Thursday: Litigating immigration detention (visit of Michael Tan)
 - *Jennings v. Rodriguez*, 138 S.Ct. 830 (2018) (edited)

Week 12 (April 9-11)

- Tuesday: LGBTQ+ and Incarceration
 - pp. 623-629 (skip B.1), 636-665, 668-669 (skip *Monroe v. Baldwin*), Casebook Update pp. 12-13
- Wednesday: Disability and Incarceration
 - pp. 671-701
- Thursday: Programming, Work, Reentry, and Restoration of Civil Liberties
 - pp. 253-281

Week 13 (April 16-18)

- Tuesday: Sexual Abuse and the Prison Rape Elimination Act
 - pp. 283-314
- Wednesday: Private Prisons and Prison Contractors
 - pp. 915-949
- Thursday: Wrap-up and Review

Incarceration Law, Law 6930 (3 credits)
Spring 2025
Syllabus v. 3.2 (3/18/2015)

Professor Mark Fenster
fenster@law.ufl.edu and 273-0962
Office: Holland Hall Room 371

Class meetings and classroom:

- T & Th 10:30-11:55, HH 285D

Office hours:

- T & Th 1:30-2:30 &
- by appointment (in person or online, <https://ufl.zoom.us/j/3415941766>).

Texts:

- SCHLANGER, BEDI, SHAPIRO, BRANHAM, INCARCERATION AND THE LAW, CASES AND MATERIALS (10th ed.).
- Any additional assignments will be available for download from the course's Canvas site. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

Course Description and Student Learning Outcomes: Incarceration is both a pervasive element of society and a hidden aspect of our criminal justice system. This course studies the conditions of confinement, the constitutional and statutory basis for challenging them, and the remedies, limited though they may be, that litigation offers. It also considers other avenues for reform. The objective of this course is for you to develop a greater understanding of incarceration as a set of institutions and practices that the federal, state, and local governments have created, operate, and can better control. The course is descriptive, critical, and prescriptive. We will cover the law, politics, and sociology of incarceration, justifications for its existence and the problems it creates, and avenues for its reform, including but not exclusively litigation.

Among other objectives, at the end of this course, students should:

- learn about how the various carceral institutions in the U.S. punish, incapacitate, and rehabilitate their subjects, and how well they do so;
- gain understanding of the various constitutional provisions that the judiciary has applied to prisoner complaints about prison conditions and prison officials' action, and gain facility in using those provisions and the doctrines that courts developed to make arguments on prisoners' and officials' behalf;
- obtain a deeper understanding and appreciation of specific constitutional provisions, including the First and Eight Amendments, and consider the extent to which prisoners continue to enjoy those rights while incarcerated;
- appreciate some of the basic dynamics and realities of civil rights litigation practice on behalf of indigent clients;
- understand the continually evolving politics of criminal justice reform; and
- continue to develop close reading and critical thinking skills.

Office Hours: My office hours are listed above. I am teaching two courses this semester and will share my office hours with both sets of students. Normally, I will invite multiple students from the same course to share their time to facilitate discussion and use our time more efficiently. Depending on the state of COVID-19 spread, I may hold in-person office hours outside or request that everyone attending wear masks. I encourage you to use appointments outside of office hours to discuss matters unrelated to the class materials. I will hold individual appointments outside of office hours in-person or remote by agreement.

In Person/ Zoom: Although most class periods this semester will be in-person, I will occasionally hold classes on Zoom, especially when we have visiting speakers. I have not yet decided how I will decide which class will be held in each modality, but I will endeavor to make that decision at least a week in advance. Certain extenuating circumstances about the progress of infection on campus, in the city, and among us may well force us to retreat to Zoom. *Note: Unless you receive permission from me prior to class, I will expect that you will leave your camera on if you are joining the class via Zoom, and I will mark absent those who fail to do so.*

Common Courtesy (late arrivals, getting up during class): Please do not arrive late to class or leave class early absent extenuating circumstances. Please be certain to obtain essential items or relieve yourself before class begins. If you think you will need to get up on a regular basis during class, *including because you anticipate that you will need to go to the bathroom*, please choose a seat near one of the exits. I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates. I also reserve the right to lock the doors at the beginning of class and to remove anyone from class who is being disruptive.

Class Preparation and ABA Out-of-Class Hours Requirements: You should arrive in class having read the materials closely. You should expect to spend, on average, approximately two hours preparing for every hour of class; therefore, expect to spend four hours each week to prepare for class. Reading assignments are posted below and I will announce specific class assignments in class and posted on the Canvas page. You should expect to have between 60-100 pages of reading each week.

Attendance/ Participation: Attendance is required, as per the requirements of both the ABA and the Law School. Each day, I will have at the front of the classroom an attendance chart for you to initial before class begins, and will employ a similar system for classes held remotely.

- If you are “prepared,” I can cold-call on you. Before I may not review the attendance chart before class, feel free (and without shame) to respond to a cold-call by saying that you did not sign in that day.
- To be “prepared” you must have read the assignment and have made a good faith effort to think through the materials so that I may cold-call on you. You do not have to have perfect answers to the questions we might pose, but you must be willing to discuss the assigned reading (and prior readings) and work through the questions with the class. If I call on you and I believe you are not prepared even though you have signed in as prepared, I reserve the right to lower your final grade. Also, I will consider it a violation of the honor code if you have someone else sign you in and you are not present, and I reserve the right to dock your final grade.
- If you are not “present and prepared” for 4 or more of our regularly scheduled classes, your grade for the semester will be adversely affected. If you are absent for 7 or more regularly scheduled classes, I will administratively drop you from the course, no matter your excuse. Conversely, I reserve the right to increase your final grade for superior classroom participation, both when I call on you and for voluntary participation.

- *You may not sign in as present and prepared if you arrive late for class or if you forget to sign in before class.*
- If you have a medical reason for missing class, you must contact me ASAP before or soon after class and provide documentation for your absence to be excused. To be excused from class for religious holidays, students must contact me beforehand by e-mail.

Seating: I will circulate a seating chart at the beginning of the first class. You must occupy the same seat each day. It will help me learn your names—a skill with which I was not born, sadly—and provide some order to the class sessions.

Evaluation, Class Participation: Assessments for this course will be based on four writing assignments submitted over the course of the semester: two brief papers during the first half of the semester (500 words, worth 15% each), when we are focused more on case law, and two longer papers during the second half of the semester (1500 words, worth 30% each), when we will be covering more policy-related and social issues. Participation, based on the quality and to a lesser extent the quantity of your contributions to the class, accounts for the final 10% of your grade.

You will be able to choose the dates for the first two assignments and the topics (or dates) for the second two assignments. I will give you prompts for the first two assignments; it will be up to you either to come up with your own prompt for the second two or to request one from me. The assignments will be due by 9AM on the day when we will be discussing the material in class.

Facilities Tours: I hope that we will be able to take tours of the Alachua County jail and a state prison. The jail is located across the street from the Gainesville Airport on NE 39th Avenue, and the tour takes about 60-90 minutes. We will tour a prison that is probably about an hour's drive from Gainesville, and the tour is likely to take no more than two hours, and probably less. Last year, the students who attended one or both tours uniformly found the experience enlightening, and I strongly urge all of you to attend at least one. I will coordinate a schedule with the class and with the facilities, but they are most likely to occur on Fridays. I will try to schedule the jail tour before spring break and the prison tour after break.

Use of Computers in Class: I expect and encourage the use of computers in class for activities related to class, including taking notes and referring to readings from Canvas. I will not, however, tolerate the use of computers for activities unrelated to the class (e.g., e-mail, instant messaging, web surfing, game playing, shopping). I reserve the right to call on people whom I sense are engaging in unauthorized computer use during class, and to lower their final grades, *even if they have not signed in as present and prepared.*

Class Cancellation Policy: I may have to cancel class during the term. If I do, I will plan make-up classes later in the semester that will likely be held on Zoom. I will not take attendance for make-up classes and will make certain they are recorded.

UF Levin College of Law Standard Syllabus Policies: Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

Reading Assignments

The specific assignments listed below cover the weeks prior to Spring Break. Some of the remaining five weeks are generally accounted for but with dates TBA. The other class periods will cover subjects that interest you as a group. I have listed at the end possible topics, many of which are covered in the casebook.

Week 1:

- Tuesday 1/14: The History and Current State of Incarceration in the U.S.
 - Sharon Dolovich, “Teaching Prison Law” (Canvas)
 - Casebook, pp. 1-40
- Thursday, 1/16: Overview of Prisoner Rights Litigation
 - Visit of [Dante Trevisani](#), Legal Director, Florida Justice Institute
 - *Hoffer v. James* and Motion for Preliminary Injunction in *Hoffer v. James* (Canvas)
 - History of Prisoners’ Rights movement, pp. 41-54
 - Prison Policy Initiative, [Mass Incarceration: The Whole Pie 2024](#)

Week 2:

- Tuesday, 1/21: Conditions of Confinement – Cruel and Unusual Punishment of Prisoners with Conviction
 - pp. 57-101
- Thursday, 1/23: Conditions of Confinement – Cruel and Unusual Punishment of Prisoners with Conviction (continued)
 - pp. 101-135; Casebook Update, pp. 5-9

Week 3:

- Tuesday, 1/28: Cruel and Usual Punishment, doctrine, theory, critique: Visit of Prof. John Stinneford, Levin College of Law
 - pp. 135-138
 - Stinneford, “Original Meaning of Cruel” (Canvas)
- Thursday, 1/30: Due Process: Pretrial Detainees
 - pp. 138-175

Week 4:

- Tuesday, 2/4: Due Process: Pretrial Detainees (2) and Solitary Confinement 1
 - pp. 176-185; Casebook Update, pp. 9-10; review of federal constitutional challenges to prison conditions; 187-211
- Thursday, 2/6: Solitary Confinement 2: after *Madrid*
 - pp. 211-251, Casebook Update, p. 10

Week 5:

- Tuesday, 2/11: Injunctive Litigation 1: Before the PLRA
 - pp. 705-734, 747-763, Casebook Update, pp. 14-17
- Thursday, 2/13: Injunctive Litigation 2: PLRA, and *Brown v. Plata*

- pp. 763-813

Week 6:

- Tuesday, 2/18: Assessing the PLRA and Damages 1: § 1983, *Bivens*, and Qualified Immunity
 - pp. 813-855; Casebook Update, pp. 17-20
- Thursday, 2/20: Damages 2: FTCA and other issues
 - pp. 855-886

Week 7:

- Tuesday, 2/25: Litigation Process
 - pp. 887-914; Casebook Update, pp. 20-22
 - Florida's [grievance form](#) and grievance [process, as outlined in its Administrative Code](#).
- Thursday, 2/27: First Amendment: Freedom of Expression and Religion (1)
 - pp. 335-376

Week 8:

- Tuesday, 3/4: First Amendment: Freedom of Expression and Religion (2)
 - pp. 386-412, 421-432, Casebook Update, pp. 10-12
- Thursday, 3/6: Thursday: Women Prisoners (1)
 - pp. 575-614

Week 9:

- Tuesday, 3/11: Women Prisoners (2), visit of Bonnie Ernst, Dept. of Criminal Justice, Indiana University.
 - pp. 614-622
 - Introduction and Chapter 3 of BONNIE ERNST, CHALLENGING CONFINEMENT: MASS INCARCERATION AND THE FIGHT FOR EQUALITY IN WOMEN'S PRISONS (2023).
- Thursday, 3/13: Procedural Due Process: Parole and Discipline
 - pp. 461-472, 484-516

Week 10:

- Tuesday, 3/25: Race, National Origin, and Incarceration
 - pp. 541-574
- Thursday, 3/27: Sexual Abuse and the Prison Rape Elimination Act
 - pp. 283-331

Week 11:

- Tuesday, 4/1: Immigration Detention: Introduction (visit of Prof. César Cuauhtémoc García Hernández, Ohio State University Law School)
 - *Migrating to Prison* (New York: The New Press, 2023 edition preferred), Introduction, Chapters 4 & 6, Epilogue
- Thursday, 4/3: Immigration Detention 2 (visit of Professor Juan Caballero)
 - *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953) (edited)
 - *Zadvydas v. Davis*, 533 U.S. 678 (2001) (edited)

- *Demore v. Kim*, 538 U.S. 510 (2003)
- Felipe Jesús Hernández, [*Extrajudicial Segregation: Challenging Solitary Confinement in Immigration Prisons*](#), 137 HARV. L. REV. F. 175 (2024) (skim, but skim Part III more carefully)

Week 12

- Tuesday, April 8: Programming, Work, Reentry, and Restoration of Civil Liberties
 - pp. 253-281
 - *Burrell v. Staff*, 60 F.4th 25 (3d Cir. 2023) (Canvas)
- Thursday, April 10: Private Prisons and Prison Contractors
 - pp. 915-949
 - David S. Rubenstein & Pratheepan Gulasekaram, *Privatized Detention & Immigration Federalism*, 71 STAN. L. REV. ONLINE 224 (2019) (Canvas) (skim)

Week 13

- Tuesday, April 15: Youth and Incarceration
 - Readings TBD
- Tuesday, April 17: Access to Courts
 - pp. 439-459
 - *Rivera v. Monko*, 37 F.4th 909 (3d Cir. 2022) (Canvas)

INCARCERATION AND THE LAW CASES AND MATERIALS

Tenth Edition



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New Course Proposal Form

To: Curriculum Committee

From: Lea Johnston

Date: 4/15/2025

| | |
|--|--|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: S25: 9; F21: 28 |
| Course Title | Mental Health Law |
| Number of credits | <u>3</u> hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>3</u> hours of in-class instruction and at least <u>3</u> hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | This course explores the law's treatment of individuals with mental disorders. The course will cover governmental efforts to deprive those with mental disorders of liberty and property through the criminal and civil systems, as well as certain entitlements and |
| Pre-requisites or Co-Requisites? | none |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | The course addresses topics not currently covered in our curriculum, including the right to treatment, the right to refuse treatment, civil commitment, the use of diminished capacity evidence, and various competency standards in the criminal and civil realms. It also provides guidance from practitioners on how effectively to represent |
| Enrollment cap requested? If requested, what is pedagogical justification? | Requested cap of 30 students. The class is discussion-based. |

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| <p>Method of evaluation</p> | <p>90 % Final exam</p> <p>_____ % Skills assessment</p> <p>_____ % Paper</p> | <p>10 % Classroom participation</p> <p>_____ % Other</p> |
| <p>Casebook or other source of readings? (If casebook, include title, author, publisher, edition)</p> | <p>Christopher Slobogin et al., Law and the Mental Health System: Civil and Criminal Aspects (7th ed. 2020), plus supplemental materials.</p> | |
| <p>Have you discussed this proposal with members of the UF Law faculty or administration?</p> <p>If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.</p> | <p>I've been teaching this class for years; I've discussed the class with the administration in the context of my annual reviews.</p> | |
| <p>Attachment checklist</p> | <p><input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.</p> <p><input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components.</p> <p><input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.</p> <p>*The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.</p> <p><input checked="" type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents</p> <p><input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)</p> <p><input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.</p> | |

Mental Health Law
University of Florida Levin College of Law
Law 6930 Class 12834
3 credits
Course Policies & Tentative Syllabus: Spring 2025

Professor Lea Johnston
Office: 305 Holland Hall
Phone: (352) 273-0794
Email: JohnstonL@law.ufl.edu

Room HH 345D
W, F: 1:15 – 2:40 p.m.
Office Hours: HH 305: W, 2:40-4:40 p.m.

1. Course Description and Objectives. This course explores the law’s treatment of individuals with mental disorders. The course will cover governmental efforts to deprive those with mental disorders of liberty and property through the criminal and civil systems, as well as certain entitlements and protection against discrimination. How to use and challenge expert testimony will also be discussed.

Students are encouraged to employ critical thinking and to rely on data and verifiable sources to interrogate all assigned readings and subject matter in this course as a way of determining whether they agree with their classmates and/or their instructor. No lesson is intended to espouse, promote, advance, inculcate, or compel a particular feeling, perception, viewpoint, or belief.

2. Student Learning Outcomes. After completing this course, students should be able to:

- Elucidate the difference between mental disorder and “mental disability” for legal purposes.
- Articulate when and how mental health professionals may participate in the legal process, how to utilize these experts, and how effectively to respond to them.
- Demonstrate insight into how effectively to counsel and advocate for individuals with serious mental illness.
- Apply statutes concerning insanity, diminished capacity, and capital sentencing in state courts.
- Apply state statutes and procedural rules concerning civil commitment and guardianship in state courts.
- Apply case law concerning competency and the right to refuse and consent to psychiatric treatment in state and federal courts.
- Apply relevant portions of the Americans with Disabilities Act (ADA) in state and federal courts.

- Identify and establish, from a given fact pattern, possible violations of procedural rules, statutes, and due process principles concerning the legal regulation of individuals with mental disabilities.
- Identify and defend the values underlying competence, autonomy, paternalism, the best interests test, and substituted judgment.
- Explain a defense attorney's ethical and legal obligations to his or her client with mental disorder in criminal and civil commitment proceedings.

3. Assessment of Student Learning and Grade. I will assess your attainment of competency in these learning outcomes through a final examination. Your grade in the course will reflect the following:

- 90% of grade: cumulative final exam
- 10% of grade: participation in class, which reflects your “good faith completion” of assigned reading, assigned videos, assigned problems and discussion questions, and any assigned quizzes.

4. Required Instructional Materials. The textbook will be Christopher Slobogin, et al., *Law and the Mental Health System: Civil and Criminal Aspects* (7th ed. 2020). Supplemental materials are posted on Canvas.

5. Office Hours. Office hours will be in my office, Holland 305, each Wednesday from 2:40-4:40 p.m. You are welcome to drop by or schedule a meeting during these hours.

6. Class structure. Our time will focus on case explications and discussion of problems, big-picture questions, and hypotheticals. The tentative syllabus sets forth the topics we will cover in each class, as well as assigned reading, videos, problems, discussion questions, and occasional (ungraded) quizzes. I expect you to prepare the problems and discussion questions prior to class for class discussion.

Canvas. I will use Canvas to (1) post assignments; (2) distribute reading materials, practice problems, and quizzes; (3) post links for videos; and (4) make announcements. You will use Canvas to view daily assignments, complete occasional quizzes, and occasionally submit your answers to assignments.

7. Class Preparation, Participation, and Experience. Consistent with the American Bar Association Standard 310, you should expect to spend at least **six hours** per week preparing for this three-hour course.

I have high expectations for the learning environment we create together. I rely heavily on classroom discussion to explicate cases and concepts and apply those frameworks to new

problems. **I expect each of you to attend class prepared.** Preparation includes completing the assigned reading, working through the posted problems and/or discussion questions, reviewing notes and/or reading material from the prior class, and watching any assigned videos. A portion **(10%) of your grade is for class participation**, which will reflect your **good faith completion of all assigned work, including all problems and discussion questions.**

To ensure meaningful participation from all class members and to help you build lawyering skills, I may cold-call students using the Socratic method.

At the end of this document is a tentative syllabus with topics to be covered in the course, as well as potential assignments. Actual assignments for the first two weeks of class are included in a separate Syllabus on Canvas. I will update the syllabus weekly.

8. Preferred Name and Pronouns. It is important to the learning environment that you feel welcome and safe in this class and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible. I would like to acknowledge your preferred name and pronouns that reflect your identity; please let me know how you would like to be addressed.

You may also change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records

9. Discourse, Inclusion, and the Classroom Ethos. As a law student and future lawyer, it is important that you are able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- listen carefully and respectfully
- reserve the right to change our mind and allow for others to do the same

- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

10. Attendance Policy. Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed **four absences** during the course of the semester. To be “present,” you must arrive to class on time. A student who fails to meet the attendance requirement will be dropped from the course. The law school’s policy on attendance can be found [here](#).

11. Exams. There will be a final exam in this course, which will account for 90% of your total grade. The remainder (10%) will be awarded for class participation reflecting good faith completion of all assigned problems, discussion questions, and quizzes.

The final examination will be an in-class, cumulative, limited-space exam of 3 to 4 hours in length. It will be a **Limited Open Book Exam**. You may bring the following materials (and only these materials) in physical form with you to the exam room:

- Your outline
- PowerPoint slides

The exam will likely contain multiple choice, short answer, and traditional law school essay questions. The exam will focus on material discussed in class, but all material and concepts covered in the course may be tested to some degree. Exams will be graded anonymously by exam number.

Review of Final Exam. How to receive a copy of your exam: **After June 1, 2025**, students who wish to review their exams can do so by requesting a copy of their exams from my assistant, Victoria Redd, reddva@law.ufl.edu. I will post the exam questions, along with a model answer and best student answers, in the “past exams” folder in Canvas files.

How to ask questions about your exam: I expect that the model answer and best student answer will address most students’ questions. I am happy to address any remaining questions by email. Before contacting me, please review your exam and compare it to the model answer. I will not re-grade exams.

12. UF Levin College of Law Standard Syllabus Policies. Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

13. Health and Wellness Resources:

- *U Matter, We Care*: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

14. Basic Needs Assistance. Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

MENTAL HEALTH LAW: TENTATIVE SYLLABUS

SPRING 2025

This tentative syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change. Actual assignments for the first two weeks of class are included in a separate Syllabus on Canvas. I will update the Syllabus weekly.

CB = CHRISTOPHER SLOBOGIN, ET AL., LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS (7TH ED. 2020).

| Approx. Dates | Subject | Topics | Assignment |
|--|------------------------|--|--|
| <p>MODULE 1: Introduction – Mental Disorder & Mental Health Treatment</p> | | | |
| Jan.15 | Mental Disorder | Introduction “Mental disorder” <ul style="list-style-type: none"> - Medicine - Law DSM 5 Race and psychiatry Lived reality of mental disorder | <p>CB: 4 – 18 (to end of n.6), 20-28</p> <p>Warner, Psychiatry Confronts Its Racist Past, and Tries to Make Amends (file on Canvas)</p> <p>Gebeloff, Racial Disparity in Schizophrenia Diagnoses in Nursing Homes (file on Canvas)</p> <p>Unzicker, “To Be a Mental Patient” (file on Canvas)</p> <p>2019 documentary: Bedlam, https://video.alexanderstreet.com/watch/bedlam (1:25:31)</p> |

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| | | | Bring 5 observations about the movie to Tuesday's class |
| Jan.17 | Treatment | <p>Guest Speaker: Dr. Tonia Werner, Vice President, Medical Services/Chief Medical Officer of Meridian; former Director of Forensic Psychiatry Division of University of Florida</p> | <p>CB: 28 – bottom of 39, 41-42 (notes 1-4)</p> <p>Swerlick, Florida's Lukewarm Commitment to Investing in Behavioral Health (on Canvas)</p> <p>Prepare five questions to ask Dr. Werner</p> |
| <p>MODULE 2: Expertise</p> | | | |
| Jan.22 | Normality | <p>Frameworks for course:</p> <ul style="list-style-type: none"> - Substance - Evidentiary predicate <p>Expert opinion on normality: whether person has mental disorder</p> <ul style="list-style-type: none"> - Importance of diagnosis <p>Ex: Hinkley trial</p> | <p>CB: 495 – 522 (to end of n.1)</p> |
| Jan.22, 24 | Responsibility | <p>Expert opinion on responsibility: connection between mental disorder and legal test</p> <p>Ex: pathological gambling</p> <p><u>Lewellyn</u></p> <p>Evidentiary hurdles:</p> <ul style="list-style-type: none"> - <u>Frye</u> - Fed. R. Evid. 702 - <u>Daubert</u> (in FL!) | <p>CB: 524- middle of 532</p> <p>Perez v. Bell South Telecommunications, Inc., 138 So.3d 492 (2014)</p> <p>Andrews v. State, 181 So. 3d 526 (Fla. 5th DCA 2015)</p> <p>Prepare problem on Canvas for discussion</p> |

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| | | Mental health evidence under <u>Daubert</u> | |
| Jan.24, 29 | Propensity | <p>Expert opinion on propensity: whether person is likely to commit future harm</p> <p><u>Barefoot</u></p> <p>Exercise: subject propensity testimony to:</p> <ul style="list-style-type: none"> - Fed. R. Evid. 403 - <u>Frye</u> - <u>Daubert</u> - <u>Fed. R. Evid. 702 – assist factfinder</u> <p>Modern propensity evidence: risk assessment instruments</p> <ul style="list-style-type: none"> • <u>Barnette</u> • Instruments: actuarial vs. structural professional judgment | <p>CB: 541-70 (to end of n.5)</p> <p>The Appeal, “Risk Assessment Tools Are Flawed” (file on Canvas)</p> <p><i>Optional additional reading</i></p> |
| | Constitutional Issues | <p>Right to expert assistance: <u>Ake</u> (DP)</p> <p>Basis of clinical opinion</p> <ul style="list-style-type: none"> - Statement of D: <u>Estelle</u> (5th Am) <p>Right to assistance of counsel before pretrial evaluation: <u>Estelle</u> (6th Am)</p> | <p>CB: 585 – 612 (to end of n.4)</p> <p>Prepare <u>Ake</u> problem on Canvas for class discussion.</p> |
| | | Discuss the assigned problems in break-out groups | <p>Prepare all parts of problem 5 on pp. 612-13; be ready to debate parts A, D, G, & H in class</p> |

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| | <p>Evidentiary Issues</p> | <p>Admissibility of opinion based on hearsay</p> <ul style="list-style-type: none"> • <u>Goldstein</u>, FRE 703 • (Confrontation Clause problem??) <p>Admissibility of hearsay (on which opinion is based)</p> <ul style="list-style-type: none"> • <u>Goldstein</u>, 703 (like Fla. Stat. 90.703) • Confrontation Clause <p>Opinions on ultimate issues</p> <ul style="list-style-type: none"> • Ultimate vs. penultimate issues • NO: <u>Edwards</u>, FRE 704 • YES: Fla. Stat. 90.703 | <p>CB: 613-30</p> <p>Fla. Stat. §90.703-704</p> <p>Fed. R. Evid. 703, 704</p> |
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MODULE 3:
Criminal Law

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| | <p>Mental Disorder & Incarceration</p> | <p>*watch video on your own and write 1-page response paper.</p> <p>Abstract of <i>The New Asylums</i>: There are nearly half a million mentally ill people serving time in America’s prisons and jails. As sheriffs and prison wardens become the unexpected and ill-equipped gatekeepers of this burgeoning population, they raise a troubling new concern: are jails and prisons America’s new asylums? With exclusive and unprecedented access to prison therapy sessions, mental health treatment meetings, crisis wards, and prison disciplinary tribunals, Frontline goes deep inside Ohio’s state prison system to present a</p> | <p>Video: The New Asylums (54:32)</p> <p>Canvas assignment: write (and submit through Canvas) a one-page response to <i>The New Asylums</i>.</p> |
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| | | searing exploration of the complex and growing topic of mental health behind bars and a moving portrait of the individuals at the center of this issue. | |
| | Insanity Defense: Cognitive | <p>Rationale for insanity defense</p> <p>Various iterations:</p> <ul style="list-style-type: none"> • Cognitive test: M'Naghten • Volitional: ALI test <p>Application of cognitive test: <u>Heads</u></p> | <p>CB: 631-53 (to end of n.1), 657-59</p> <p>Fla. Stat §775. 027</p> <p>Prepare insanity problems on Canvas for class discussion</p> <p><i>Optional additional reading</i></p> |
| Feb.14 | Mock Examination of Expert on Sanity | <p>Guests: Kristofer Eisenmenger, Dr. Tonia Werner, Prof. Sarah Wolking</p> <p>Watch direct- and cross-examination</p> <p>Discussion regarding strategies employed by prosecutor and defense attorney</p> | <p>Psychiatric Evaluation & CV (files on Canvas)</p> <p>Prepare problem on Canvas (outline direct or cross examination) for class</p> |
| | Insanity Defense: Volitional | <p>Application of volitional test:</p> <ul style="list-style-type: none"> • <u>Pollard</u> • Problems A and B in n.5 <p>3 ways states limit volitional test</p> <p>Automatism</p> <ul style="list-style-type: none"> - Vs. insanity defense - Application: <u>Heads?</u> <u>Pollard?</u> | CB: 661-78 |

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| | <p>Mens Rea Testimony</p> | <p>Diminished capacity doctrine</p> <ul style="list-style-type: none"> - Examples <ul style="list-style-type: none"> o Vs. insanity - <u>Clark</u> <p>Current law re: permit diminished capacity evidence</p> <ul style="list-style-type: none"> - 3 limitations - Florida law - NO – <u>Chestnut</u> <p>Current law re: abolish insanity and offer only diminished capacity</p> <ul style="list-style-type: none"> - <u>Kahler</u>: constitutional | <p>CB: 679-97 (to end of n.2)</p> <p>Chestnut v. State, 538 So.2d 820 (Fla. 1989)</p> <p>Prepare problem on Canvas (outline oral argument) for class</p> |
| | <p>Diminished Responsibility</p> | <p>Diminished responsibility vs. diminished capacity</p> <p>Current law: not accepted in U.S.</p> <p>Should it be?</p> | <p>CB: 697-99 (note 3 only)</p> <p><u>Skim</u>: Johnston et al., <i>Diminished Criminal Responsibility: A Multinational Comparative Review</i></p> |
| | <p>Other Defenses</p> | <p>Traditional defenses:</p> <ul style="list-style-type: none"> - Self-defense - Provocation - Duress <p>Trend in law: subjectivization</p> <ul style="list-style-type: none"> - MPC <p>Full subjectivization vs. insanity</p> <p>Florida law: self-defense</p> <ul style="list-style-type: none"> - Battered spouse syndrome - PTSD? | <p>CB: 707 – top of 709</p> <p><u>Battered spouse syndrome</u>: read to end of Part II at p.640 in <u>Ibn-Tamas</u>, 407 A. 2d 626 (App. D.C. 1979); skim <u>Hickson</u>, 630 So.2d 172 (Fla. 1993)</p> <p><u>PTSD</u>: <u>Mizell</u>, 773 So.2d 618 (Fla. 1st Dist. App. 2000); <u>Oquendo</u>, 357 So. 3d 214 (Fla. 2d Dist. App. 2023), review granted, No. SC2023-0807, 2023 WL 7132836 (Fla. Oct. 30, 2023)</p> |

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| | | | Prepare the problems posted on Canvas for class discussion |
| Feb.26 | Panel: Mental Health & the Criminal Justice System in Florida. Guests: Brian Kramer (State Attorney, Eighth Judicial Circuit) and Stacy Scott (Public Defender, Eighth Judicial Circuit) Prepare five questions to ask Ms. Scott and Mr. Kramer. | | |
| MODULE 4: Civil Commitment | | | |
| | Police Power Commitment: Theory | Definition Rights implicated Legitimate purposes served? Procedural protections (vs. criminal law) Why treat MD specially? | CB: 812-16; skim 816 – 820 (deinstitutionalization); 820-33 |
| | Police Power Commitment: Practice | Brooks' 4 elements of dangerousness ➔ Today: magnitude of harm Probability of harm Frequency of harm Imminence of harm FL's Baker Act - Police power provision - Definition of mental illness Problem • <u>Gregorovich</u> | CB: 834-46; 849-52 (only note 2) Baker Act: Fla. Stat. §394.467(1), (2)(b); 394.455(29) Prepare problem posted on Canvas for discussion in class |

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| | | <ul style="list-style-type: none"> • <u>Nyflot</u> | |
| | Parens Patriae Commitment: Theory | <p>“Parens patriae” rationale</p> <p>Why confined to mental disorder?</p> <p>Types of harms</p> <p>Proper scope</p> <p>Any limits set by U.S. Constitution?</p> <p>- <u>Donaldson</u></p> | CB: 861 (bottom) - 880 |
| | Parens Patriae Commitment: Practice | <p><u>Mayock</u> (harm to self)</p> <p><u>Boggs</u> (provocation, self-neglect)</p> <p>Fla. Stat. § 394.467(1)</p> <p>- In practice</p> <p>Least restrictive alternatives</p> | <p>CB: 880-96 (top)</p> <p>Fla. Stat. § 394.467(2)(b); § 394.463 (1)-(2) (Baker Act)</p> <p>Prepare problem posted on Canvas for discussion in class</p> |
| | Assisted Outpatient Treatment | <p>Latest trend: AOT</p> <p>Merits?</p> | <p>CB: 908-10 (only note 5)</p> <p>Fla. Stat. § 394.467(2)(a) (Baker Act)</p> <p><u>Skim:</u> Johnston & Klein, <i>Assisted Outpatient Treatment: A State-by-state Comparative Review</i></p> |
| | Commitment Procedures | <p>Procedures for involuntary examination & commitment</p> <p>Florida’s Baker Act: use and procedures</p> | <p>Complete the readings:</p> <p>CB: 912-21</p> <p>Fla. Stat. §§ 394.463, 394.467 (Baker Act)</p> |

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| | | | <p>Flowchart of Involuntary Examination Procedure Under Baker Act</p> <p>Flowchart of Involuntary Treatment Procedure Under Baker Act</p> <p>For more information on the use of the Baker Act, see this report:</p> <p>Baker Act Reporting Center, The Baker Act: Fiscal Year 2022/2023 Annual Report (on Canvas)</p> |
| Apr.4 | <p>Judicial Experience: General Civil Commitment & Commitment of Substance Abusers</p> | <p>Guests: General Magistrates Katherine Floyd & Bridget Baker</p> <ul style="list-style-type: none"> - Judicial perspective re Baker Act, Marchman Act, and guardianship proceedings | <p>CB: bottom of p.1009-11 (to end of n.2)</p> <p>USA Today, Families Seek Involuntary Commitment laws as key tool in saving opioid addicts (on Canvas)</p> <p>NYT, Britney Spears’s Case Calls Attention to Wider Questions on Guardianship (July 10, 2021) (on Canvas)</p> <p>Prepare five questions to ask Magistrates Floyd and Baker</p> <p>Marchman Act: <u>skim</u> Fl. Stat. §§ 397.675, 397.68111-6818, 397.6957-6971</p> <p>Watch these videos:</p> <p>What to know about Marchman Act if you have a loved one with substance</p> |

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| | | | <p>abuse disorder, https://www.youtube.com/watch?v=G44EZgIYblY (2:24)</p> <p>Florida Attorney Alan Levine Discusses the Marchman Act and Families – Part 3, https://www.youtube.com/watch?v=C9u6F2raHaY (7:40 but can start at 2:11)</p> |
| | Right to Counsel | <p>Does due process require provision of counsel?</p> <p>What role should counsel serve?</p> <p>Ethical rules</p> <p>In practice</p> <p>1999 FL Supreme Court report</p> | <p>CB: 948-59 (top)</p> <p>Prepare question on Canvas for discussion in class</p> |
| | Release and Voluntary Admissions | <p>Overview of involuntary civil commitment process</p> <p>Release procedure</p> <p>Voluntary admissions</p> <ul style="list-style-type: none"> - Prevalence, why favored - “Voluntary?” <p>Informed consent</p> <p>Reform</p> <p>FL’s approach</p> <ul style="list-style-type: none"> - Discharge <p>Discharge in practice</p> | <p>CB: 966 (bottom) - 985</p> <p>Baker Act flow charts: involuntary examination; involuntary treatment (on Canvas)</p> <p>Fla. Stat. § 394.467(4)-(7); § 394.4625</p> |
| | Children | Involuntary Examination of Minors | CB: 1026-43 |

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| | | <ul style="list-style-type: none"> - Highlights of report Voluntary admission <p>Constitutional constraints on admission and release: <u>Parham</u></p> <ul style="list-style-type: none"> - By parents - By state <p><u>Parham</u>'s process and holding</p> <ul style="list-style-type: none"> - Focus: admission by parents <p>Florida procedure</p> | <p>Fla. Stat. §§ 394.4785, 394.4625</p> <p>Report on Involuntary Examination of Minors by Department of Children and Families (11/1/2019) (*read parts I, III, VI) (file on Canvas)</p> <p>Watch this video: Children in Crisis, Florida's Baker Acted Kids I-Team Investigates, https://www.youtube.com/watch?v=ODInKaumjIM (3:43)</p> |
| <p>MODULE 5: Competency Determinations</p> | | | |
| | Competency Generally | <p>Definition</p> <p>Justification</p> <p>Appelbaum & Roth's hierarchy of competency concepts</p> <p>Additional proposed tests:</p> <ul style="list-style-type: none"> • Understanding & belief test • Volitional test • Different person test | <p>CB: 1045-61 (top)</p> <p>Prepare: apply various tests for competency in the context of the Katz case in n.4 on p. 1059-61</p> |
| | Guardianship | <p>Definition</p> <p>Criteria for guardianship</p> <ul style="list-style-type: none"> - 3 approaches <p>Fla. Stat. § 744.102(12): incapacitated person</p> | <p>CB: 1061-78 (stop at Hayes), 1084 (start at n.3) – 1087 (to end of n.5), 1088-89 (note 7)</p> |

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| | | <p><u>Galvin</u></p> <p>Less restrictive options</p> <p><u>Renz</u></p> <p>Procedure: Fla. Stat. § 744.331</p> <p>Restoration of competency: § 744.464</p> <p>Standard of decision-making</p> <p>Advanced directive</p> | <p><u>Losh</u>, 86 So.3d 1150 (Fla. 3d DCA 2012)</p> <p><u>Smith</u>, 917 So.2d 400 (Fla. 5th DCA 2005)</p> <p>Buzzfeed, <i>Beyond Britney: Abuse, Exploitation, And Death Inside America's Guardianship Industry</i> (9/17/21) (on Canvas)</p> <p>Fla. Stat. §§ 744.102(9), (12); 744.331; 744.334, 744.2005; 744.3215, 744.464</p> <p>Prepare problem posted on Canvas for discussion in class</p> <p><i>Optional, additional materials</i></p> |
| | <p>Competency to Proceed</p> | <p>Problems!</p> | <p>Read: CB: 1134-53 (to end of n.2)</p> <p>Fla. Stat. §§ 916.12 (mental illness), 916.3012 (intellectual disability or autism); Fla. R. Crim. P. 3.210-3.211</p> <p>Watch video: Competency Assessment, https://www.youtube.com/watch?v=HOKGS-XuFqk&t=566s (15:18)</p> <p>Prepare: three competency problems at pp.1142-49 for class discussion</p> |

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| | Competency Restoration | <p>What happens when a D is found incompetent to stand trial?</p> <ul style="list-style-type: none"> • Procedure in Florida • DP constraints: <u>Jackson</u> | <p>CB: 1159-66 (to end of n.5)</p> <p>Fla. Stat. §§ 916.13 (mental illness), 916.302 (intellectual disability or autism); Fla. R. Crim. P. 3.212-3.213</p> <p>Prepare the problem on Canvas for class discussion</p> |
| | | <p>The reality of competency restoration</p> <p>When can a state can forcibly medicate restore competence?</p> <ul style="list-style-type: none"> • <u>Sell</u> • <u>Harper</u> test • Incompetent to make treatment decisions (w/ guardian) <p>What happens when competence can't be restored?</p> | <p>CB: 1166 (n.6) – 1186 (to end of n.3), note 6 (1187-88)</p> <p>Tampa Bay Times, “Definition of Insanity” (on Canvas)</p> |
| <p>MODULE 6: Effective Representation</p> | | | |
| Apr. 11 | Representation of Clients with Mental Illness | <p>Guest speaker: Rachel O’Brien, Assistant Public Defender, Eighth Judicial Circuit Public Defender’s Office</p> | <p>McNeal, Slow Lawyering: Representing Seniors in Light of Cognitive Changes Accompanying Aging (on Canvas)</p> <p>Representing Clients with Mental Illness: A Resource for Louisiana Defenders - **only pp.1-12 (on Canvas)</p> <p>ARC, When Individuals with Developmental Disabilities Become Involved in the Criminal</p> |

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| | | | <p>Justice System: A Guide for Attorneys - **the whole document is useful, but for class I'll expect you to read pages 11-14, 18, & 25-26 (on Canvas)</p> <p>Prepare five questions to ask Ms. O'Brien</p> |
| <p>MODULE 7: Entitlements and Protection Against Discrimination</p> | | | |
| | Right to Treatment | <p>Do the following groups have a right to mental health treatment?</p> <ul style="list-style-type: none"> - Individuals in society - Currently institutionalized individuals - Previously institutionalized individuals | <p>CB: 1241-54, 1260-70 (Youngberg), 1272-73 (only Harvard Law Review quote), note 3 (1273-75), 1315-25 (to end of n.2), 1327-40</p> <p>Test your knowledge! Take quiz on Canvas.</p> |
| | Americans with Disabilities Act | <p><u>Cleburne</u>: disability is not a suspect classification</p> <ul style="list-style-type: none"> - Rational basis with bite? <p>ADA employment discrimination claims: disparate impact</p> <ul style="list-style-type: none"> • Assigned problem <u>ADA: Discrimination</u> <p><u>Prima facie case (Murray)</u></p> <ul style="list-style-type: none"> ○ Disability ○ Qualified individual <ul style="list-style-type: none"> ▪ Essential function ▪ (direct threat - Hoback) ○ Adverse E'ment action, causation <p><u>Legit business reason</u></p> | <p>CB: 1407-11, 1422-36 (to end of n.3), 1438 (start at n.6) – 1451 (to end of n.4)</p> <p>Nuts & bolts of ADA video: https://www.youtube.com/watch?v=O5DderZcsGE (10:35)</p> <p>Prepare the problem on Canvas for class discussion</p> |

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| | | <p><u>Pretext</u></p> <ul style="list-style-type: none"> - 2 ways to demonstrate (Murray) <p><u>ADA: Reasonable Accommodation</u></p> <p><u>Prima facie case</u></p> <ul style="list-style-type: none"> o Disability o Qualified individual o No reasonable accommodation <ul style="list-style-type: none"> o Undue hardship <p><u>ADA: Retaliation</u></p> <p><u>Prima facie case</u></p> <ul style="list-style-type: none"> o Protected conduct o Adverse E'ment action o Causal connection <ul style="list-style-type: none"> o Temporal proximity <p><u>Legit business reason</u></p> <p><u>Pretext</u></p> <p>Practice: how to bring ADA discrimination claim</p> | |
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LAW AND THE MENTAL HEALTH SYSTEM CIVIL AND CRIMINAL ASPECTS

Seventh Edition



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New Course Proposal Form

To: Curriculum Committee

From: Thomas Haley

Date: _____

| | |
|--|--|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: F24: 37; F23: 55 |
| Course Title | Privacy |
| Number of credits | 3__ hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires 3__ hours of in-class instruction and at least 6__ hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | This course serves as an introduction to privacy law. It begins with foundational works and philosophical perspectives on the need for privacy. It then surveys several privacy topics, including privacy and the media, consumer privacy and data protection, law enforcement, + |
| Pre-requisites or Co-Requisites? | None |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | Privacy is an extremely dynamic field that grows in importance every day. Developments in technology have brought privacy to the forefront of public interest and policy debate. In addition, there is increasing need for privacy lawyers in all types of practice. |
| Enrollment cap requested? If requested, what is pedagogical justification? | No |

| | | |
|--|---|---|
| Method of evaluation | 80 % Final exam _____ % Skills assessment _____ % Paper | 20 % Classroom participation _____ % Other |
| Casebook or other source of readings? (If casebook, include title, author, publisher, edition) | Information Privacy Law, Daniel Solove & Paul Schwartz, Aspen, 8th ed. 2024 | |
| Have you discussed this proposal with members of the UF Law faculty or administration? If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations. | | |
| Attachment checklist | <input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session. <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes. *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310. <input checked="" type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members) <input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members. | |

Privacy
University of Florida Levin College of Law
Fall 2024 | LAW 6930 | 3 Credits

Professor Thomas Haley
Office: Holland 309
Office Phone: (352) 273-0778
Email: haley@law.ufl.edu
Office Hours: Monday/Wednesday 1:30–2:30

MEETING TIME: Monday/Wednesday 3:30–4:55

LOCATION: Holland 0382

COURSE DESCRIPTION AND OBJECTIVES

Welcome to Privacy! This class will serve as an introduction to the law of privacy—an extremely dynamic field that grows in importance every day. From the very beginning of privacy law and scholarship, privacy concerns have seemed to parallel—and react to—technological developments. Changing social attitudes have likewise influenced privacy concerns through the years. We will discuss the development of some of the many facets of privacy law with particular attention to a couple of core questions: whose privacy concerns are being addressed; and, when privacy is not protected, who benefits?

The answers to these questions are complex and vary widely across the different areas of privacy. The class will begin with some of the foundational works on privacy law and discussion of philosophical perspectives on the need for privacy. From there, we will survey several privacy topics: privacy and the media; consumer privacy and data protection; law enforcement; government surveillance; government records; health privacy; and international approaches to privacy protection.

STUDENT LEARNING OUTCOMES

At the end of this course, students should be able to:

- Understand the goals of privacy protection;
- Understand the evolution of privacy law in connection with technological and social change;
- Understand the many challenges privacy poses for individuals, governments, and public and private enterprises; and
- Further develop their skills as advocates and client counselors by practicing how to analyze privacy issues and working through how to address them.

REQUIRED READING MATERIALS

The required text for this course is *Information Privacy Law* (8th ed. 2024) by Solove and Schwartz. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the email connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION

Attendance, preparation, and participation are vital not only to your own understanding of the material but to your classmates' as well. The class will be divided into groups, with each group on call for a designated class on a rotating basis. Although you are expected to have completed the reading for each class, it is particularly

important that you are prepared when your group is on call. I encourage you to volunteer even when your group is not on call.

Students will be evaluated based upon class participation and a final exam. The final exam is worth 80% of your grade. The remaining 20% of your grade is based on class participation. Factors that influence your participation grade include preparedness when called upon, willingness to volunteer in class discussions, attendance, and activity in class exercises.

CLASS ATTENDANCE POLICY

Regular attendance is required. If you will be absent from class, or unprepared on a day that your group is on call, please email me in advance to let me know. You will have two free passes over the course of the semester; after that, absence or lack of preparation will negatively affect your participation grade. Viewing class recordings later does not count as attendance. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each week's classes run a total of approximately 3 hours, requiring at least **6 hours of preparation** outside of class including reading the assigned materials, preparing for class, and preparing for the exam.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

Reading will generally be assigned on a weekly basis. The assignments will be posted on Canvas. I will, from time to time, post suggested readings. These readings are *optional* and will be marked as such. Suggested readings are intended to provide additional context on the topics we cover for students interested in delving deeper into privacy law, whether during the semester or in the future.

For the first two weeks of class, we will cover the origins of privacy law, including philosophical and theoretical bases for privacy protection and the common law of privacy. The reading assignments are:

- 8/19: Introduction, Course Overview, and Privacy's Common Law Origins
 - o pp. 1–7, 9–23
 - o Optional: *Where Are They Now? April Fool!* (Canvas)
- 8/21: Philosophies and Theories of Privacy
 - o pp. 39–41 and the excerpts from Solove, Cohen, Schwartz, Posner, Cate, Siegel, Citron, Bedoya, Allen, and Bridges in sections II.B–II.F
- 8/26: Media and the Privacy Torts
 - o pp. 80–97
 - o Skim pp. 97–102
- 8/28: Media and the Privacy Torts (cont.)
 - o pp. 102–18, 125–31

Subsequent parts of the course will cover consumer privacy; privacy and the government (including law enforcement, surveillance, and government records); health privacy; and enforcement regimes (including GDPR).

Privacy
Fall 2024 Detailed Reading List

- 1: Introduction, Course Overview, and Privacy's Common Law Origins
 - o pp. 1–7, 9–23; optional: *Where Are They Now? April Fool!* (Canvas)
- 2: Philosophies and Theories of Privacy
 - o pp. 39–41 and the excerpts from Solove, Cohen, Schwartz, Posner, Cate, Siegel, Citron, Bedoya, Allen, and Bridges in sections II.B–II.F
- 3: Media and the Privacy Torts (Intrusion Upon Seclusion)
 - o pp. 80–97, 97–102
- 4: Media and the Privacy Torts (Intrusion Upon Seclusion, Public Disclosure)
 - o pp. 102–18, 125–31
- 5: Media and the Privacy Torts (Public Disclosure)
 - o pp. 133–36, 142–52, 165–72
- 6: Media and the Privacy Torts (First Amendment, Defamation, Anonymous Speech)
 - o pp. 176–85, 216–26
- 7: Consumer Data (Internet Basics, Personally Identifiable Information)
 - o pp. 678–96
- 8: Consumer Data (Standing, Tort Claims)
 - o pp. 696–722
- 9: Consumer Data (Privacy Policies, Contracts, Property Rights)
 - o pp. 722–43
- 10: Consumer Data (Statutory Protections)
 - o pp. 814–19, 832–40, 843–62
- 11: Consumer Data (FTC Enforcement, AI Regulation)
 - o pp. 743–49, 762–83, 862–75
- 12: Consumer Data (Guest speaker); Law Enforcement (Fourth Amendment, Fifth Amendment)
 - o pp. 243–53
- 13: Law Enforcement (Fourth Amendment, Third-party Doctrine)
 - o pp. 253–68
- 14: Law Enforcement (Fourth Amendment, Surveillance)
 - o pp. 268–90, 298–312
- 15: Law Enforcement (Third-party Doctrine, Surveillance)
 - o pp. 319–43
- 16: Law Enforcement (Surveillance, National Security, Foreign Intelligence)
 - o pp. 363–76, 390–99, 405–12
- 17: Law Enforcement (Surveillance, National Security, Foreign Intelligence)
 - o pp. 524–48
- 18: Government Records (Freedom of Information Act)
 - o pp. 548–67
- 19: Government Records (Freedom of Information Act, Public Access, Privacy Act)
 - o pp. 580–603
- 20: Government Records (Public Access, Identification Requirements, DNA)
 - o pp. 610–30
- 21: Health Privacy (Health Information, DNA, Property Rights)
 - o pp. 502–21, 451–59, 467–68
- 22: Workplace Privacy
 - o pp. 987–1009
- 23: Workplace Privacy
 - o pp. 1027–52

- 24: International Approaches (GDPR)
 - o pp. 1080–1109
- 25: Make-up due to hurricane cancellations
 - o Assigned videos on law enforcement/surveillance, children's online privacy, and recent developments in privacy regulation
- 26: Review
 - o No reading

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New Course Proposal Form

To: Curriculum Committee

From: _____

Date: _____

| | |
|---|---|
| Type of Proposal <small>(check one)</small> | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) <input type="checkbox"/> Semester of 1 st proposed offering: <input type="checkbox"/> Proposal to make provisional offering permanent <input type="checkbox"/> Enrollment for prior offering: |
| Course Title | |
| Number of credits | <input type="text"/> hours <input type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <input type="text"/> hours of in-class instruction and at least <input type="text"/> hours of out-of-class work on the part of the students.* |
| Brief Course Description <small>(50 words or less; for public posting on the UF Law website)</small> | |
| Pre-requisites or Co-Requisites? | |
| Educational Objectives <small>Why are you proposing this course? Why should it be added to the UF Law curriculum?</small> | |
| Enrollment cap requested? <small>If requested, what is pedagogical justification?</small> | |

| | | |
|--|---|--|
| Method of evaluation | _____ % Final exam _____ % Skills assessment _____ % Paper | _____ % Classroom participation _____ % Other |
| Casebook or other source of readings? (If casebook, include title, author, publisher, edition) | | |
| Have you discussed this proposal with members of the UF Law faculty or administration? If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations. | | |
| Attachment checklist | _____ <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session. _____ The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. _____ The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes. *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310. _____ <u>Casebook</u> Include photocopy of condensed table of contents _____ <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members) _____ <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members. | |

REAL ESTATE DEVELOPMENT
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2024 SYLLABUS – LAW 6930
REAL ESTATE INVESTMENT, FINANCE, AND DEVELOPMENT
2 CREDITS

Professor Nathan S. Collier

Office: [TBD]

Office Phone: 352-416-1423

Email: Nathan.Collier@colliercompanies.com with copy to Angela Tharpe Angela.Tharpe@colliercompanies.com and Christy Barnes Christy.Barnes@colliercompanies.com

Office Hours: After each class for as long as students remain or via Zoom or Facetime, at a time of mutual convenience. I encourage you to email me or Angela Tharpe and CC Christy Barnes if you have any questions, thoughts, ideas, suggestions, input, feedback or are having difficulties with, or simply want to clarify your understanding of, any of the materials covered in the reading or in class.

MEETING TIME: **Thursday, 3:30 - 5:30 pm**

LOCATION: **Holland Hall 345**

COURSE DESCRIPTION AND OBJECTIVES:

This course will provide an examination of the real estate development process and legal relationships involved in the process. The course will acquaint students with such areas as site selection and entity choice, acquisition and disposition transactions, the regulatory process (state and federal), and issues arising during the construction period. This course will be an interactive case-study based course that focuses on multi-family projects currently in development, blending real-life real estate case studies with lessons in personal/professional leadership and law. The course will also touch on the fundamentals of real estate investment and finance.

STUDENT LEARNING OUTCOMES:

By the end of this course, students will be able to: create a pro forma, calculate Capitalization Rate and Development Yields, do basic real estate investment analysis, understand more complex development models, be familiar with the development process from land acquisition, design, regulatory approval, construction project and management through final stabilization and permanent financing.

REQUIRED READING MATERIALS:

Real Estate Development Law, 2nd Edition by Richard C. Daley

Getting to Yes: Negotiating Agreement Without Giving In by Roger Fisher & William Ury

Real Estate Investing Gone Bad by Phil Pustejovsky

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

CLASS ATTENDANCE POLICY:

Students are expected to attend and participate in class. I am assuming that each student enrolled in this course is committing to attend every class to the best of their abilities, and class attendance is required by both the ABA and the Law School.

Nevertheless, to allow for exigencies in life, you are permitted two absences from class without impacting your final grade so long as you still complete the readings and submit any required assignments prior to the subsequent class after the absence. For ease of administration and to respect your privacy, I do not make any differentiation between “excused” or “unexcused” absences, so your absences can be for any reason, including for job interviews, school activities, work tasks, illness or medical appointments, COVID-19, and life. This means that there is no need to tell me why you will be or were absent from class, so long as you have two or fewer absences total. If possible, professional courtesy encourages you

to notify me if you will not be in class. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted.

Setting aside these exceptions, for each absence beyond two, your grade will be reduced by one-third of a grade (e.g., A- to B+). If you miss four or more scheduled classes, I have the discretion to render you ineligible to receive credit for the course.

This policy starts on the first day of classes, not the end of the drop/add period.

CLASSROOM ETIQUETTE:

All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions, chats and in class discussions. Please do not disparage or discourage others' views and participations.

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the [UF Law Honor Code](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

This class is graded. Students are expected to contribute meaningfully to the learning experience and will be graded on preparation, class participation, class attendance, written assignments, and a final exam. Articulate and intelligent engagement will be greatly appreciated. You will be provided with a name plate that will be collected at the end of each class. **PLEASE DISPLAY YOUR NAME PLATE AT EACH CLASS. Instructor has a bit of [face blindness](#), name plates help tremendously.**

You will be graded in the following manner:

| | | |
|---------------------|-----|---|
| Class Participation | 5% | Factors that influence your participation grade include preparedness when called upon, willingness to volunteer in class discussions, attendance, and activity in class exercises or completion of in-class problems. |
| Written Assignments | 45% | |
| Final Exam | 50% | |

INFORMATION ON UF LAW GRADING POLICIES:

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 | Letter Grade | Point Equivalent | Letter Grade | Point Equivalent |
|---------------|------------------|------------------|------------------|--------------|------------------|
| A (Excellent) | 4.00 | B- | 2.67 | D+ | 1.33 |
| A- | 3.67 | C+ | 2.33 | D (Poor) | 1.00 |
| B+ | 3.33 | C (Satisfactory) | 2.00 | D- | 0.67 |
| B | 3.00 | C- | 1.67 | E (Failure) | 0.00 |

Please review the law school's [grading policy](#) for more information.

OBSERVANCE OF RELIGIOUS HOLIDAYS:

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EXAM DELAYS AND ACCOMMODATIONS:

Please review the law school's policy on [exam delays and accommodations](#) for more information.

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the [Disability Resource Center](#) ("DRC"). Once registered, students are encouraged to coordinate with the DRC as early as possible in the semester to ensure that proper [protocols](#) are followed to ensure accommodations can be provided to the student. Students may access information about various resources on the UF Law Student Resources Canvas page.

STUDENT COURSE EVALUATIONS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may 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 [here](#).

RECORDINGS OF CLASS

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each weekly class is approximately 2 hours in length, requiring at least 4 hours of preparation outside of class including reading the assigned materials and writing assignments.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

REQUIRED WRITTEN ASSIGNMENTS:

Written assignments will include the completion of a client memo outlining the risks and strengths in a Letter of Intent ("LOI") and a Purchase and Sale Agreement ("PSA"). You will be asked to complete 4 basic investment analysis and simple ProForma exercise to help in your development and understanding of the economics of development. All assignments should be E-MAILED by 11:59pm on the due date. *Late assignments will receive point deductions.*

| Class | Date | Speaker | Topic |
|--------------|-------------|--|--|
| 1 | 08/22/2024 | Dr. Nathan S. Collier Founder The Collier Companies | Real Estate Finance Fundamentals: Terms and Conditions <i>Required Readings:</i> <ul style="list-style-type: none"><i>Real Estate Terms and Definitions Handout</i><i>Real Estate Development Law, 2nd Edition Chapter 1: Introduction pp 1-26</i> |
| 2 | 08/29/2024 | Jennifer Tobin Attorney/Partner Shutts & Bowen | LOIs and PSAs from a Business Perspective: Negotiating the Purchase and Sale Agreement, Land Closing: Pitfalls and Opportunities <i>Required Readings:</i> <ul style="list-style-type: none"><i>Real Estate Development Law, 2nd Edition Chapter 5: The Heathrow International Business Center: A Case Study pp 89-168</i><i>Real Estate Development Law, 2nd Edition Chapter 8: Closing the Land Acquisition, pp 311-339</i><i>Assignment #1: LOI Client Memo - Due 09/04/2024</i> |

| | | | |
|---|------------|--|---|
| 3 | 09/05/2024 | <p>Jennifer Clince CEO The Collier Companies</p> <p>TCC Development TMs</p> | <p>Land/Site Acquisition; Preliminary Economic Feasibility Determination; Letter of Intent/LOI; Purchase & Sale Agreement/PSA; Due Diligence/Soft Deposit Period; Post Hard Deposit/Pre-Land Closing; Regulatory/Permitting Process; Bidding/General Contractor (GC) Negotiation/Selection; Securing Construction Loan; Site Work; Going Vertical/Project Mgt: Draws & Change Orders, Weekly Site Visits; Certificates of Completion: Clubhouse 1st; Lease Up; Stabilization/Permanent Financing</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Development Law, 2nd Edition Chapter 2: Ten Stages of Real Estate Development pp 27-40</i> |
| 4 | 09/12/2024 | <p>Dustin Cosper Head of Commercial Real Estate Texas Capital Bank</p> <p>Dr. Nathan S. Collier <i>Constructing a ProForma</i></p> | <p>An outlook on “the Bank” and how real estate strategy is utilized to develop portfolios and develop a structured finance practice.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Development Law; 2nd Edition Chapter 3: What the Real Estate Development Lawyer Needs to Know About the Project Economics, pp 41-80</i> • <i>Real Estate Development Law, 2nd Edition Chapter 7: Stage 3: Forming and Capitalizing the Project Entity pp 213-309</i> • <i>Assignment #2: Constructing a ProForma - Due 09/18/2024</i> |
| 5 | 09/19/2024 | <p>Tim Burns Chief Investment Officer ApexOne Investment Partners</p> <p>Dr. Nathan S. Collier <i>Constructing a ProForma</i></p> | <p>The Syndication Approach to investment strategy, acquisitions, asset management and dispositions for value enhancement strategies.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Development Law, 2nd Edition Chapter 12: Stages 8-10: Selecting an Exit Strategy pp 593-633</i> |
| 6 | 09/26/2024 | <p>Cary White Managing Director of Corporate & Investment Real Estate Banking - Risk Management Wells Fargo Bank</p> <p>Dr. Nathan S. Collier <i>Understanding a Development Model</i></p> | <p>A perspective on the real estate industry, the main tenets of commercial real estate underwriting, the legal ramifications of bank actions, the role of attorneys in transacting between customers and banks, and the common mistakes borrowers make that attorneys can help them avoid.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Development Law, 2nd Edition Chapter 9: Stage 5: Obtaining Construction Financing pp 341-429</i> • <i>Assignment #3: Working a Development (Dev) Model - Due 10/02/2024</i> |
| 7 | 10/03/2024 | <p>John Van Duzer CPA/Partner James Moore</p> <p>Dr. Nathan S. Collier <i>Understanding a Development Model</i></p> | <p>Interpreting the accounting and tax concerns in the real estate tax industry as it pertains to development gains and losses, tax opportunities, property management solutions, capitalization policies, and advanced tax implications specific to real estate.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Selection of Tax Cases and Notes – To Be Provided</i> |

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| 8 | 10/10/2024 | <p>Tim Peterson President/CEO and Executive Director Citizens Property Insurance Corporation</p> <p>Dr. Nathan S. Collier <i>Designing a Micro Development</i></p> | <p>The Development Process from a Corporate Perspective: managing corporate equity and debt relationships for strategic growth initiatives.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Investing Gone Bad</i> by Phil Pustejovsky (entire book) • <i>Assignment #4: Designing a Micro Development - Due 10/16/2024</i> |
| 9 | 10/17/2024 | <p>Ayesha Solomon Property Appraiser Alachua County Property Appraiser</p> <p>Chris Cao Director of Valuations Alachua County Property Appraiser</p> <p>Dr. Nathan S. Collier</p> | <p>A governmental analysis of valuation and the real estate metrics used for residential and commercial appraisals from the County's perspective and remedies such as the Value Adjustment Board.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Development Law, 2nd Edition Chapter 6: Stage 2: Securing Governmental Approvals and Incentives pp 169-191</i> |
| 10 | 10/24/2024 | <p>Tim Ford Attorney/Partner Bradley Law Firm</p> <p>Dr. Nathan S. Collier</p> | <p>An attorney's perspective on navigating clients through complex construction litigation that traverses construction defects, insurance coverage disputes, delay and acceleration claims, defective work, liquidated and consequential damages.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Getting to Yes: Negotiating Agreement Without Giving In</i> by Roger Fisher & William Ury |
| 11 | 10/31/2024 | <p>Guest Speaker</p> <p>Dr. Nathan S. Collier</p> | |
| 12 | 11/07/2024 | <p>Guest Speaker General Contractor</p> <p>Dr. Nathan S. Collier</p> | |
| 13 | 11/14/2024 | <p>Matthew H. Scott Attorney/Partner Greenspoon Marder</p> <p>Dr. Nathan S. Collier</p> | <p>A Land Use and Zoning attorney's take on facilitating relationships between real estate developments and government entities through the entitlement and permitting process. What it takes to gain approvals, consensus, and how public hearings can affect a development. NIMBY</p> <p>Class Review for Final (please be sure to email your questions no later than midnight on 11/10/2024 for class review)</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • <i>Real Estate Development Law, 2nd Edition Chapter 6: Stage 2: Securing Governmental Approvals and Incentives pp 191-211</i> |

FINAL EXAM DATE AND LOCATION: TUESDAY, DECEMBER 17, 2024 @ 8:30 AM

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Real Estate Investing Gone Bad

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- UF, 1974, B.S. of Finance
- UF, 1978, M.B.A., Accounting focus
- 1978, CPA, (scored among top 10 individuals in Florida at that exam sitting)
- UF, 1982, Juris Doctor (LSAT score in top 3%)
- Building Contractor License
- Florida Real Estate Broker
- Board of Overseers, Columbia Journalism Review
- Lifetime Member of University of Florida Foundation, Bull Gator, 3x
- Harvard Business School, OPM25
- Private Pilots License (inactive)
- Author of *Construction Funding*

Nathan S. Collier founded The Collier Companies with the intent to create a different kind of workplace – one with a true sense of community, a place that is a joy to live and work, and a place where Team Members truly care about each other as individuals and demonstrate that every day, in part by the depth of their commitment to quality, excellence and customer service. As a lifelong student, he also wanted to create an organization centered around learning and personal and professional growth.

Mr. Collier annually co-teaches within TCC a 10-week long program called **Collier College** sharing the intricacies of real estate investing as well as the life management soft skills necessary to be successful in any field of life such as emotional intelligence, decision making, goal setting, time/energy management, motivation, and communication.

Nathan has endowed the **Nathan S. Collier Master of Science in Real Estate** program through UF's Warrington College of Business and teaches case studies every year. Nathan has also taught adjunctly at UF's Levin College of Law where he previously earned his Juris Doctorate degree, and given commencement speeches for UF's Warrington College of Business in 2010 and 2018.

In 2019, Nathan S. Collier founded **The Collier Prize** for State Government Accountability through **UF College Of Journalism and Communications**. Collier also serves as a member of **Columbia University's Columbia Journalism Review Board of Overseers**.

In 2024, Nathan founded **The Peter F. Collier Award for Ethics in Journalism**, an accolade recognizing student and professional journalists who uphold the highest ethical standards despite facing significant pressures or incentives to compromise. The award is administered by the NYU Carter Journalism Institute's Ethics and Journalism Initiative (EJI), underscoring its commitment to fostering integrity and accountability in the field of journalism.

With over a thousand posts, Nathan also blogs twice weekly on personal and professional growth at NSCBlog. His tag line on every post is 'I share what I most want and need to learn.'

To learn more about Nathan S. Collier, please visit his blog by clicking on the logo below.



Project Title: **University of Florida GatorEvals – Fall 2023 Main Project**Courses Audience: **64**
Responses Received: **15**
Response Ratio: **23.4%**Instructors Audience: **64**
Responses Received: **15**
Response Ratio: **23.4%**

Report Comments

INTRODUCTION

Teaching is a fundamental purpose of the University of Florida and the dissemination of new knowledge in our classrooms, studios, and clinics enables our students and trainees to fully explore their intellectual boundaries. Assessment and evaluation of our courses are designed to enhance instruction and maximize learning to meet the mission of the university. This report contains the results gathered through the new GatorEvals system. Students were invited to share their feedback on the teaching and course material. We invite every faculty member to examine the analysis in the report and utilize the resources provided in the report. Thank you for your continued great work!

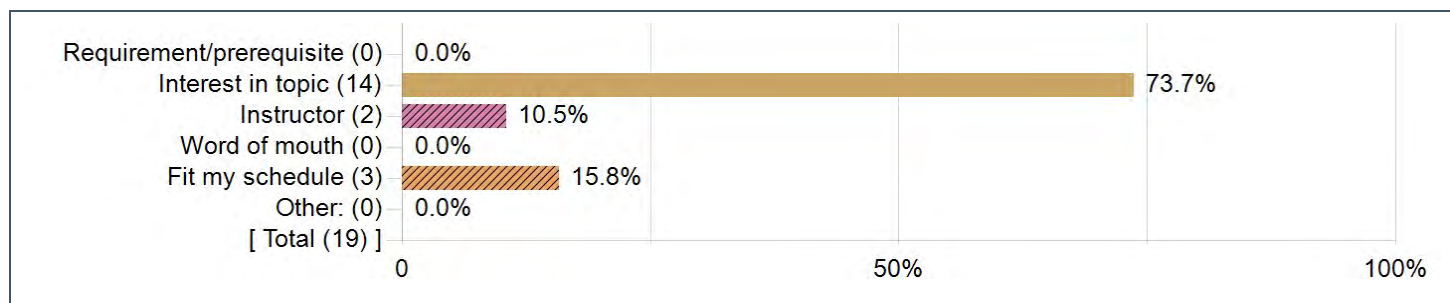
Chris Hass, Ph.D.
Associate Provost for Academic and Faculty Affairs

Resources to help you with this report:

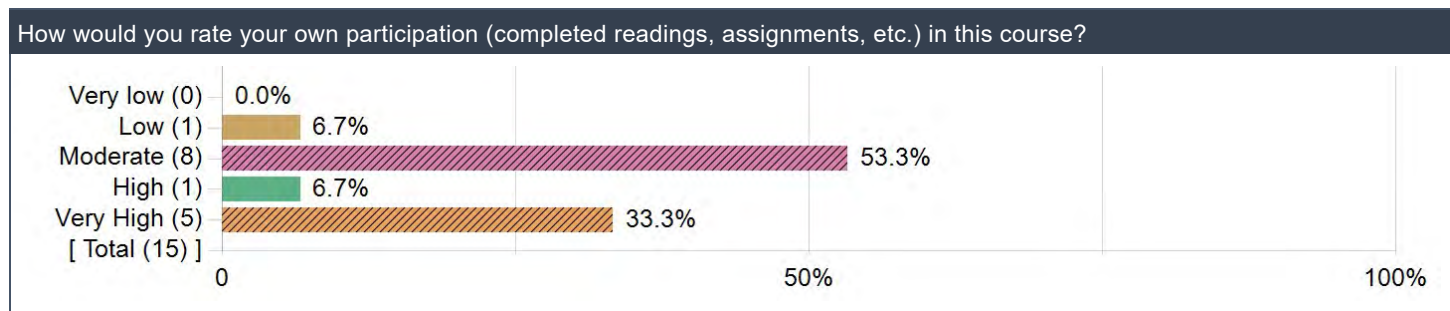
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3. GatorEvals offers the ability to [opt-in to a midterm](#) evaluation. This formative feedback offers you a chance to address student insights and adjust the course before the term concludes. Reports are only available to you and are not considered part of the T&P process.
4. Register and attend a [CTE workshop](#).
5. Schedule a [consultation](#) with a CTE staff member or your internal unit to help you interpret your results and develop a course of action.
6. Visit the [CTE Resource Library](#) for additional support.

Student Self-Evaluation Questions

Why did you take this course?



How would you rate your own participation (completed readings, assignments, etc.) in this course?



Comparative Evaluation Results

University Core Instructor Evaluation Questions

| | Response Rate | Mean | IM | DPT Mean | DPT IM | College Mean | College IM |
|--|---------------|------|------|----------|--------|--------------|------------|
| The instructor was enthusiastic about the course. | 23.4% | 4.87 | 4.92 | 4.79 | 4.90 | 4.77 | 4.89 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 23.4% | 3.07 | 3.33 | 4.42 | 4.72 | 4.37 | 4.70 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 23.4% | 3.73 | 3.92 | 4.62 | 4.82 | 4.58 | 4.81 |
| The instructor fostered a positive learning environment that engaged students. | 23.4% | 4.27 | 4.22 | 4.64 | 4.84 | 4.59 | 4.82 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 23.4% | 3.07 | 2.75 | 4.40 | 4.72 | 4.36 | 4.71 |
| The instructor was instrumental to my learning in the course. | 23.4% | 3.07 | 3.33 | 4.47 | 4.77 | 4.41 | 4.75 |
| Overall | 23.4% | 3.68 | - | 4.56 | - | 4.51 | - |

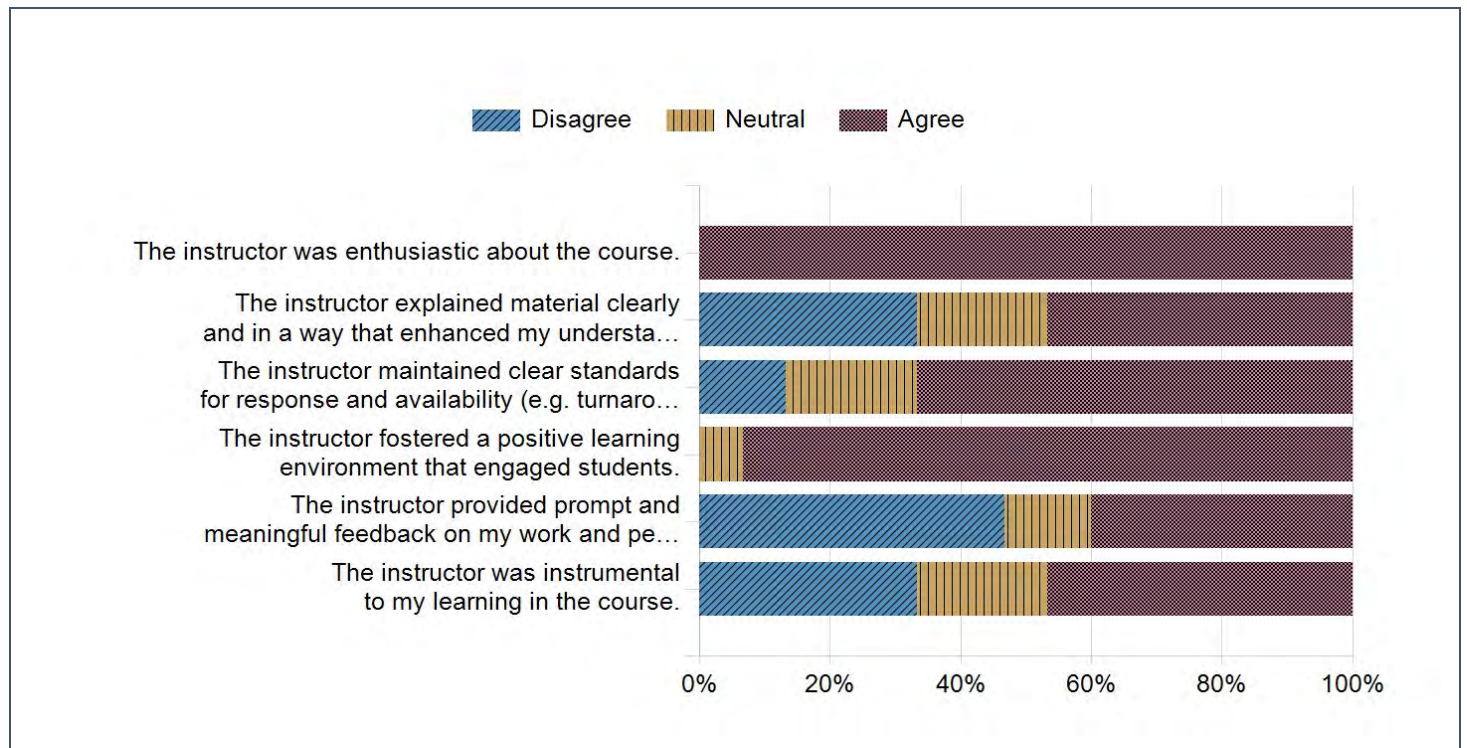
University Core Course Evaluation Questions

| | Response Rate | Mean | IM | DPT Mean | DPT IM | College Mean | College IM |
|--|---------------|------|------|----------|--------|--------------|------------|
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 23.4% | 3.20 | 3.58 | 4.36 | 4.55 | 4.34 | 4.55 |
| The course fostered regular interaction between student and instructor. | 23.4% | 3.33 | 3.20 | 4.46 | 4.68 | 4.44 | 4.67 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 23.4% | 3.73 | 3.80 | 4.39 | 4.62 | 4.36 | 4.60 |
| Overall, this course was a valuable educational experience. | 23.4% | 3.27 | 3.60 | 4.46 | 4.68 | 4.42 | 4.67 |
| Overall | 23.4% | 3.38 | - | 4.41 | - | 4.39 | - |

Aggregate Evaluation Results

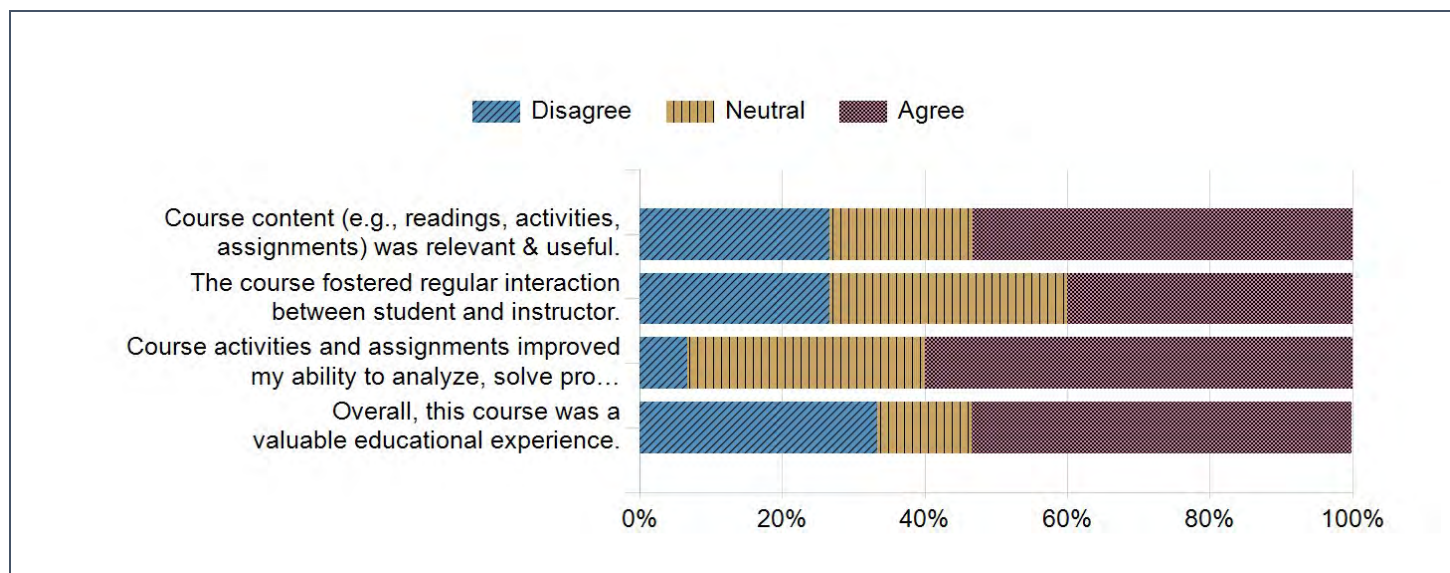
University Core Instructor Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



University Core Course Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



Percentages Evaluation Results

University Core Instructor Evaluation Questions

| | %(1) | %(2) | %(3) | %(4) | %(5) | Count | Mean | Median | SD |
|--|-------|-------|-------|-------|-------|-------|------|--------|------|
| The instructor was enthusiastic about the course. | 0.0% | 0.0% | 0.0% | 13.3% | 86.7% | 15 | 4.87 | 5.00 | 0.35 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 26.7% | 6.7% | 20.0% | 26.7% | 20.0% | 15 | 3.07 | 3.00 | 1.53 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 6.7% | 6.7% | 20.0% | 40.0% | 26.7% | 15 | 3.73 | 4.00 | 1.16 |
| The instructor fostered a positive learning environment that engaged students. | 0.0% | 0.0% | 6.7% | 60.0% | 33.3% | 15 | 4.27 | 4.00 | 0.59 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 13.3% | 33.3% | 13.3% | 13.3% | 26.7% | 15 | 3.07 | 3.00 | 1.49 |
| The instructor was instrumental to my learning in the course. | 26.7% | 6.7% | 20.0% | 26.7% | 20.0% | 15 | 3.07 | 3.00 | 1.53 |

University Core Course Evaluation Questions

| | %(1) | %(2) | %(3) | %(4) | %(5) | Count | Mean | Median | SD |
|--|-------|-------|-------|-------|-------|-------|------|--------|------|
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 20.0% | 6.7% | 20.0% | 40.0% | 13.3% | 15 | 3.20 | 4.00 | 1.37 |
| The course fostered regular interaction between student and instructor. | 0.0% | 26.7% | 33.3% | 20.0% | 20.0% | 15 | 3.33 | 3.00 | 1.11 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 6.7% | 0.0% | 33.3% | 33.3% | 26.7% | 15 | 3.73 | 4.00 | 1.10 |
| Overall, this course was a valuable educational experience. | 13.3% | 20.0% | 13.3% | 33.3% | 20.0% | 15 | 3.27 | 4.00 | 1.39 |

For additional information and resources in each of these question areas, please visit the GatorEvals Website at <https://gatorevals.a.a.ufl.edu/resources--policies/question-set/>

Free Response Section

Please identify the instructor's strengths that contributed to your learning in the course.

| Comments |
|--|
| Had knowledge from working in the field. |
| Professor Collier's experience in development is clear and I think it helps his engagement in the class. |
| Enthusiastic professor with decades of real world, practical, applicable experience. Professor brought in guest lecturers and teams of individuals across the full spectrum of real estate development to further increase understanding. Approachable, knowledgeable, and willing to explore in-depth real world questions. |
| He is very enthusiastic and extremely knowledgeable about the subject. |
| Brought in experts on the different areas of development. |
| Passionate. |
| The structure of the class (being based on the stages of the development process) was a great way to introduce students to the profession of real estate development. The opportunity to hear from top professionals working in the field was extremely valuable. Focusing the course lectures and material on the real world experiences and work that developers do was the best way to be introduced to Real Estate Development, Investment, and Finance. Finally, Professor Collier was one of the most enthusiastic and passionate professors I've had at the law school. |
| Professor Collier is an absolute wealth of real estate knowledge. He brings so much to the table. I found it invaluable to learn about real estate development from one of the nation's top developers and his team. Professor Collier did a fantastic job curating the guest speaker list and I felt like I heard a little bit about real estate law from every corner of the industry. |
| Enthusiastic and comes with a lot of knowledge and experience in the field. |
| Real world experience in the industry and ability to bring in other professionals in the industry to provide their expertise/knowledge. |

What additional constructive feedback can you offer the instructor that might help improve the course?

| Comments |
|---|
| Improve the focus and cut back on guest speakers. The reading rarely if ever corresponded to what we talked about, and it overall just felt like I didn't understand the trajectory of the course. |
| Give feedback on assignments, not just grades. Make the reading related to the conversation that we're going to have that day. Give clear guidance on what we should be taking away from guest speakers. Go slower when you're actually the one teaching us stuff. |
| It might be better to slow down when going through the power point slides. I think this was the first time most of the people in the class were engaging with the math and business concepts involved in real estate development and the first few classes did not really teach those concepts. |
| N/A. Very informative and instructive classes. |
| We had three assignments for points in the class, and only one of those assignments was actually covered in class in an amount of time that aided my understanding. The other two we covered for half of a class, and yet the majority of our points were focused on that material. Additionally, we were given no guidance as to what those assignments should look like or how long they should be. Although the guest speakers from the real estate industry were very interesting, lectures should be focused on the terms and concepts that we needed to know rather than motivational speaking and slide after slide of quotes about taking risks. |
| I would have appreciated a stronger focus on the fundamentals of real estate development. It felt like we jumped into higher level concepts way too quickly, so I was lost the entire semester. This was compounded by the fact that textbook reading rarely matched what we were learning in class. Additionally, I did not think that the guest lecturers added much to this class. |
| Take one class for the LOI, PSA, and equations. |
| Expected us to know a lot that we did not. Did not explain things clearly. Not really a legal class. His assistant did more than he did. More presenters than he taught. |
| I would suggest slowing down the pace of the course at the beginning to give us a chance to fully grasp the terminology and basic concepts of real estate development. This would help in facilitating more involved discussions with the guest speakers. |
| I would have switched the first and second classes around. The first day was super overwhelming and some of my friends dropped the course because of it. |
| Spoke too fast and almost assumed we knew the topic better than most of us did. |
| The professor needs to be able to provide and stick by clear instructions for the final exam. The syllabus and Official University Materials on the exam schedule state that the exam will be remote and available any time during the exam period. However, the instructor has informed us last minute in the last few weeks of classes that the exam will be closed book and in person. The instructor had said previously in the semester we would have access to some materials. This is unacceptable. Many students make travel plans based on their exam schedule, choose what courses to even take based on the exam schedule that is posted before they even register for classes, and have to manage conflicts between other class exams so they do not have back to back exams. It is not fair nor reasonable for this professor to out of nowhere tell us the exam will be in person on a specific date at the end of the exam period. The instructor must know the university policy that the date to change the kind of the exam they offer is over. |

What constructive suggestion(s) do you have for improving the course materials, organization, and assignments?

| Comments |
|--|
| Fewer guest speakers, less talking about his specific company in Gainesville and more about Real Estate Development in general. Most of us took the class to learn about Real Estate Development, not this professor's projects. Felt like I didn't learn as much as I could have in class. |
| It might be better to take a class or two at the beginning to teach some core concepts before introducing speakers from other fields. Personally, I couldn't understand the first few guest speakers until we started going over pro forma things just because I'd never taken classes that dealt with that. I also wish we got more feedback in assignments than just a grade to keep track of what needs to improve. |
| Fantastic course diving deeply into commercial development as well as widely covering all the ancillary aspects of law and financing that affect real estate. |
| More guidance and instruction as to the assignments, more time discussing the relevant terms needed to know for the final and even during the guest speaker's visits. |
| The slideshows were very long and often did not include much substance. When they were substantive we flew through the slideshows too quickly. |
| Provide feedback on the assignments. |
| Lectures more related to the class. |
| The assignments were very helpful in enhancing my understanding. I would actually suggest more assignments on different parts of the development process. The assigned textbooks and readings were informative but weren't incorporated much into the class. I would suggest at least mentioning the readings throughout the lectures (maybe to compare the textbook teachings to the realities of practice or to compare multi-family to commercial). |
| Spend more time on the financial aspect of development. |
| Make the course relate to the legal field a little more to help keep students' attention and help them realize how what you're teaching applies to them. |

Please identify the topics and/or skills you learned in the course that you believe will have the highest application for future courses or professional growth.

| Comments |
|---|
| LOIs and PSAs. |
| Knowledge of the real estate development process from "location scouting" to "finding and maintaining tenants." Land use, financing, and other ancillary aspects of the business. |
| How to fill out a proforma. |
| How developer's think about deals and real estate development. |
| Learning to manage risk. |
| My next summer will be spent at a large firm working in real estate development law. This course gave me the background I need to understand the process and the players involved in real estate development. I am confident I will succeed this summer because of this course. |
| How to think like may clients and be a good real estate developer. |
| Gained knowledge of the construction field and process. |

Project Title: **University of Florida GatorEvals – Fall 2024 Main Project**Courses Audience: **36**
Responses Received: **13**
Response Ratio: **36.1%**Instructors Audience: **36**
Responses Received: **13**
Response Ratio: **36.1%**

Report Comments

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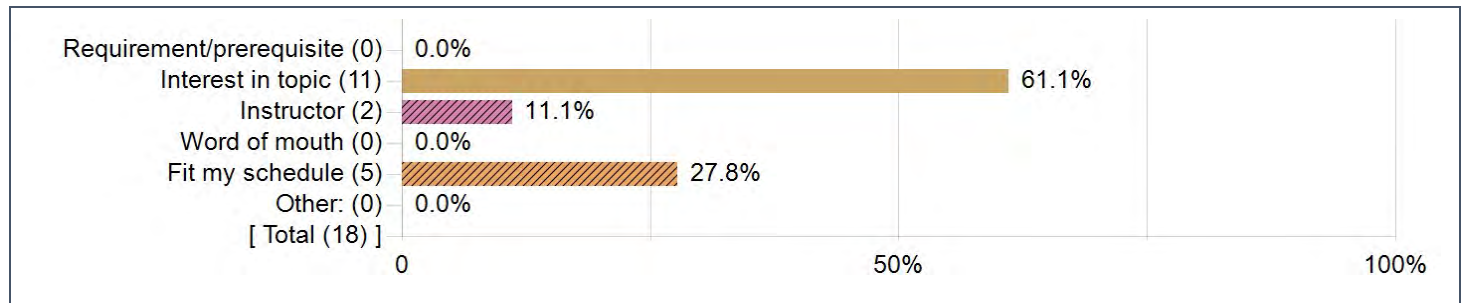
Chris Hass, Ph.D.
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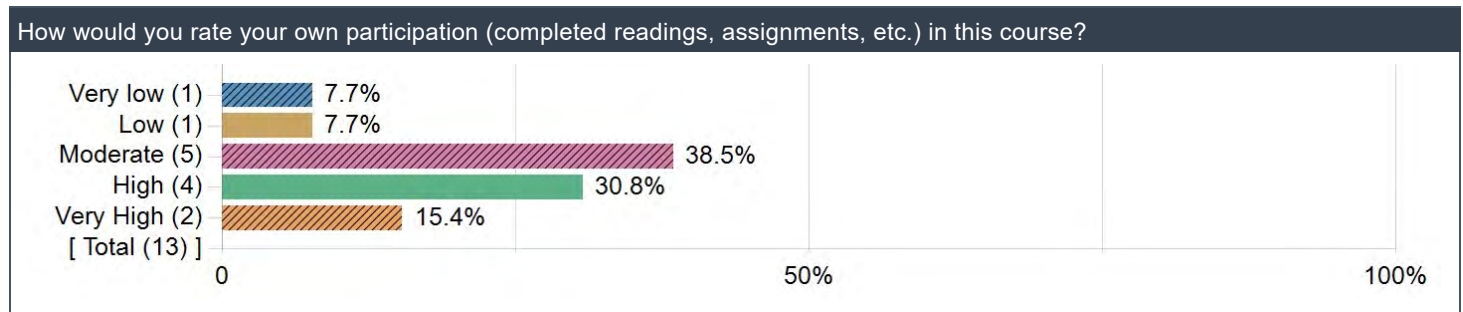
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How would you rate your own participation (completed readings, assignments, etc.) in this course?



Comparative Evaluation Results

University Core Instructor Evaluation Questions

| | Response Rate | Mean | IM | DPT Mean | DPT IM | College Mean | College IM |
|--|---------------|-------------|----------|-------------|----------|--------------|------------|
| The instructor was enthusiastic about the course. | 36.1% | 4.54 | 4.69 | 4.85 | 4.93 | 4.85 | 4.93 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 36.1% | 2.08 | 1.88 | 4.51 | 4.82 | 4.51 | 4.82 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 36.1% | 2.85 | 2.25 | 4.64 | 4.87 | 4.64 | 4.87 |
| The instructor fostered a positive learning environment that engaged students. | 36.1% | 2.69 | 2.80 | 4.61 | 4.85 | 4.61 | 4.85 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 36.1% | 2.38 | 2.00 | 4.41 | 4.78 | 4.41 | 4.78 |
| The instructor was instrumental to my learning in the course. | 36.1% | 2.00 | 1.67 | 4.52 | 4.83 | 4.52 | 4.83 |
| Overall | 36.1% | 2.76 | - | 4.59 | - | 4.59 | - |

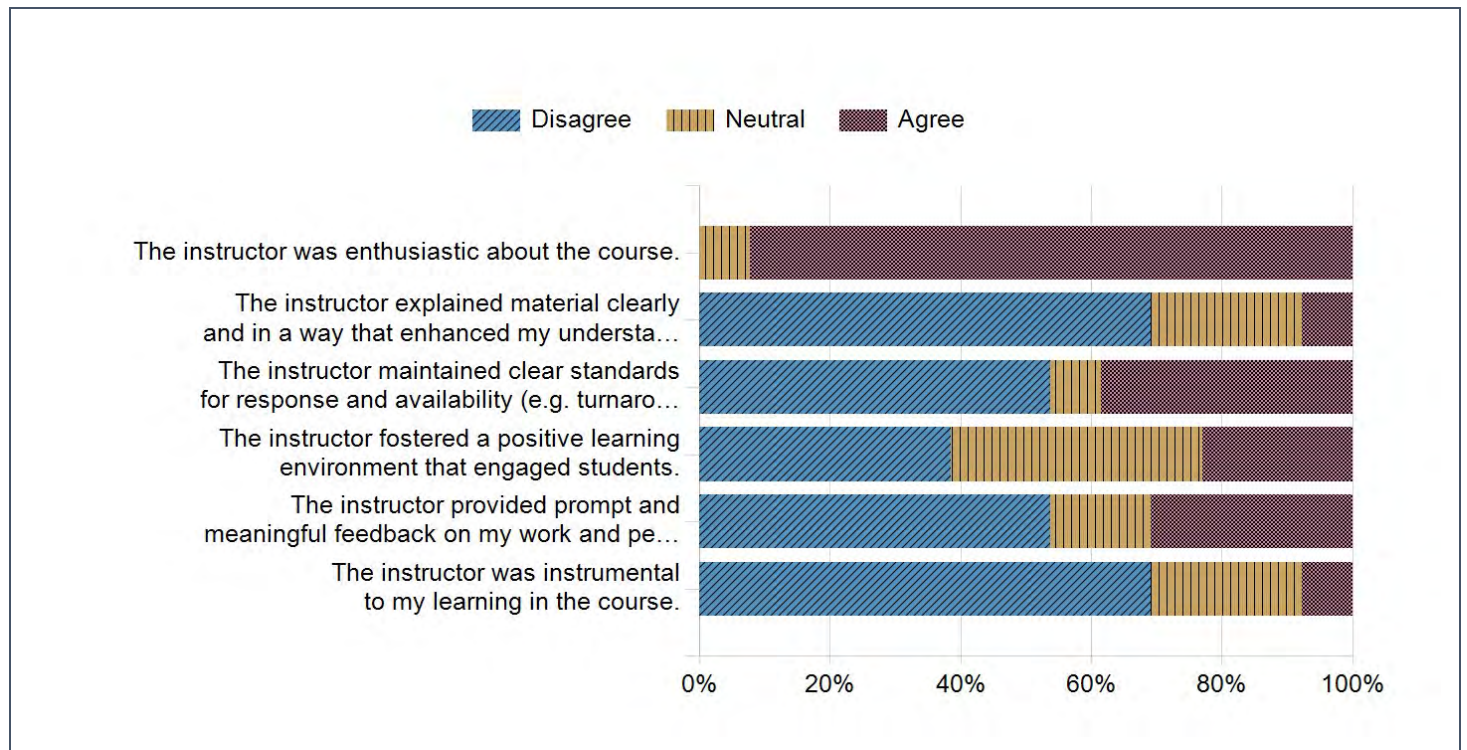
University Core Course Evaluation Questions

| | Response Rate | Mean | IM | DPT Mean | DPT IM | College Mean | College IM |
|--|---------------|------|------|----------|--------|--------------|------------|
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 36.1% | 2.08 | 1.88 | 4.39 | 4.65 | 4.39 | 4.65 |
| The course fostered regular interaction between student and instructor. | 36.1% | 2.77 | 2.88 | 4.37 | 4.72 | 4.37 | 4.72 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 36.1% | 2.08 | 1.31 | 4.37 | 4.68 | 4.37 | 4.68 |
| Overall, this course was a valuable educational experience. | 36.1% | 2.08 | 1.43 | 4.47 | 4.75 | 4.47 | 4.75 |
| Overall | 36.1% | 2.25 | - | 4.40 | - | 4.40 | - |

Aggregate Evaluation Results

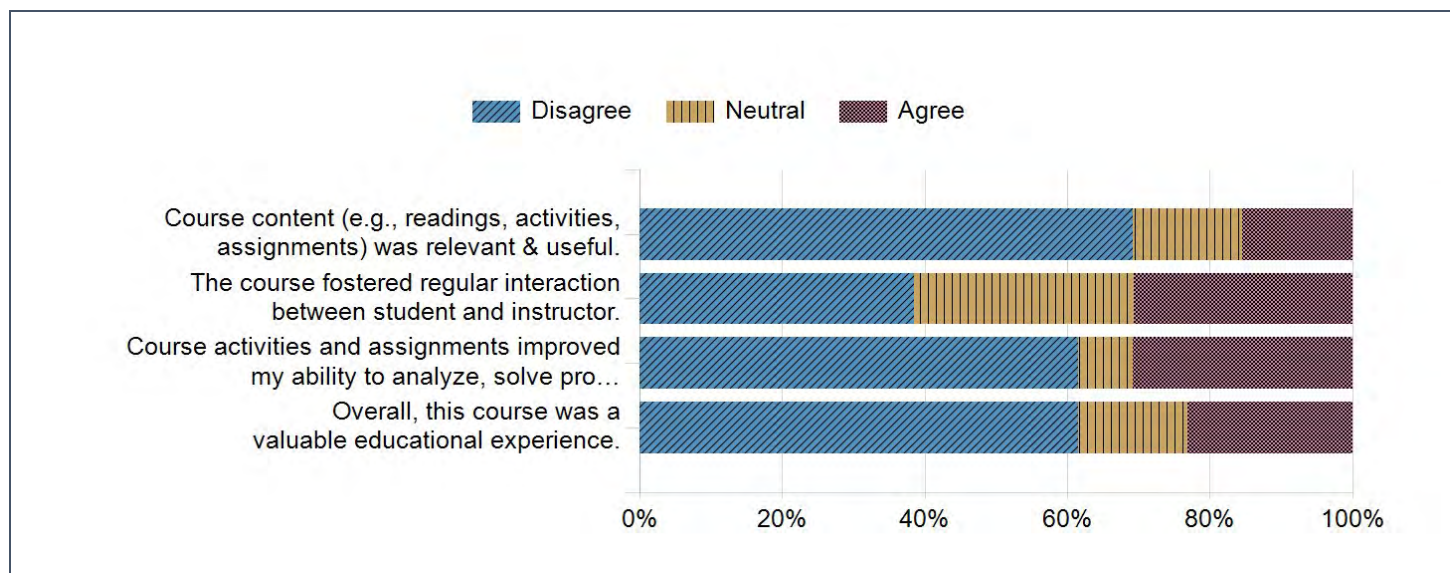
University Core Instructor Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



University Core Course Evaluation Questions - Aggregate Chart

Note that in the following aggregate chart "Strongly Agree" and "Agree" have been grouped together as "Agree" while "Strongly Disagree" and "Disagree" have been grouped together as "Disagree".



Percentages Evaluation Results

University Core Instructor Evaluation Questions

| | %(1) | %(2) | %(3) | %(4) | %(5) | Count | Mean | Median | SD |
|--|-------|-------|-------|-------|-------|-------|------|--------|------|
| The instructor was enthusiastic about the course. | 0.0% | 0.0% | 7.7% | 30.8% | 61.5% | 13 | 4.54 | 5.00 | 0.66 |
| The instructor explained material clearly and in a way that enhanced my understanding. | 38.5% | 30.8% | 23.1% | 0.0% | 7.7% | 13 | 2.08 | 2.00 | 1.19 |
| The instructor maintained clear standards for response and availability (e.g. turnaround time for email, office hours, etc.) | 38.5% | 15.4% | 7.7% | 0.0% | 38.5% | 13 | 2.85 | 2.00 | 1.86 |
| The instructor fostered a positive learning environment that engaged students. | 23.1% | 15.4% | 38.5% | 15.4% | 7.7% | 13 | 2.69 | 3.00 | 1.25 |
| The instructor provided prompt and meaningful feedback on my work and performance in the course. | 46.2% | 7.7% | 15.4% | 23.1% | 7.7% | 13 | 2.38 | 2.00 | 1.50 |
| The instructor was instrumental to my learning in the course. | 46.2% | 23.1% | 23.1% | 0.0% | 7.7% | 13 | 2.00 | 2.00 | 1.22 |

University Core Course Evaluation Questions

| | %(1) | %(2) | %(3) | %(4) | %(5) | Count | Mean | Median | SD |
|--|-------|-------|-------|-------|------|-------|------|--------|------|
| Course content (e.g., readings, activities, assignments) was relevant & useful. | 38.5% | 30.8% | 15.4% | 15.4% | 0.0% | 13 | 2.08 | 2.00 | 1.12 |
| The course fostered regular interaction between student and instructor. | 23.1% | 15.4% | 30.8% | 23.1% | 7.7% | 13 | 2.77 | 3.00 | 1.30 |
| Course activities and assignments improved my ability to analyze, solve problems, and/or think critically. | 61.5% | 0.0% | 7.7% | 30.8% | 0.0% | 13 | 2.08 | 1.00 | 1.44 |
| Overall, this course was a valuable educational experience. | 53.8% | 7.7% | 15.4% | 23.1% | 0.0% | 13 | 2.08 | 1.00 | 1.32 |

For additional information and resources in each of these question areas, please visit the GatorEvals Website at <https://gatorevals.afl.edu/resources--policies/question-set/>

Free Response Section

Please identify the instructor's strengths that contributed to your learning in the course.

| Comments |
|--|
| Professor Collier was very knowledgeable and passionate about real estate developing and investing. |
| Collier did not teach a class, just brought in guest speakers, did not go off of the readings. THIS WAS A FINANCE CLASS. |
| Prof. Collier is enthusiastic about the subject matter. |
| He is incredibly passionate about real estate and has a lot of knowledge to share. |
| The instructor was clearly passionate about the subject matter and has clear personal expertise in real estate development. |
| Each of Professor Collier's brought in a guest speaker — and a few of these were good guest speakers. |
| He sees himself as a leader and desires to impart wisdom to young attorneys. He is well-connected and brought in excellent guest speakers. |
| He is very knowledgeable and has brought in a few good speakers, but he does a terrible job of sharing his knowledge. |
| He is extremely knowledgeable and will explain anything you ever have a question on without hesitation |
| Loved the enthusiasm and guest speakers we had throughout the course. The assignments were also a great way to self reflect on our leadership journey. Loved getting to read a book and apply it to how I want to be a leader going forward. |
| Professor Collier is clearly a very smart man and very enthusiastic about this topic! |

What additional constructive feedback can you offer the instructor that might help improve the course?

| Comments |
|--|
| Professor Collier was very disorganized and all over the place. He would jump from one topic to the next, which made it difficult to follow along. |
| THIS SHOULD BE TAKEN OFF THE SCHEDULE OR REQUIRE A FINANCE PREREQUISITE |
| Most of the people who took this class had no background in finance or real estate. We can't gloss over these things. They need to be explained in order for anyone to get something out of the course. |
| There was a massive disconnect between our reading assignments, guest speakers, and actual learning. Students were consistently confused about the expectations. I love guest speakers, but they were talking about their specific business setup, which is exciting but did not help us make sense of the information we were supposed to learn. This class has virtually nothing to do with the law, which was disappointing. My favorite guest speakers were the lawyers. I have no idea why our exam would prevent us from using Excel and our equation sheet, which we have used for all other assignments. It feels like students without a finance background are at a huge disadvantage. The professor did very little actual teaching. There was also an assumption that we could judge something as necessary on the LOI assignment, resulting in very low grades for many students. Additionally, as she commented on our LOI performance, Christy's attitude could be off-putting. All classes should be recorded, no exceptions. |
| There's no way to separate the critique of the instructor from the course itself, so I'll mesh them. This was not a law course. This was a business / finance course that felt half the time like a seminar on the Collier company. Unless you had a background in finance or business, 90% of what was said or taught went completely over the students' heads. I personally had to look up every word and concept on ChatGPT while the instructor was talking so I could have some idea what was being discussed, and by the time I'd figured out what he'd said, twenty minutes had passed and we were on to a new topic. Considering the subject matter was utterly foreign, the instructor (if set on teaching this material) should have gone very slowly to allow students to absorb utterly foreign material and understand the underlying concepts. Instead, concepts were breezed over in a manner similar to a veteran cardiologist talking to other cardiologists who have all performed hundreds of surgeries, except none of us have even gone to med school. The majority of us will simply memorize forgettable formulas to get through the exam and fill in the blanks to our best ability. There may be a few students who embraced the material, but they probably have a background in finance or investing which should be a prerequisite for this course if it is going to be taught in this manner. For them, this was probably a valuable learning experience. For the rest of us, we were blindsided by a finance course in the middle of law school. |
| Professor Collier is hard to follow in class and jumps from topic to topic. His unclear lectures do not teach us much. |
| This class needs to be more focused on law, not finance. This class was a poor experience because it is focused only on real estate math and finance, and there is no explanation or background given. |
| Also, the participation points being enforced halfway through the year is unfair and did not facilitate a good learning environment. Grading expectations are unclear. |
| Homework assignments need to be given more in advanced. Dropping it a few days before its due is unfair and unnecessarily |

| Comments |
|---|
| <p>stressful. Further, the non-math assignment are graded arbitrarily.</p> |
| <p>I am very bothered by the speed reading he does off a PowerPoint slide. Expectations were unclear on every assignment, including when and what kind of feedback we would receive. His commentary on his employees was sometimes alarming and outdated, including saying that people who leave every day at 5:30 won't become leaders in his company. Once he said that, I really questioned his ability to see working parents as equals. He really pushed back when people challenged his thinking, which I think it is critical to a class like this being enjoyable.</p> |
| <p>Where do I start . . . This has been the most chaotic class I have ever taken. Professor Collier is extremely knowledgeable, but he is not a good teacher. He speaks at a million miles per minute, speaks in acronyms, and assumes we have all the background knowledge he has. He needs to slow down and understand we do not know all the information he does. Also, the course has absolutely no structure. The readings were random; sometimes, he would assign an entire book for our weekly reading. The most frustrating part was that we would practically never discuss the reading material.</p> <p>Further, the grading standards were beyond unclear. I learned from another student that one of our classmates was given extra points for analyzing a problem that the rest were not told about. This is extremely unfair. If bonus points were available, they should have been offered to the entire class. I found this extremely unprofessional and displayed favoritism towards one student over another. Everything about this class was backward. We were taught how to do assignments after submitting them for a grade, not vice versa.</p> |
| <p>Keep in mind that everyone here is a law student, not an MBA candidate. Half the class went over my head. I also wish we spent more time on things I could actually apply my skills to.</p> |
| <p>I feel like we covered a lot of stuff very lightly and moved extremely fast. At times lectures were also disjointed and scrambled.</p> |
| <p>Great course! Christy and Angela were also super nice and helpful!</p> |
| <p>That being said, he never taught the class. He lectured for at most 1/4 of the class period a few times and the rest of the class was guest speakers. When he did lecture he went so fast and used so many acronyms and real estate terms that I had no idea what was going on. I thought this class was going to be an introduction to real estate law and finance and construction yet we never talked about these topics at a basic level and jumped into specified guest speakers the first day and I had no idea what was going on.</p> |

What constructive suggestion(s) do you have for improving the course materials, organization, and assignments?

| Comments |
|--|
| Perhaps more structured lectures would help students pay attention. |
| take this off of the schedule, actually go off of the textbook maybe. Don't bring in guest speakers every single week without explaining the material? |
| The course should be more focused on the law, because this is taught at a law school, and the course is described as "selected legal problems." I think probably two classes directly related to the law. The final is going to be math test. It's not really at all, in almost any sense, a law school course. As I understand it, this exact course is taught at the business school, which makes sense, because there's a ton of terminology that would be common for any business school student. Here, however, we deal with law – and this course was not focused on that at all. I was pretty excited for the course upon reading the first chapter of the casebook, but none of the classes dealt with the assigned readings or casebook. It's a math class, it's a finance class, and that's fine, but I would not and cannot recommend this course to anyone interested in real estate development law, because this course does not cover that. |
| Make finance or investment a prerequisite for people taking this course. Or figure out how to make it a law course. Forget the pro formas. If you're going to have guest speakers, make them all lawyers. They were very good and obviously experienced. The bankers and investors were hard to understand. |
| This class structure needs to be better organized and focus on law in the coursework. |
| The rubric for the paper and presentation should be clear from day 1. I wasted so much writing a paper completely different from the expectations. More case studies and fewer long PowerPoint slides are needed. |
| You need to entirely restructure how this class is taught and take more time to explain the basics. |
| More guest speakers that are lawyers. |
| I liked the way this course was organized and wouldnt change anything. |
| The organization of the course is good everything we need to know is listed on the syllabus. |
| I truthfully think this class needs to be completely restructured if it is going to stay an introductory–level course. I think the way it is now you NEED to provide a warning to students or require a business/finance background!!! I think it was highly unfair when we were required to do assignments on and learn finance topics when we were barley taught them for more than 10 minutes, especially to the students who did not have this background! I think especially the first LOI assignment was NOT fair as we just heard a guest speaker talk about it and then had to write one without guidance. I think this course would serve an attorney in real life greatly, but for intro students it was so stressful and upsetting. |
| I think the topics of law need to be taught for at least HALF the class at an introductory level and if you want to have guest speakers after that would be fun. But going into guest speakers with NO background and then having random assignments due that we barley discussed was so so stressful. I truthfully feel like I am just memorizing random information on a slide for a final without truly learning anything in this class. |

Please identify the topics and/or skills you learned in the course that you believe will have the highest application for future courses or professional growth.

| Comments |
|--|
| Genral topics about real estate development and investing. |
| nothing. i learned nothing |
| N/A |
| I learned about developer's perspective. |
| Absolutely nothing. |
| I think the LOI should be a larger part of the class with more time spent on telegraphing your expectations. There was some contradictory messaging on the LOI (e.g., the ideal LOI being a short–form document while the exemplar provided was four pages and the rubric grading criteria including a statement to the effect of "minimal changes mades to LOI form provided"). |
| I think almost all of it since this is the field i will be working in after graduation. |
| I learned about my self–concept, different types of leadership styles, and many concepts within 360 degree leadership that I can continue to work on. |
| Heard from lots of interesting speakers. |

New Course Proposal Form

To: Curriculum Committee

From: Jonathan L. Marshfield

Date: 4/9/2025

| | |
|--|--|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: Sp24 - 20; F22 - 40 |
| Course Title | State & Local Government Law |
| Number of credits | 3 hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires 39 hours of in-class instruction and at least 78 hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | This course explores the various intersecting bodies of public law that affect the structure, authority, operation, financing, and liabilities of American local governments. Topics include the vertical distribution of power under federal and state constitutions, theories of |
| Pre-requisites or Co-Requisites? | None |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | After completing this course, students should be able to: 1. Describe the public law foundations of American local government; 2. Demonstrate an understanding of the core legal doctrines affecting the structure, authority, financing, and liabilities of local governments in the United States; |
| Enrollment cap requested? If requested, what is pedagogical justification? | None. |

| | | |
|--|---|---|
| Method of evaluation | <u>95</u> % Final exam _____ % Skills assessment _____ % Paper | <u>5</u> % Classroom participation _____ % Other |
| Casebook or other source of readings? (If casebook, include title, author, publisher, edition) | LYNN A. BAKER, ET AL., LOCAL GOVERNMENT LAW: CASES AND MATERIALS (6th ed. 2021). | |
| Have you discussed this proposal with members of the UF Law faculty or administration? If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations. | | |
| Attachment checklist | <input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session. <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes. *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310. <input checked="" type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members) <input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members. | |

State & Local Government Law

Law 6930
Spring 2024

JONATHAN L. MARSHFIELD
University of Florida Levin College of Law

jmarshfield@ufl.edu | 352-273-0940
Office Hours: Wednesdays 11AM-1PM (Room 301)
Class Meetings: Tuesday & Wednesdays 9AM-10:25AM (Room 360)

COURSE DESCRIPTION:

Welcome to State and Local Government Law! As individuals, much of our interaction with the law is local. Local governments can determine the site of our nearest grocery store, how high (or low) property taxes will be, how to fund police and provide for public safety, how late bars can serve alcohol, whether to mandate masks, and even whether it is lawful to keep a pet python. Local governments also matter on a national and collective scale. Counties and municipalities now administer billions of dollars in federal grants and can drive national policy debates on issues ranging from immigration, reproductive rights, gun rights, climate change, and LGBTQ+ rights (to name just a few).

Despite the significance of local government law and institutions, most public law courses focus only on the laws that affect federal and state government. This is unfortunate because local governments operate within a unique constitutional space with its own doctrines, policies, and history. This course aims to address this void by providing a critical survey of core local government doctrines and theories. Although I will frequently use Florida law to illustrate and explore topics we cover in class, this is not a course dedicated to Florida law. The course is intended to provide a broad understanding of local government doctrines and theories that can translate to any United States jurisdiction.

COURSE OBJECTIVES & LEARNING OUTCOMES:

After completing this course, students should be able to:

1. Describe the public law foundations of American local government;
2. Demonstrate an understanding of the core legal doctrines affecting the structure, authority, financing, and liabilities of local governments in the United States;
3. Apply relevant doctrinal, strategic, and normative considerations to new local government factual scenarios; and
4. Demonstrate the ability to advise clients regarding compliance with and litigation under local government law.

REQUIRED TEXT AND WORKLOAD:

The casebook for the course is LYNN A. BAKER, ET AL., LOCAL GOVERNMENT LAW: CASES AND MATERIALS (6th ed. 2021). The class schedule below identifies all assigned reading for each class. I also supplement the casebook with additional materials, which will be available on Canvas. Students are required to complete the assigned readings before class and be prepared to discuss the material in class.

In accordance with Standard 310 of the American Bar Association's (ABA) standards for law schools, students are expected to devote 2 hours of out-of-class preparation for every 1 credit hour of in-class instruction. Because this course has 3 credit hours of in-class instruction weekly, you should expect to spend approximately 6 hours outside of class reading, preparing, and reviewing the material for our class meetings each week.

ATTENDANCE:

Attendance is mandatory and an essential part of the course. In accordance with ABA guidance, you are allowed a total of five absences from class, for any reason (including for illness, medical appointments, job interviews, school activities, work tasks, family issues, and the like). UF Law respects students' [observance of religious holidays](#), but you must notify me in advance of those religious observance-related absences. To respect your privacy, I do not otherwise differentiate between "excused" or "unexcused" absences. As a result, there is no need to tell me why you will be or were absent from class, so long as you have five or fewer absences total. More than five absences could result in preventing you from sitting for the final exam and failing the course.

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

OFFICE HOURS & CONTACT INFORMATION:

My office is located at Room 301. For this semester, my office hours are Wednesdays from 11AM to 1PM. I am happy to meet with you outside of these hours if scheduling permits. Please email me to schedule a time outside of my posted office hours. Outside of class, e-mail should be your first choice in getting in touch with me. I will be in my office (Room 301) during scheduled office hours, but I am also happy to meet via Zoom during office hours if you prefer that medium.

GRADING:

This is a three-credit course. Your grade in the course will be based on a final exam, with potential adjustment based on your attendance and participation. Regular attendance, preparation, and active participation in classroom discussion are required. The final exam is scheduled for **Wednesday, May 1, 2024**. I will provide more information on the exam in class, but it will be a time-limited, open-resource exam. The law school grading policy is available [here](#). The law school policy on exam delays and accommodations can be found [here](#). Students receive grade points according to the following scale:

| Letter Grade | Point Equivalent | Letter Grade | Point Equivalent |
|---------------|------------------|------------------|------------------|
| A (Excellent) | 4.0 | C (Satisfactory) | 2.0 |
| A- | 3.67 | C- | 1.67 |
| B+ | 3.33 | D+ | 1.33 |
| B | 3.0 | D (Poor) | 1.0 |
| B- | 2.67 | D- | 0.67 |
| C+ | 2.33 | E (Failure) | 0.0 |

ACCOMMODATIONS:

This class will be accessible to all members of our law school community. Students requesting accommodations 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 (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with me so we can discuss their access needs as early as possible in the semester.

PREFERRED NAME AND PRONOUNS:

Many of you may have a preferred name that is not the name given to me on the official roll. It is important to the learning environment that you feel welcome and safe in this class. I want you to be comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and last name. As such, if your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise before the first day of class.¹

DISCOURSE, INCLUSION, AND THE CLASSROOM:

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;

¹ You may also change your “Display Name” in Canvas. Canvas uses the “Display Name” as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as “Ally” instead of “Allison.” To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select “Directory Profile.” Click “Edit” on the right of the name panel, uncheck “Use my legal name” under “Display Name,” update how you wish your name to be displayed, and click “Submit” at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same;
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

RECORDING OF CLASS:

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

STUDENT COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via ufl.bluer.com/ufl/. Summaries of course evaluation results are available to students [here](#).

UF HONOR CODE:

Academic honesty and integrity are fundamental values of the UF Law School community. Students are expected to understand and comply with the UF Student Honor Code, available [here](#), and the Law School's application of it, information available [here](#).

CLASS
SCHEDULE

NOTE – I may adjust this schedule depending on our progress in class and/or developments in the law.

Week 1 – Theoretical Perspectives – Why have local government? Why have local government in Florida (a case study)?

Class 1 – Read Baker pp. 1-26 & 59-64.

Class 2 – Read Baker pp. 26-58; Handout re Florida local gov.

Week 2 – Federalism and Local Government (a very brief overview) – What are the legally enforceable limits on local (and federal) authority?

Class 3 – Read Handout, Con Law re Local Gov.; Baker pp. 141-56

Class 4 – Read Baker pp. 156-68.

Week 3 – Incorporation – What are the legal standards and processes for creating a local government?

Class 5 – Read Baker pp. 168-207; Handout re Florida Incorporation Statutes, Independent Special Districts, and Disney’s Reedy Creek.

Class 6 – Read Baker pp. 207-238.

Week 4 – The State’s Plenary Power – What “space” does a state constitution leave for local government activity?

Class 7 – Read Baker pp. 239-60; Florida handout.

Class 8 – Read Baker pp. 260-86; Florida handout.

Week 5 – Dillon’s Rule – Do local governments have enumerated or plenary power, or something in between?

Class 9 – Read Baker pp. 286-305

Class 10 – Read Baker pp. 306-317

Week 6 – Home Rule – What does “self-rule” really mean?

Class 11 – Read Baker pp. 317-47.

Class 12 – Read Baker pp. 347-71; Florida handout.

Week 7 – Conflict and Pre-Emption – When does state law actually trump local law?

Class 13 – Read Baker pp. 371-401.

Class 14 – Read Baker pp. 401-413.

Week 8 – Local Service Provision – Can the law implement Tiebout sorting? Should it?

Class 15 – Read Baker pp. 415-436.

Class 16 – Read Baker pp. 415-455.

Week 9 – Local Service Provision Cont. & Intro. to Local Taxing and Spending – Are there any substantive restrictions on how local government can raise and spend money?

Class 17 – Read Baker pp. 455-73 (end of local service provision module).

Class 18 – Read Baker pp. 495-528 (beginning of taxing & spending).

Week 10 – Technical Requirements for Local Expenditures and State Mandates – Are there any procedural restrictions on how local government can spend money?

Class 19 – Read Baker pp. 528-555.

Class 20 – Read Baker pp. 555-567.

Week 11 – Local Government Revenue & Debt – How do/should local government's raise revenue?

Class 21 – Read Baker pp. 567-82; 607-616 (property tax).

Class 22 – Read Baker pp. 675-700 (debt).

Week 12 – Municipal Tort Liability – When can a municipality be sued for personal injuries, contract violations, or constitutional harms?

Class 23 – Read Baker pp. 793-816.

Class 24 – Read Baker pp. 816-850.

Week 13 – Local Government Structure – What are the limits and theories of how best to organize local government?

Class 25 – Read Baker pp. 863-883.

Class 26 – Read Baker pp. 897-930.

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LOCAL GOVERNMENT LAW

CASES AND MATERIALS

SIXTH EDITION

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For Sam and Mahria

—*L. A. B.*

To the memory of Abby

—*C. P. G.*

For Amanda, Charlie, and Nate

—*D. S.*

PREFACE TO THE SIXTH EDITION

This edition continues the basic approach of previous editions. We focus on the unique role that local governments play in the federal system, and the characteristics of local governments that distinguish them from other levels of government. But we have added discussions of the many recent developments, political and legal, which have impacted local governments. Thus, this edition includes new sections on public pensions and “penalty” pre-emption. It also includes discussion of important recent cases involving the anti-commandeering doctrine, sanctuary cities, municipal liability under federal civil rights laws, and equity in school finance. We address throughout the text current movements to address the local implications of racial injustice and economic inequality. We also discuss the consequences for urban living that could emerge from COVID-19 and the pivot to remote working and learning.

Our students at NYU Law School, the University of Texas School of Law, and Yale Law School have improved this edition with their comments, suggestions, and challenging questions. We are especially grateful to those who provided us valuable assistance with research and proofreading: Tess Saperstein from NYU; Sarah DeVore, Nicholas Rudd, Rhea Shahane, and Taylor Wilson, Jr. from the University of Texas; and Nathan Cummings, Steffi Ostrowski, and Will Poff-Webster from Yale. Finally, we are grateful for the continued support of every sort from our Deans: Trevor Morrison at NYU, Ward Farnsworth at Texas, and Heather Gerken at Yale.

LYNN A. BAKER
CLAYTON P. GILLETTE
DAVID SCHLEICHER

September 2021

PREFACE TO THE FIFTH EDITION

This edition substantially expands the topics covered in the book and the discussion of theoretical tools that can be used to understand local government law. The basic approach remains the same. We focus on the unique role that local governments play in the federal system, and the distinctive characteristics of local governments that distinguish them from other levels of government. But we have added discussions of changes in local land use and zoning law and the effects of these laws on the local, regional, and national economies. There is also a new section discussing local fiscal distress and bankruptcy following the wave of municipal fiscal crises over the past few years. And we added a section on the separation of powers inside local governments, including materials on local administrative law, the power of local executives, and reforms of local legislatures.

We continue to ask some of the same theoretical and normative questions. How should our local “communities” be defined in practice, and who should decide? What is and should be the relationship that states and localities have with their citizens, other states and localities, and the federal government? Which level of government (if any) should provide a particular good or service, or regulate activity in a particular area? How should the goods and services provided by states and localities be paid for, and who should decide? As always, we have included discussions of the tools of democratic theory, microeconomic analysis, and public choice to help students develop answers to these questions. But we have also added new materials on agglomeration economics, or why people cluster in cities, and discussions of how changes in the form of and reasons for agglomeration can and should influence local government law. Further, we have expanded the discussion of public choice to include substantial materials on how the form and structure of local elections and local partisan (and non-partisan) politics can help explain the behavior of local governments.

Our students at the University of Texas School of Law, George Mason University School of Law, Georgetown University Law Center, NYU School of Law, and Yale Law School have improved this edition with their questions, comments, and suggestions. We are particularly grateful to Jeremy Greenberg and Dillon Styke of the George Mason University School of Law, Kyle Lachmund of NYU School of Law, and Daniel Rauch of Yale Law School, who provided extremely valuable assistance with research and proofreading. Finally, we owe a continuing debt to our deans, Ward Farnsworth at the University of Texas, Trevor Morrison at NYU, and Daniel Polsby at George Mason, for their support of our projects, including this book.

LYNN A. BAKER

CLAYTON P. GILLETTE

DAVID SCHLEICHER

PREFACE TO THE FOURTH EDITION

This edition retains the organization and general approach of the prior editions of this casebook. We continue to focus on the unique role that local governments play in the federal system, and the distinct characteristics of local governments that distinguish them from other levels of government. The larger questions that we ask remain the same: How should our local “communities” be defined in practice, and who should decide? What is and should be the relationship that states and localities have with their citizens, other states and localities, and the federal government? Which level of government (if any) should provide a particular good or service, or regulate activity in a particular area? How should the goods and services provided by states and localities be paid for, and who should decide?

This edition includes new material concerning the role of local governments in local economic development, a topic of heightened importance and controversy in light of the U. S. Supreme Court’s 2005 decision in *Kelo v. City of New London*. We also discuss new developments in the relationship between the federal government and states and localities, including recent U.S. Supreme Court decisions concerning the federal preemption of state law and the scope of Congress’s power under the Commerce Clause, as well as challenges to the No Child Left Behind Act and unfunded federal mandates to states and school districts.

Our students at the University of Texas School of Law and the NYU School of Law have improved this edition with their questions, comments, and suggestions. We are particularly grateful to Michael Stephan of the University of Texas School of Law, who provided valuable assistance with research and proofreading. Finally, we owe a continuing debt to our deans, Ricky Revesz at NYU and Larry Sager at the University of Texas, for their support of our projects, including this book.

LYNN A. BAKER

CLAYTON P. GILLETTE

April 2010

PREFACE TO THE THIRD EDITION

This edition continues the organization of the prior editions of this casebook, but recognizes developments that have occupied much of local government law in recent years. We have, for instance, added a section dealing with the important issue of redistribution by local governments. The enactment of living wage laws in many jurisdictions, and the inevitable challenges that these ordinances face in the courts, raise fascinating legal and policy issues about the extent to which localities can assist the poor, as well as the extent to which localities should subsidize businesses. This material also provides an effective means of discussing the more general question of how a community defines itself. We have also expanded the materials on regionalism to reflect the burgeoning literature on the extent to which cities and suburbs depend on each other in creating a regional economy. This material invites discussion about the obligations that communities owe to each other and the conflicting incentives that they face to compete and to cooperate.

Throughout these materials, we ask the questions that have been the focus of this book from its first edition: To what extent should local governments be permitted autonomously to define their objectives? Who gets which services within a community, and who should make those decisions? Who pays for the services that are provided? What kinds of legal constraints are necessary to permit one jurisdiction from exploiting another? What kinds of legal entitlements should be used to assist those who cannot easily migrate to jurisdictions that they would find more hospitable? What are the motivations of local government officials? We hope that you find these issues, and the debates that they engender, as fascinating as we do.

Numerous students at the University of Texas School of Law and NYU School Of Law assisted in the preparation of this edition. We are particularly grateful to Monica Brewer, Craig Cepler, Tracy Dingman, Claire Morris, and Leila Kimberly Thompson. Claire Morris of the University of Texas School of Law proofread the entire text and saved us from many errors. Finally, we owe a special debt to our deans, Ricky Revesz at NYU School of Law and William Powers at the University of Texas School of Law, for supporting this project as well as our other research.

LYNN A. BAKER

CLAYTON P. GILLETTE

April 2004

PREFACE TO THE SECOND EDITION

This edition retains the general approach and aims of the first: it seeks to explain local government law through an exploration of institutional design; it reflects a preference for explicating the law through the state courts rather than through federal court explanations of what localities ought to do; and it attempts to provide a basis for students to consider work from other disciplines, ranging from public finance to political philosophy, in order to encourage a more reflective critique of the legal doctrine and its consequences.

Users of the first edition will also find much—beyond the addition of a second author—that is new, however. This second edition reflects many important, post-1994 developments in local government law and scholarship, including: the increasingly problematic issues surrounding the city suburb relationship; the debate concerning the privatization of various community services; the growth of homeowners associations and other forms of “private government”; the revival of constitutional protections against federal power for states and localities embodied in *United States v. Lopez* and *Printz v. United States*; and increased attention to communitarian theories and scholarship. These materials will no doubt continue to evolve, and we welcome comments from users.

We are grateful to the many law students at the University of Virginia and the University of Texas who provided excellent research assistance: Jennifer Kraber, Craig May, Kristine Rayann Ottaway, Jacqueline Watson, and William Wiese. Finally, we owe special thanks to our respective deans, Robert E. Scott and M. Michael Sharlot, and our colleagues for the continuing intellectual support that made this project possible.

CLAYTON P. GILLETTE
LYNN A. BAKER

December 1998

PREFACE TO THE FIRST EDITION

The study of local government law has, in recent years, achieved new levels of analysis. The debates in the legal literature about liberalism and communitarianism, about the role of interest groups in the selection and passage of legislation, about the proper scope of the judiciary in allocating social resources all have implications for the issues of local competence and local autonomy that constitute the framework of local government law. At the same time, debates in the political forum about the role of local government in the federal firmament have become more important as federal funding has decreased, cities have struggled with fiscal distress, and states have imposed increased obligations on localities to address social issues ranging from environmental cleanup to the delivery of basic services. The materials in this book attempt to provide a means for studying these phenomena and for wrestling with both the theoretical and practical issues that local governments face today.

My approach to these issues consists of an investigation of the basics of what it is that we expect of local governments, of why we would or would not favor local redress for a particular social problem. My concern, therefore, is with the question of when local bodies (cities, counties, special authorities, towns) rather than some other level of government, or the marketplace, should make decisions concerning the allocation of social resources. In short, these materials explain local government law through an exploration of institutional design.

The issues that these materials address are familiar in the public law component of the law school curriculum. They involve the scope of governmental decisionmaking and the competence of the decisionmaker to render results consistent with an acceptable social objective, such as fairness or efficiency. Most public law courses, however, address these issues only at the federal level and ask whether a given decision should be made by the executive, the legislature, or the judiciary. A course in local government law adds to this matrix the issue of whether a particular decision should be made at the local, state, or federal level. Occasionally, these materials also invite the student to consider whether the good or service at issue should be provided by government at all. The materials begin from the assumption that the appropriate level of decisionmaking for any issue depends on three factors: (1) the extent to which the decision will have effects beyond the jurisdiction of the decisionmaker; (2) the possibility that decentralization will enhance or frustrate a decisionmaking procedure that is dominated by nonrepresentative interests, that is, the problem of collective action; and (3) the desirability of creating institutions for decisionmaking that promote state of local government scholarship, it is not appropriate to address these issues as purely legal matters. Instead, the law that emerges, and the student's reaction to it, largely reflects learning from other disciplines, ranging from public finance to political philosophy. I have attempted to provide some basis for students to consider work from

these other disciplines in order to encourage a more reflective critique of the legal doctrine and its consequences.

A word about the cases is in order. Many of the doctrines of local government law lack the precision and definiteness that one would like. Concepts such as “debt,” “public purpose,” “local affairs,” and “uniform taxation” are not readily susceptible to definition. I have attempted to select cases that demonstrate the complexity inherent in these concepts and that give sufficient examples of when the particular court believes the standard at issue has or has not been satisfied. Unfortunately, cases that are successful for these purposes tend, for the same reason, to be lengthy. My apologies in advance to teachers and students. In addition, I have chosen to retain detailed discussions of the transactions that give rise to the underlying disputes in the hope that students will come to appreciate the intricate and varied contexts in which local governments interact with the state, with each other, and with their residents. Here, too, I fear, brevity must give way.

I have also attempted (with notable exceptions) to select relatively recent cases from state courts in order to give students a sense of the currency of the problems presented. The cases also reveal my preference for explicating the law through the state courts rather than through federal court explanations of what localities ought to do. In large part, this choice reflects my preference not to turn the study of local government law into an examination of “constitutional law as applied to localities.” Hence, I have avoided cases that treat “first amendment law as applied to localities” or “takings law as applied to cities” in favor of cases that, at least implicitly, ask fundamental questions about the appropriate scope of municipal conduct.

These materials have evolved over a period of years, and I have no faith that the evolutionary process has ended. I welcome comments from users of the materials. That these materials and my own thinking about local government have reached this point is due in no small part to the generosity of others in conversation and commentary. I have been fortunate to have served under two remarkable deans, Bob Scott at the University of Virginia and Ron Cass at Boston University. Each has provided not only the time and resources necessary to complete this project, but also the intellectual support and engagement that has added richly to my understanding of the subject. Several individuals, Kathy Abrams, Lynn Baker, Cheryl Conner, Ann Gellis, Dan Rodriguez, and Gary Schwartz, subjected their students and themselves to all or parts of these materials in nascent form and gave me feedback that improved the content and the presentation. I owe a special debt to Gary Schwartz, who spent more hours than mere collegiality required to discuss details of the manuscript. Others took the time and effort to discuss sections of the book and contribute ideas. These include Richard Briffault, Pam Karlan, Saul Levmore, and William Stuntz. I am also grateful to several

anonymous reviewers, whose comments forced me to rethink the substance of the book.

Marian Ryerson provided substantial secretarial assistance. Legions of law students at the University of Virginia and Boston University provided excellent research assistance. I am particularly indebted to Karen Essex, David Harrington, Kari Levine, Patti Levine, Aimee Meltzer, and Holly June Stiefel. I am grateful for research support from the Class of 1957 Research Endowment at the University of Virginia School of Law. The editorial staff at Little, Brown and Co., Carol McGeehan, David Bemelmans, Betsy Kenny, and Tom Lincoln, provided both comfort and professionalism.

I was fortunate to do much of the research for this book on Westlaw, and am grateful for the advances in computer technology that have expedited the process of legal research.

Finally, my family, Abby, Jonah, and Alexander, have offered me more sacrifice and support than any one family member has the right to expect. I can only hope that the product in some small way rewards their faith.

A final note on the text: I have occasionally omitted citations within cases without designation. Where I have reprinted footnotes from cases, I have retained the original footnote numbers.

CLAYTON P. GILLETTE

February 1994

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| Zelinger v. City and County of Denver, 656 | |
| Ziglar v. Abbast, 844 | |
| Zimmerman v. City of Memphis, 627 | |

New Course Proposal Form

To: Curriculum Committee

From: Sarah H. Wolking

Date: 4/5/25

| | |
|--|---|
| Type of Proposal (check one) | <input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 st proposed offering: <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 8 ('24), 8 (spr '25), 10 (fall '25) |
| Course Title | Transformative Perspectives: Criminal Justice Inside-Out |
| Number of credits | <u>3</u> hours <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>3</u> hours of in-class instruction and at least <u>6</u> hours of out-of-class work on the part of the students.* |
| Brief Course Description (50 words or less; for public posting on the UF Law website) | This Inside-Out course unites UF Law students and incarcerated students in a collaborative learning environment inside a Florida prison. Through readings, dialogue, and shared inquiry, students examine the criminal justice system, its critiques, and alternatives like |
| Pre-requisites or Co-Requisites? | N/A |
| Educational Objectives Why are you proposing this course? Why should it be added to the UF Law curriculum? | This course exemplifies legal education at its most impactful. By uniting UF Law students with incarcerated students in a shared, rigorous academic environment, the course fosters deep critical thinking about criminal law and procedure, mass incarceration, and systemic reform. It challenges students to integrate legal theory with |
| Enrollment cap requested? If requested, what is pedagogical justification? | Twelve. Capping enrollment at 12 students preserves the integrity and effectiveness of this course's pedagogical model. As an Inside-Out Prison Exchange Program course, this class is built |

| | | |
|---|---|--|
| Method of evaluation | _____ % Final exam _____ % Skills assessment 30 _____ % Paper | 50 _____ % Classroom participation 20 _____ % Other |
| Casebook or other source of readings? <small>(If casebook, include title, author, publisher, edition)</small> | Premal Dharia and James Forman, Jr. Dismantling Mass Incarceration: A Handbook for Change (2024); Larry Miller, Jump: My Secret Journey from the Streets to the Boardroom (2022); James Forman, Jr. Locking Up Our Own: Crime and Punishment in Black America (2018); David Brooks, How to Know a Person (2023); Bryan | |
| Have you discussed this proposal with members of the UF Law faculty or administration? <small>If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.</small> | Yes, I've discussed this course with Dean Rosenbury (before she paid for the Inside-Out Instructor Training), members of the Curriculum Committee, and other faculty members who teach in the criminal justice area. | |
| Attachment checklist | <input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session. <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes. *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310. <input type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members) <input checked="" type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members. | |

Transformative Perspectives: Criminal Justice Inside-Out New Course Proposal—Addendum

Brief Course Description:

This Inside-Out course unites UF Law students and incarcerated students in a collaborative learning environment inside a Florida prison. Through readings, dialogue, and shared inquiry, students examine the criminal justice system, its critiques, and alternatives like restorative justice. They integrate theory with lived experience to foster leadership, empathy, and pathways to meaningful legal and social change.

Educational Objectives:

This course exemplifies legal education at its most impactful. By uniting UF Law students with incarcerated students in a shared, rigorous academic environment, the course fosters deep critical thinking about criminal law and procedure, mass incarceration, and systemic reform. It challenges students to integrate legal theory with lived experience while nurturing empathy, humility, and civic responsibility. Students learn to interrogate doctrine, develop leadership and advocacy skills, and practice legal problem-solving. Establishing this course as a permanent offering reaffirms UF Law's commitment to inclusive, high-impact teaching, public service, and cultivating lawyers equipped to thoughtfully address complex challenges—hallmarks of a rigorous legal education that prepares students for the bar and meaningful, ethical careers in law.

Enrollment Cap:

Capping enrollment at 12 students preserves the integrity and effectiveness of this course's pedagogical model. As an Inside-Out Prison Exchange Program course, this class is built around intensive dialogue, trust-building, and collaborative learning between incarcerated and law students. A smaller class size ensures that each participant—inside and outside—has the opportunity to contribute meaningfully to discussions, engage deeply with course materials, and develop the communication, leadership, and reflective skills central to the course's learning outcomes.

University of Florida Levin College of Law

COURSE SYLLABUS

TRANSFORMATIVE PERSPECTIVES: CRIMINAL JUSTICE INSIDE-OUT

LAW 6930 (18258)

Spring 2025

INSTRUCTOR'S CONTACT INFORMATION:

Professor Sarah H. Wolking
Office Location: 126 Bruton-Geer Hall
Office Phone: (352) 273-0800
Email: wolking@law.ufl.edu
Office Hours: Wednesdays 1:30-3:30 p.m.

CLASSROOM AND CLASS TIME:

Tuesdays from 5:30-8:30 p.m. The class will meet weekly for three hours at Lancaster Correctional Institution in Trenton. Law students must allow travel time and processing in and out of the facility. Transportation to/from the facility will be by van, leaving the law school at 4 p.m.

COURSE DESCRIPTION AND OBJECTIVES:

This course brings together students from UF Law and students incarcerated at Lancaster Correctional Institution to study the criminal justice system. Part of the Inside-Out Prison Exchange Program, this class challenges students to integrate their theoretical knowledge with lived experiences. The course will focus on current issues in the criminal justice system and cover topics including the causes and the impact of crime, the rationale for and critiques of the criminal justice system, and alternatives such as restorative justice. This I-O course will strive to:

- Encourage students to think critically about various criminal justice and correctional issues, testing their theoretical understanding;
- Create an environment that will facilitate the honest exchange of ideas in a constructive dialogue;
- Facilitate the development of tools for acting as engaged citizens working towards a more just society;
- Build a connection between those on the outside and those on the inside, and
- Develop students' capacities for both written and oral expression.

STUDENT LEARNING OUTCOMES:

After completing this course, students should be able to:

- Review, reflect on, and hone their thinking about the operation of the criminal justice system;
- Identify alternatives to current legal doctrine and practices, distilling solutions out of what legal agencies currently do;
- Produce high-quality writing;
- Recognize disparate outcomes within the criminal justice system, learning how to address and challenge them sensitively in a group setting;
- Develop the skills to think like a leader;
- Collaborate with classmates to produce a group project.

REQUIRED READING MATERIALS:

- Larry Miller, *Jump: My Secret Journey from the Streets to the Boardroom* (2022)
- James Forman, Jr. *Locking Up Our Own: Crime and Punishment in Black America* (2018)
- David Brooks, *How to Know a Person* (2023)
- Premal Dharia and James Forman, Jr. *Dismantling Mass Incarceration: A Handbook for Change* (2024)
 - Patrick Sharkey and Rogé Karma *How Cities Can Tackle Violent Crime Without Relying on Police* (2020)
 - Taylor Pendergrass and Somil Trivedi *Beyond Reform: Four Virtues of a Transformational Prosecutor* (2021)
 - Rachel Barkow *Can Prosecutors End Mass Incarceration?* (2021)
 - Community Justice Exchange, CourtWatch MA, Families for Justice and Healing, Project NIA, and Survived and Punished NY *Abolitionist Principles and Campaign for Prosecutor Organizing* (2019)
 - Raj Jayadev *1,862 Fewer Years in Prison* (2015)
 - Dashka Slater *North Dakota's Norway Experiment* (2017)
 - Clint Smith *Restoring Pell Grants—and Possibilities—for Prisoners* (2021)
 - Lori Pompa *The Inside-Out Prison Exchange Program: Its Origin, Essence, and Global Reach* (2021)
 - Adrian Horton *Reginald Dwayne Betts on His Groundbreaking Prison Library Project* (2021)
 - Piper French *A Future for Susanville* (2022)
 - Judge Frederic Block *United States v. Chevelle Nesbeth* (2016)
 - Lawrence Bartley, Crystal Mourias-Juan, and Rahsaan Sloan *A Conversation About Second Chance Employment* (2023)
 - Zachariah Oquenda *The Case for a Fair Chance Housing Act: From a Brother's Perspective* (2021)
 - Kira Lerner *D.C. Residents Are Voting from Prison This Week* (2022)

- James M. Binnall *The Time I Was Called for Jury Duty...and What Happened Next* (2023)
- Ben Fleury-Steiner *Rights Restoration Success Stories* (2023)
- Bryan Stevenson, *Just Mercy* (2014)
- Lifers Inc. at SCI-Graterford, *Ending the Culture of Street Crime* (2004)
- Maurice Chammah, *The Future of Prisons?* (2024)
- Jeffrey Bellin, *Mass Incarceration Nation: How the United States Became Addicted to Prisons and Jails and How It Can Recover* (2022)

The reading load for this course is substantial. We will not always have the opportunity to discuss each reading, but the readings are always essential to the day's topic. Additional readings may be distributed throughout the semester, and students are encouraged to draw the class's attention to current events and issues in the criminal justice system.

CLASS ATTENDANCE POLICY AND PARTICIPATION:

Attendance in class is required by both the ABA and the Law School. The class is three hours long. It is dialogue-based and, therefore, highly interactive. Given the unique nature of this class, it is essential that each student attend and fully participate in every session. If, due to serious circumstances, you won't be able to attend one of the sessions, please contact me in advance. Any absence will change the dynamics of the group, as well as disappoint other members of the class. Depending on the circumstances, missed classes may affect your grade in the class. Inside students can contact the instructor through the FDC staff liaison. Unexcused absence from class will result in a 5-point reduction in a student's final grade (on the 100-point scale) for each missed class. Further information about UF Law's attendance policy is available here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

For outside students, you must be on time at the meeting place for the carpool or the facility. Your lateness can cause difficulties at the gate and will delay the class for all. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

Active participation is critical in this class. We will discuss difficult and controversial issues, and you may disagree with one another. Say what you think, even if it isn't a popular point of view. For this experience to be the meaningful educational opportunity it's intended to be, each of you must take responsibility for the direction and depth of the discussion. As we'll be meeting in an unfamiliar setting, we will each have to work on getting comfortable enough to take risks involved in fully participating in discussions. While listening is important, sitting back and merely listening is not acceptable. Everyone must be fully engaged for this to work.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations, can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately three hours, requiring at least six hours of preparation outside of class, including reading the assigned materials, writing reflection papers, and developing your final project.

COMMUNICATION COURTESY AND CIVILITY:

Please follow the rules of common courtesy in all class discussions. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

COURSE EXPECTATIONS AND GRADING EVALUATION:

For this course, you will earn three (3) total credits. Outside students will be graded under regular law school grading policies. Inside students will complete the same assignments and be given a choice of how they would like to be graded and receive feedback (high school, college, or post-secondary level). All students are expected to hand in papers on time, and late papers without a valid excuse will be graded down. A student’s final grade will be based upon the following: 50% Coursework (completing reading assignments, being prepared for class, and written reflections) and 50% Class Participation, including the small group Final Project.

1. COURSEWORK: 50% of final grade

Reflection papers and class readings challenge you to think and form opinions about how the criminal justice system works.

Weekly Reflection Papers

Students will write weekly reflection papers based on the previous week’s class discussion and upcoming readings. Papers are due each week in class. Note to outside students: Do not email or upload papers to me before or after class. Please bring them with you.

Papers may be typed or hand-written and should be three pages. If you type, papers should be double-spaced. If you hand-write, please write clearly. Include your name and the date on the first page of your reflection paper, but do not include your name on any other pages. Identify the paper on page 1 by number (i.e., Reflection Paper #1, #2, etc.). I will read your papers and comment on the margins, but I won’t give detailed feedback.

I will distribute a copy of everyone’s papers to the class the following week. Students have reported that reading one another’s reaction papers is a highlight of the class and a way to continue the conversation beyond the classroom walls.

Your reflection papers should convey that you have read carefully and thought hard about the issues presented. Each paper should include two sections:

- Section One: Observation and reaction to class discussion
- Section Two: Analysis and integration of readings

Section One: Observations and Reactions:

Identify at least one thing that you observed during our class session. Observations can include anything that stood out for you, such as specific interactions between people, interesting issues or common themes that emerged, or your insights about group dynamics. Explain what was significant to you about each of the observations.

In addition to your observation, write about your emotional reaction (how you felt after and during class). Describe, in as much detail as possible, how the experiences and exercises in class made you feel. Instead of just reporting that class made you feel sad or happy, write about what made you feel sad or happy, how long you were sad or happy, what sadness or happiness feels like, did others notice, when it stopped, etc. Exploring your feelings in this way takes courage and strength. Writing can be helpful to examine feelings that we might otherwise ignore. Be honest in expressing your feelings. Write about them, then let go.

Section Two: Analysis and Integration:

In this section, you transition from reflecting on the last class session to looking forward to the upcoming class. You will do this by reflecting on and analyzing the topics raised by the readings. Integrate the readings for the week, including at least one relevant passage (with citations) from those readings.

If you are having trouble getting started on this section of the paper, these prompts may be helpful:

- What themes, points, or issues did you find interesting?
- Which reading did you disagree with, and why?
- Which reading would you want to share with a friend or family, and why?
- Does the author's argument square with your life experiences? If so, how? Does the author's argument shed light on recent news events? If so, how?
- Does a particular article or set of articles cause you to change your mind about something you believe? Does it reinforce a belief? If so, how?
- How does the reading relate to or conflict with readings from previous weeks?

A few pointers when writing this section:

- Instead of tackling several issues, select one (maybe two) of these issues or themes to write about.
- You may only have space to react to one of the readings. That is just fine.

- Develop your own analysis of the issue or theme you select. What do YOU think about what you read?
- Use quotations or excerpts from the readings and examples from the reading to support your analysis or highlight your analysis's limitations.

2. CLASS PARTICIPATION AND FINAL GROUP PROJECT: 50% of final grade

The classes will consist of a guided dialogue on the particular topic of the week in both the large group and smaller subgroups. This format will make our discussions all the more productive and engaging. Our course structure provides us with unique opportunities and responsibilities. We must abide by the rules of the facility and our class and, above all, treat one another respectfully. Please remember the I-O rule of semi-anonymity and use first names only on all assignments and in class. Contact outside of class between Inside and Outside students is not permitted under the rules of the Inside-Out International Prison Exchange Program.

Final Group Project:

All students will participate in a group project toward the end of the course. I will provide additional details about the group project later in the semester.

Journaling: I will provide each student with a writing journal. Please bring this to class with you each week. You may use this journal to jot down notes or thoughts during class or when doing the reading. I encourage you to spend a few minutes each day, or a few days a week, writing in your journal. It is an excellent place to explore, observe, describe powerful moments, and track difficult problems. *I will not read your journal.*

A Thing of Beauty:

Beginning with our first combined meeting, two of us will bring something to class that brings beauty to your life. This can be pretty much anything—a photo, a book, a poem, a piece of music, a picture, a story, an inspirational quote, a cartoon, a drawing, etc. You name it. If it is beautiful to you, and you want to share it, it can be your thing of beauty. I'll go first, along with another student, and students will sign up for one day over the rest of the semester.

A Word on the Process: Your final grades will reflect your preparation for class, your written work, and your class participation, including your small group Final Project. It's a shame that classes have to end with grades. Please keep in mind that grades are an imprecise and heavy-handed tool for judging things that are hard to judge.

Closing Ceremony:

The class will culminate in a closing ceremony. We'll discuss the details of the closing ceremony later in the semester.

COURSE ROLES AND RESPONSIBILITIES:

This unique course comes with heightened responsibilities. We will discuss these in more detail at our first meeting session.

- This course is not an opportunity for human subject research. We are creating a community of inside and outside students.
- This course is not about providing legal representation, charity, or volunteering. Those are essential endeavors, but this course is different. This class is about creating a learning community.
- All students must abide by all rules of the Florida Department of Corrections.
- All Inside-Out classes operate on a first-name basis. Students may not contact one another outside of class, including after the class has ended. Students may not share emails, cell phone numbers, social media contacts, etc. Please don't hesitate to ask me if you have questions about this rule or how to interpret it.

DRESS CODE:

Outside students will wear black matching “Inside-Out” t-shirts and must comply with the dress code rules specified by the Florida Department of Corrections.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

I've outlined the course assignments below. Our schedule is subject to change, and students should be prepared to pivot.

| | | |
|---|---|---------------|
| Week 1: Introductory Session for Inside Students | Lancaster CI | Tues Jan 14th |
| Week 2: Introductory Session for Outside Students | UF Law | Tues Jan 21st |
| Week 3: First Combined Meeting - Introductions | Lancaster CI Readings: <i>How to Know a Person</i> by David Brooks (entire excerpt in course materials) and <i>Jump</i> by Larry Miller (pages 1-49) | Tues Jan 28th |

| | | |
|--|---|----------------------|
| <p>Week 4: Crime and Punishment in the US. Why do People Commit Crime? What are Prisons for?</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #1 at start of class</p> <p>Reading: <i>Jump</i> by Larry Miller (pages 51-173)</p> | <p>Tues Feb 4th</p> |
| <p>Week 5: Why Does Crime Happen?</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #2 at start of class</p> <p>Reading: <i>Jump</i> by Larry Miller (pages 175-287) and <i>Ending the Culture of Street Crime</i> by Lifers Inc. at SCI-Graterford</p> | <p>Tues Feb 11th</p> |
| <p>Week 6: An Analysis of the Criminal Justice System</p> | <p>Lancaster CI—<i>Tour for Outside Students before class</i></p> <p>Writing Assignment: Turn in Reflection Paper #3 at start of class</p> <p>Reading: <i>Locking Up Our Own</i> by James Forman Jr. (pages 3-150, note there are lots of skipped pages in the excerpted course materials)</p> | <p>Tues Feb 18th</p> |
| <p>Week 7: Myths and Realities of Prison Life</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #4 at start of class</p> <p>Reading: <i>Locking Up Our Own</i> by James Forman Jr. (pages 185-239, note there are lots of skipped pages in the excerpted course materials) and <i>The Future of Prisons?</i> by Maurice Chammah</p> | <p>Tues Feb 25th</p> |

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| <p>Week 8: Punishment and Rehabilitation</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #5 at start of class</p> <p>Reading: <i>Dismantling Mass Incarceration</i> by P. Dharia, J. Forman Jr. and M. Hawilo (pages 27-213, note there are lots of skipped pages in the excerpted course materials)</p> | <p>Tues Mar 4th</p> |
| <p>Week 9: Victims and Victimization</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #6 at start of class</p> <p>Reading: <i>Dismantling Mass Incarceration</i> by P. Dharia, J. Forman Jr. and M. Hawilo (pages 364-446, note there are lots of skipped pages in the excerpted course materials)</p> | <p>Tues Mar 11th</p> |
| <p>UF LAW BREAK</p> | | <p>Tues Mar 18th</p> <p>NO CLASS</p> |
| <p>Week 10: Restorative Justice</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #7 at start of class</p> <p>Reading: <i>Just Mercy</i> by Bryan Stevenson, chapters 1-7 and <i>Mass Incarceration Nation</i> by Jeffrey Bellin</p> | <p>Tues Mar 25th</p> |

| | | |
|--|---|---|
| <p>Weeks 11-12: Group Project</p> | <p>Lancaster CI</p> <p>Writing Assignment: Turn in Reflection Paper #8 at start of class</p> <p>Reading: <i>Just Mercy</i> by Bryan Stevenson, chapters 8-end</p> | <p>Tues Apr 1st</p> <p>Tues Apr 8th</p> |
| <p>Week 13: Final Closing Ceremony and Celebration</p> | <p>Lancaster CI</p> | <p>Tues Apr 15th</p> |

Memorandum

To: Curriculum Committee
From: Sabrina Lopez; Charlene Luke; Peter Molk
Date: April 24, 2025
Re: Modification of Compressed Course Policy

This memo proposes adjustments to the process by which compressed courses and adjuncts for compressed courses are approved. The goals of the proposal are to ease the burden of the faculty and staff and to allow for greater flexibility in responding to requests by faculty, alumni, and students for new compressed courses. These proposals would allow for an approach for compressed courses similar to that currently in use for Seminars. The proposal includes a mechanism for the faculty to receive each year a report regarding the compressed course offerings in order to provide accountability and maintain the quality of these courses.

In preparation for making those proposals, we realized that the original faculty policy on compressed courses had a sunset date at the end of the 2021 academic year. This memo is thus also proposing to convert the compressed course policy from provisional to permanent status.

The current policy, with the proposed changes showing in “track changes,” is attached; some of the proposed deletions reflect an effort to reduce verbiage and streamline. The original agenda materials from the January 2017 meeting are also attached. Finally, an appendix showing the compressed courses and enrollment from the past 5 years is attached.

Overview of Current Compressed Course Policies

Faculty provisionally approved the creation of compressed courses in January 2017. The original approach envisioned that the process for compressed courses would be the same as that for other non-seminar courses. For example, the approved proposal provides “Compressed courses shall be approved by the Curriculum Committee under the College’s regular provisional course approval policy, and must be approved by the entire faculty for courses taught more often than twice in a four-year period.”

This process has been followed (albeit with the occasional, inadvertent error) by the Curriculum Committee and faculty. The Curriculum Committee provisionally approves each compressed course; after it has been offered twice, it has gone back to the Committee and then to a full vote. Next, compressed courses permanently approved by the faculty have been brought to the University’s Professional Curriculum Committee (PCC) (or University Curriculum Committee in years pre-dating the formation of the PCC), and from there to the statewide course numbering system operated by the Florida Department of Education to receive a permanent course number. Before a permanent course number is obtained, the compressed courses operate under the generic numbers LAW6930 (for JD) or LAW7931 (for LLM).

During each compressed course session, students are only able to take 1 compressed course because of timing conflicts, and the courses to date have generally been 1 credit. OneLs do not take compressed courses. Thus, JD students are currently taking a maximum of 4 compressed courses and LLM students a maximum 3 compressed courses (because of a spring break LLM compressed course). Students in the 7-semester program have a maximum of 6 compressed courses over both degrees (again, because of the spring break LLM course).

The Adjunct Committee has been reviewing adjunct instructors teaching compressed courses.

Comparison with Approach to Seminars

The law school currently uses the course numbers LAW6935 for JD Seminar sections and LAW7911 for LLM Federal Tax Research Seminar sections. Courses designated as seminars are not brought separately through the Curriculum Committee process. Instead, seminar teaching assignments are made by the law school Dean or Associate Dean(s), and the faculty member selects the topic of the seminar. Generally, courses are designated as seminars only if they will enable enrolled students to satisfy either the JD or LLM writing requirement.

Comments in the faculty Rules and Procedures Manual, however, indicate a broader oversight of the Curriculum Committee over the JD advanced writing requirement. To our knowledge, these comments have not been followed with respect to Seminars or with respect to “Independent Research” credits. The comment relating to courses appears to refer to situations where a non-seminar course is used to satisfy the requirement. The comments are as follows:

Comment: “Curriculum Committee approval of a course as satisfying the advanced writing requirement may be either permanent or on a one-time basis. A list of courses approved on a permanent basis shall be made available to the students. A course approved by the committee on a one-time basis as satisfying the advanced writing requirement must be approved on a permanent basis before any student may obtain advanced writing requirement credit by taking that course in any subsequent semester.”

Comment: “Proposed course description for Independent Research—Advanced Writing Requirement: Credits: 1 or 2. Students who enroll in this course may satisfy the Advanced Writing Requirement by designing and completing an independent research project under the supervision of a faculty member in an area of law within the faculty member’s expertise. An abstract or the proposed writing project must be submitted to the Curriculum Committee by the end of the sixth week of the semester in which the course is taken. The Curriculum Committee must certify the project as worthy of satisfaction of the Advanced Writing Requirement and the supervising faculty member must certify that the final written product satisfies the Advanced Writing Requirement. The course is graded pass/fail and may be taken for one or two credits toward graduation. A student who elects to take this course for two credits must produce twice as much written product as a student seeking only one credit. Credits for this course and the Independent Study course together may not exceed a total of four credits toward graduation.”

Reasons for Proposals

The first goal with these proposals is to ease the administrative burden on faculty and staff. If the law school continues to apply the general process to compressed courses, for the 2025-26 academic year, the Curriculum Committee would need to review at least 9 additional courses for the upcoming academic year (4 provisional and 5 permanent), and the faculty would need to review at least 5 additional compressed courses for permanent approval. The number of approvals would likely increase in future years because the Spring 2026 compressed courses may change. The compressed courses that are permanently approved would then need to go to the university's Professional Curriculum Committee (PCC) for approval, which will require additional law school staff time and the time of those serving on PCC. If the proposed changes are approved, the law school would send a single proposal for a new, generic compressed course number to the PCC. The process at the statewide course numbering system is slow and frequently stretches to longer than one year.

The second goal is to allow for greater flexibility in responding to requests by faculty, students, and alumni for new compressed courses. The original proposal presented to the faculty emphasized the flexibility advantages of compressed courses: "Students can have more flexibility in when and where they take certain courses, because compressed courses can be offered in sites other than Gainesville. Students can be exposed to high-level legal issues by specialized practitioners through targeted compressed courses. Field courses can be offered that allow students to take their studies to the source and to interact with real clients, stakeholders, or lawyers. To the extent faculty in compressed courses are successful alumni, the College of Law and our students can benefit from connections to these alums. There are development benefits, as well as potential career opportunities for students, from offering targeted compressed courses." The proposals would facilitate being able to add a new compressed course, for example, over the summer to respond quickly to new cases, statutes, regulations, or general concerns. While it is possible to convene the Curriculum Committee and Adjunct Committee over the summer, many faculty on these committees have 9-month appointments with summer stipends aimed at furthering research, not service.

Accountability and Quality of Compressed Course Offerings

We recognize that accountability to the faculty for compressed courses is of critical importance. Therefore, the proposal provides, "All compressed course syllabi and textbook adoptions must comply with UF and College policies, including the required review that occurs of each course syllabus prior to the start of the course. At least once each academic year, the Dean, or Dean's designee, shall report on the courses offered, enrollment, and publicly available student evaluations for each course and provide an opportunity for faculty to discuss that year's courses and raise any concerns."

Compressed Courses

A. Definition: Compressed Courses are 1 or 2 credit courses offered in a compressed time frame that is structured so that classes meet for more than 3 hours in a given day over a period of 3 to 5 consecutive days. Course that meet for less time per day or that meet over a span of days longer than 5 days do not count as compressed courses for purposes of this policy and such courses will be approved either by the faculty or the curriculum committee's ordinary approval procedures. The College of Law will continue with a flexible, ad hoc approach to offering and approving compressed courses, but subject to the following guidelines.

B. Compressed courses should be primarily taught by adjunct faculty who are successful alumni with a distinguished legal record in their fields of expertise. Compressed courses may also be taught by current faculty, particularly when faculty are teaching a compressed course with practitioners who would not be otherwise available without an accommodated course schedule.

C. Compressed courses shall be limited to 1 credit except in exceptional circumstances where 2 credits are appropriate given the amount of work being assigned and there is appropriate scheduling time and sufficient assignments to meet the time requirements of ABA Standard 310.

D. Compressed courses and adjuncts shall be approved by the Dean or Dean's designee. All compressed course syllabi and textbook adoptions must comply with UF and College policies, including the required review that occurs of each course syllabus prior to the start of the course. At least once each academic year, the Dean, or Dean's designee, shall report on the courses offered, enrollment, and publicly available student evaluations for each course and provide an opportunity for faculty to discuss that year's compressed courses.

E. Compressed courses shall include a final project due no earlier than a week after the conclusion of the in-class component to enable the students to digest and master the material presented in the course. The final project can be a paper, an exam, a presentation, or other mechanism on which a summative assessment can be based as to whether the student has achieved a sufficient understanding of the course content.

F. The administration is encouraged to offer a robust variety of compressed courses to meet the needs of our students. There is no limit to the variety of times or places at which these compressed courses can be offered, but they might include classes taught during spring break, during a fall break if one were scheduled, during intersession, in the weeks following the spring semester or preceding the fall semester, or even over long

Deleted: ~~<#>Compliance with ABA Standard 310: This policy is part of the faculty's larger evolving policy involving overall compliance with Standard 310. The standard envisions 15 hours of in-class work and 30 hours of out-of-class work for every credit, or their equivalent, with one hour being used for a final exam. It is generally physically impossible to meet this requirement with compressed courses as they are defined above, unless there are assignments that precede and follow the in-class component. Therefore, the norm for any compressed course will be 1 credit, but in certain circumstances 2 credits may be appropriate, so long as Standard 310 is complied with. ¶~~

Deleted: ~~, but faculty should teach compressed courses as an overload. Teaching a compressed course can count as service~~

Deleted: 45 hours/credit

Deleted: Curriculum Committee under the College's regular provisional course approval policy, and must be approved by the entire faculty for courses taught more often than twice in a four-year period.

Deleted: ¶ All proposals for compressed courses taught by adjunct teachers shall include a faculty mentor/co-instructor who will work with the adjunct to ensure that there is sufficient academic rigor to the course, that the adjunct faculty member is meeting appropriate standards of teaching, and to provide advice and back-up in case the adjunct teacher is unable to complete the course. ¶

Deleted: to work with the Curriculum Committee

weekends. Compressed courses can be taught in Gainesville, or at any off-site location where there is appropriate student interest and appropriate space.

G. Compressed courses may be graded on a pass/fail basis or on a graded basis at the preference of the faculty member(s) teaching the course.

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The Curriculum Committee will be more inclined to approve experiential compressed courses than doctrinal-based compressed courses, especially when the time period for the course is more condensed. ¶

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Sunset: This policy on compressed courses shall sunset at the end of the 2020-2021 academic year, which should be a sufficient amount of time to determine whether the College of Law faculty wants to expand, limit, or discontinue the practice of offering compressed courses. ¶

Appendix: Compressed Course Titles & Enrollment

Please note that the list below does not include compressed courses that are functionally required for fall or spring clinics (i.e., Immigration Clinic Introduction and Introduction to Criminal Prosecution) or the Intro to US Tax Law compressed course, which is only open to LLM students joining the tax program with a first law degree from another country.

| Compressed Course Enrollment Fall 2019 thru Spring 2025 | Sum of Enrolled |
|--|----------------------------|
| Fall 2019 | 136 |
| Compliance | 39 |
| Essen Conc of Bus Law | 19 |
| Florida Rules of Judicial Administration | 11 |
| Medical Marijuana Law & Policy | 60 |
| International Arbitration in China | 7 |
| Fall 2020 | 169 |
| Deposition Strategy & Practice | 11 |
| Florida Rules of Judicial Administration | 19 |
| Medical Marijuana Law & Policy | 40 |
| Practical Law 21st Century | 28 |
| Sports Law | 54 |
| Transactional Conservation Law | 17 |
| Fall 2021 | 136 |
| Deposition Strategy & Practice | 10 |
| Investigative JLMC & Courts | 16 |
| Medical Marijuana Law & Policy | 30 |
| Mindfulness & Legal Profession | 16 |
| Patents and Biotechnology | 8 |
| Practical Law 21st Century | 10 |
| Sports Law | 27 |
| Transactional Conservation Law | 19 |
| Fall 2022 | 198 |
| AI and Litigation Strategies | 10 |
| Future of Work Post-COVID | 7 |
| Litigating the Pandemic | 12 |
| Medical Marijuana Law & Policy | 66 |
| Mindfulness & Legal Profession | 13 |
| Reg Compliance & Risk Mgmt | 11 |
| Sports Law | 45 |
| Strategic Case Management FL | 22 |
| Transactional Conservation Law | 12 |
| Fall 2023 | 111 |
| Agricultural Law & Regulation | 18 |

| | |
|--------------------------------------|------------|
| Future of Work Post-COVID | 11 |
| Legislative Power | 26 |
| Patents and Biotechnology | 11 |
| Prosecutorial Litigation Skill | 9 |
| Risk Mgmt, Insurance and AI | 17 |
| Advanced Civil Trial Practice | 11 |
| International Arbitration in China | 8 |
| Fall 2024 | 71 |
| Emerging Issues Financial Reg | 17 |
| Lobbying | 13 |
| Space Law | 41 |
| Spring 2020 | 139 |
| Business Documents | 3 |
| Corporate Litigation | 24 |
| Deposition Strategy & Practice | 9 |
| Investigative JLMC & Courts | 23 |
| Law Firm Economics | 17 |
| Mindfulness & Legal Profession | 14 |
| Real Estate Practice | 8 |
| Religion Clauses & 1st Amendment | 33 |
| The Role of State Attorney | 8 |
| Spring 2021 | 155 |
| Deposition Strategy & Practice | 6 |
| Lawyer Regulation & Discipline | 7 |
| Real Estate Practice | 3 |
| Religion Clauses & 1st Amendment | 7 |
| Securities Law Enforcement | 16 |
| The Role of State Attorney | 5 |
| The Business of Life | 62 |
| Reading Scalia | 14 |
| Law Firm Management | 16 |
| AI & Tax Law Theory & Practice (LLM) | 19 |
| Spring 2022 | 155 |
| AI and Litigation Strategies | 8 |
| Civil Litigation Skills | 13 |
| Corporate Litigation | 7 |
| Probate & Estate Admin (LLM) | 18 |
| Debt Finance | 14 |
| Impact Litigation | 9 |
| Pleading Modern Civil Rights | 10 |
| Securities Law Enforcement | 14 |
| Space Law | 30 |
| The Role of State Attorney | 6 |

| | |
|--------------------------------------|------------|
| Trademark Prose Simulation | 6 |
| AI & Tax Law Theory & Practice | 20 |
| Spring 2023 | 182 |
| Basic Litigation Bootcamp | 24 |
| Probate & Estate Admin (LLM) | 16 |
| Tax Inbound Private Investment (LLM) | 12 |
| Debt Finance | 10 |
| Deposition Strategy & Practice | 7 |
| Emerging Issues Financial Reg | 11 |
| Full Swing | 25 |
| International In-House Legal | 17 |
| Lawyer Regulation & Discipline | 17 |
| Securities Law Enforcement | 11 |
| The Role of State Attorney | 3 |
| Law Firm Management | 15 |
| AI & Tax Law Theory & Practice (LLM) | 14 |
| Spring 2024 | 160 |
| Probate & Estate Admin (LLM) | 20 |
| Tax Inbound Private Investment (LLM) | 12 |
| International In-House Legal | 24 |
| National Security Implications | 7 |
| Solar Energy Law | 8 |
| The Law of Campaigns | 31 |
| Writing 15.0 | 27 |
| Florida Land Use Law | 15 |
| AI & Tax Law Theory & Practice (LLM) | 16 |
| Spring 2025 | 109 |
| Construction Law | 8 |
| Health Benefit Plan Compliance (LLM) | 5 |
| Probate & Estate Admin (LLM) | 17 |
| Tax Inbound Private Investment (LLM) | 12 |
| Debt Finance | 13 |
| Full Swing | 20 |
| International In-House Legal | 5 |
| Lawyer Regulation & Discipline | 7 |
| Limits of Judicial Power | 9 |
| Policy, Politics & Crafting Law | 13 |

Provisional Policy on Compressed Courses

Definition: Compressed Courses are 1 or 2 credit courses offered in a compressed time frame that are structured so that classes meet for more than 3 hours in a given day over a period of 3 to 5 consecutive days. Course that meet for less time per day or that meet over a span of days longer than 5 days do not count as compressed courses for purposes of this policy and such courses will be approved either by the faculty or the curriculum committee's ordinary approval procedures.

ABA Standard 310: ABA Standard 310 was adopted in spring of 2016 and adopts the federal definition of credit hours as required by the Department of Education. The standard changes the requirement for determining the work required to earn a credit from minutes to hours, restates the amount of time to include time for a final examination, and adds the requirement that out-of-class work, in addition to in-class instruction time, be included in the calculation and determination of the work needed for a credit. Standard 310 provides:

- (a) A Law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.
- (b) A "credit hour" is an amount of work that reasonably approximates:
 - (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or
 - (2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

The standard envisions 15 hours of in-class work and 30 hours of out-of-class work for every credit, or their equivalent, with one hour being used for a final exam. It is generally physically impossible to meet this requirement with compressed courses as they are defined above, unless there are assignments that precede and follow the in-class component. It is the faculty's position that the norm for any compressed course will be 1 credit, but that in certain circumstances 2 credits may be appropriate, so long as Standard 310 is complied with. This policy is part of the faculty's larger evolving policy involving overall compliance with Standard 310.

Pedagogical and Institutional Purpose of Compressed Courses: There are a variety of possible advantages and disadvantages to compressed courses that include, but are not limited to:

[Original agenda material from 2017 consideration of compressed courses]

Advantages: Students can have more flexibility in when and where they take certain courses, because compressed courses can be offered in sites other than Gainesville. Students can be exposed to high-level legal issues by specialized practitioners through targeted compressed courses. Field courses can be offered that allow students to take their studies to the source and to interact with real clients, stakeholders, or lawyers. To the extent faculty in compressed courses are successful alumni, the College of Law and our students can benefit from connections to these alums. There are development benefits, as well as potential career opportunities for students, from offering targeted compressed courses.

Disadvantages: Compressed courses can be pedagogically unsound if there is not sufficient time for the students to internalize and understand the material being taught. It is easy for students to be left behind if they miss a class period. Adjunct faculty may be less committed to prioritizing the classes they have committed to teach if other matters arise in their regular work schedule that conflict with the class. Some successful practitioners may not be good teachers, and it may be difficult to monitor the teaching quality of adjunct faculty teaching compressed courses, especially if they are off-site.

Current Approach: The College of Law has offered a small handful of compressed courses over the past few years, including field courses in environmental law, and courses over spring break. It has also offered short classes taught by visitors, special guests (like Supreme Court Justices), and international experts through flexible scheduling, but those courses would not count as compressed courses under the definition in this policy. In the past, the curriculum committee has given provisional approval to compressed courses on an ad hoc basis. Until the fall, 2016 term, however, ABA Standard 310 was not a direct barrier to compressed courses, and the Curriculum Committee had greater flexibility to approve these courses based on their pedagogical merit.

Proposed Policy:

The Curriculum Committee, after researching the practices at other peer institutions, consulting with the administration of the College of Law, holding a faculty brownbag, and deliberating among itself would propose that we continue with a flexible, ad hoc approach to offering and approving compressed courses, but subject to the following guidelines:

1. Compressed courses should be primarily taught by adjunct faculty who are successful lawyers with a distinguished legal record in their fields of expertise. Compressed courses may also be taught by current faculty, particularly when faculty are teaching a compressed course with practitioners who would not be otherwise available without an accommodated course schedule, but faculty should teach compressed courses as an overload. Teaching a compressed course can count as service.
2. Compressed courses shall be limited to 1 credit except in exceptional circumstances where 2 credits are appropriate given the amount of work being assigned and there is appropriate

[Original agenda material from 2017 consideration of compressed courses]

scheduling time and sufficient assignments to meet the 45 hours/credit requirement of Standard 310.

3. Compressed courses shall be approved by the Curriculum Committee under the College's regular provisional course approval policy, and must be approved by the entire faculty for courses taught more often than twice in a four-year period.
4. Compressed courses shall include a final project due no earlier than a week after the conclusion of the in-class component to enable the students to digest and master the material presented in the course. The final project can be a paper, an exam, a presentation, or other mechanism on which a summative assessment can be based as to whether the student has achieved a sufficient understanding of the course content.
5. All proposals for compressed courses taught by adjunct teachers shall include a faculty mentor/co-instructor who will work with the adjunct to ensure that there is sufficient academic rigor to the course, that the adjunct faculty member is meeting appropriate standards of teaching, and to provide advice and back-up in case the adjunct teacher is unable to complete the course.
6. The administration is encouraged to work with the Curriculum Committee to offer a robust variety of compressed courses to meet the needs of our students. There is no limit to the variety of times or places at which these compressed courses can be offered, but they might include classes taught during spring break, during a fall break if one were scheduled, during intercession, in the weeks following the spring semester or preceding the fall semester, or even over long weekends. Compressed courses can be taught in Gainesville, or at any off-site location where there is appropriate student interest and appropriate space.
7. Experiential compressed courses may be preferred to doctrinal-based compressed courses, especially when the time period for the course is more condensed.
8. Compressed courses shall be graded on a pass/fail basis or on a graded basis at the preference of the faculty teaching the course.
9. This policy on compressed courses shall sunset after four years.