

## **Social Justice Lawyering**

LAW6816, 13717

3 credits

Fall 2024

Holland 270

Tuesday and Thursday 10:35-12:00 pm

### **Joan Flocks**

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*Office Hours: Tuesdays and Thursdays 12:00-1:30 pm or by appointment. Available anytime via email.*

### **MATERIALS**

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

### **COURSE OBJECTIVE AND LEARNING OUTCOMES**

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

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

- Discussed the historical origins and various theories of lawyering for social justice in the United States.
- Compared skills and methods used by public interest and social justice lawyers with those used by traditional lawyers.
- Evaluated landmark case law in substantive areas of social justice such as the economy, housing, and the environment, voting rights, and reproductive rights.

### **COURSE REQUIREMENTS AND POLICIES**

#### **Attendance and Participation:**

Attendance and Participation are 15% of students' grades. Attendance in class is required by both the American Bar Association and UF Law School. ABA standards provide that "regular and punctual class attendance is necessary to satisfy residence and class hour requirements." The Law school policy states that: "Class attendance is a primary obligation of each student, whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor." Requirements for class attendance and

make-up exams, assignments, and other work in this course are consistent with the Law School's policies that can be found [here](#).

After Week 1, attendance will be taken in each class. Unexcused tardiness and absences can affect grades. Absences for religious reasons are excused in accordance with university policy. For other legitimate reasons for absence, please contact me before or soon after class ends.

Class participation is an important part of the course. Students should strive to keep up with the reading and participate in class discussion. The most instructive and enjoyable classes are those in which many people take part in the conversation. Being prepared means having read the materials carefully enough to understand, summarize, discuss, and form an opinion about them. If cases are included in the readings, being prepared means being able to brief the cases. It is anticipated that you will spend an average of 2 hours out of class reading and/or preparing for every 1 hour in class. After the first week, an on-call system will be established.

### **Readings and Assignments:**

**Please pay close attention to the listing of readings on this syllabus and/or on the CANVAS site. Some readings have specific page numbers noted. Unless otherwise noted on the syllabus or on the CANVAS course page, all readings, visuals, and assignments are to be completed BEFORE class on the day they are assigned.** Class discussions will be focused on the assigned materials for that day.

Some of the assignments are graded (5pts. each) as noted on the syllabus and CANVAS site. Your submissions may be *brief*, but they should contribute to the discussion. Grading will not only be on the quantity, but also on the quality. The following criteria will be used to assign 0-5 points to each assignment:

#### **0-1 points:**

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

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

#### **2-3 points:**

The post has no fatal shortcoming, but:

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

#### **4-5 points:**

The post is excellent in that it:

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

**Final Exam:**

There will be a **final exam** based on material covered during the semester. The structure of the exam will be discussed toward the end of the semester and an exam review will be held on the last days of class. The law school policy on exam delays and accommodations can be found [here](#).

**Grading Policies:**

Grading for Social Justice Lawyering is calculated as follows:

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

This course follows the Levin College of Law’s grading policies found [here](#). The below chart describes the specific letter grade/grade point equivalent in place:

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

**Classroom Electronics Use:**

**Impermissible use of a laptop during class WILL affect your grade.** Please note the following excerpt from the College of Law’s Computer Policy: “*Students may use laptops in the classroom for notetaking and for class purposes as directed by the professor. Other uses are not permitted, including, but not limited to, email, chat rooms, instant messaging, ecommerce, game playing, etc.*”

**Please silence your cell phones during class.** Unless you are recording in adherence with the Intellectual and Viewpoint Diversity Act described below OR you have an emergency where you must have access to your phone (please inform me if this is the case), please store you phone out of sight during class.

Students are allowed to record video or audio of class lectures. 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 class lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), private conversations between students in the class or between a student and the faculty or lecturer during a class session.

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.

## **UF POLICIES**

### **Accommodating Differently Abled Students:**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs Brian Mitchell when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

### **Academic Misconduct:**

Academic honesty and integrity are fundamental values of the University community. Students should understand the UF Student Honor Code located [here](#).

### **Online Course Evaluation:**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. 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](#).

## **CLASS SCHEDULE**

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

Weeks 1 - 3 will develop the professional framework for the practice of law in the social justice arena. Weeks 4 - 11 will focus on the foundation for and implications for social justice

lawyering within a variety of substantive areas of the law. During these weeks, we will be reviewing landmark and recent Supreme Court decisions. Weeks 12 -13 will examine social justice lawyering within branches of the government and the role of social activism. The final classes will be devoted to summarizing and reviewing the course.

### **Week 1: Introduction**

- 8/20:** *Read:* “Theoretical Foundations for Social Justice Education” (Lee Anne Bell)  
“The Complexity of Identity – ‘Who Am I?’” (Beverly Daniel Tatum)  
“A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty” (John Calmore) **pp. 1932-1940**
- 8/22:** *Watch In Class:* “True Justice: Bryan Stevenson’s Fight for Equality”  
*Complete:* Group Discussion after viewing “True Justice” (5 pts.)

### **Week 2: Access to Justice and Representation – from Individuals to Communities**

- 8/27:** *Read:* Introduction to Unit on Canvas  
“Funding the Cause: How Public Interest Law Organizations Fund their Activities and Why It Matters for Social Change” (Catherine Albiston and Laura Nielsen)  
“Civil Rights Cases and Shifting Attorney Fees” (Excerpt from Mahoney, Calmore and Wildman Cases and Materials on Social Justice...)  
*Watch:* History of IOLTA in North America (ABA)
- 8/29:** *Read:* “Am I My Client? The Role Confusion of a Lawyer Activist” (Nancy Polikoff) **pp. 443-452**  
“Who is My Client? Client Centered Lawyering with Multiple Clients” (Julie Lawton) **pp. 146-156**

### **Week 3: Facets of Representation – from Individual to Communities cont’d**

- 9/3:** *Read:* “Community Lawyering: Revisiting the Old Neighborhood” (Michael Diamond) **pp. 110-126**  
“A Critical Reflection on Law and Organizing” (Scott Cummings and Ingrid Eagly) **pp. 460-469, 490-495, 498-502**  
“Making the Case for Community Lawyering” (Taylor Healy and Aja Taylor)
- 9/5:** *Role Play:* Gator Creek Community Lawyering Role Play

### **Week 4: Economic Justice**

- 9/10:** *Complete:* “Constitutional Rights Review...” CALI lesson **Introduction, Due Process Clause, and Equal Protection Clause**  
*Read:* “Poverty and the Constitution” Due Process cases (Juliet Brodie, Clare Pastore, Ezra Rosser and Jeffrey Selbin - Excerpts from Poverty Law, Policy, and Practice) Brodie et al)
- 9/12:** *Read:* “Poverty and the Constitution” Equal Protection cases (Brodie et al. - Excerpts from Poverty Law, Policy, and Practice)

### **Week 5: Economic Justice cont’d**

- 9/17:** *Read:* “Social Welfare Policy” (Brodie et al. - Excerpts from Poverty Law, Policy, and Practice)

- 9/19:** *Watch:* “Exploring America’s Social Safety Net and the Political Fights Around It”  
<https://www.pbs.org/show/exploring-americas-social-safety-net-and-the-political-fights-around-it>  
*Complete:* Safety Net Program update  
*Read:* United States v. Vaello Madero (596 US \_\_\_) (**Syllabus, Kavanaugh opinion, Sotomayor dissent**)

### **Week 6: Education**

- 9/24:** *Read and Listen:* “Brown Revisited” at <https://brown.oyez.org/home/>  
*Complete:* “Affirmative Action and Equal Protection” CALI lesson **Skip the following sections - from Until Adarand 9 (Fullilove) to Until Adarand 12 (Metro Broadcasting); Until Adarand 18-23; Education 9-11. You can STOP the Lesson at Education 24**
- 9/26:** *Read:* Students for Fair Admissions v President and Fellows of Harvard College **Roberts opinion I, III, IV, VI**  
*Listen:* Sotomayor dissent at <https://www.c-span.org/video/?c5099796/user-clip-unc-bench-dissent-sotomayor>

### **Week 7: Voting Rights**

- 10/1:** *Read:* “The Color of Law” (Louis Menand)  
Shelby County v. Holder, 570 U.S. 529 (2013) **Sections I, II, and last two paragraphs of majority opinion, Section I of Ginsburg dissent**
- 10/3:** *Read:* Allen, Alabama Secretary of State et al. v. Milligan et al. (99 U. S. \_\_\_\_ 2023)  
**Syllabus**  
“The Supreme Court’s Surprise Defense of the Voting Rights Act” (Amy Sorkin)  
“Voting Laws Roundup” (Brennan Center for Justice)  
*Complete:* Discussion on current Voting Rights Issues (5pts.)

### **Week 8: Topics - Spatial**

- 10/8:** *Read:* “Teaching about Inequality, Race, and Property (Florence Roisman) and “Planned Destruction: The Interstates and Central City Housing” (Raymond Mohl) (Martha Mahoney, John Calmore, and Stephanie Wildman - Excerpts from Social Justice: Professionals, Communities, and Law)  
*Watch:* “Unstable Housing” (Matthew Desmond)  
<https://www.youtube.com/watch?v=NY4Q8XQ0n6E&index=13&list=PLZapTuSHtuCeejcJGLVBLqNT-ipS0Idh>  
*Read:* City of Grants Pass v. Johnson (603 US \_\_\_) **Syllabus**
- 10/10:** *Read:* TBA  
*Dialogue:* Joseph Cordova (Director, Fair Housing Initiative Project, Florida Legal Services <https://www.floridalegal.org/fairhousing>)

### **Week 9: Topics – Environmental Justice**

- 10/15:** *Read:* Excerpts from Environmental Justice – Law, Policy & Regulation (Clifford Rechtschaffen, Eileen Gauna, and Catherine O’Neill)  
*Watch:* “Naranjeros” a brief documentary <https://floridafarmworkers.org/about/video-stories/>

*Read:* “The Environmental and Social Injustice of Farmworker Pesticide Exposure”  
(Joan Flocks)

**10/17:** *Read:* TBA

*Dialogue:* Dominique Burkhardt (Senior Attorney, EarthJustice)  
<https://earthjustice.org/staff/dominique-burkhardt>

### **Week 10: Reproductive Rights**

**10/22:** *Complete:* “Constitutional Aspects of Family Law” CALI lesson – **Introduction 3, Procreation, Contraception, and Abortion**

*Watch In Class:* “No Más Bebés”

**10/24:** *Read:* Dobbs v. Jackson Women’s Health Organization (597 US \_\_\_ 2022) (Excerpted by National Constitution Center) <https://constitutioncenter.org/the-constitution/supreme-court-case-library/dobbs-v-jackson-womens-health-organization>

*Read:* “After Roe Fell: Abortion Laws by State” (Center for Reproductive Rights)  
<https://reproductiverights.org/maps/abortion-laws-by-state/>

### **Week 11: LGBTQ+ Rights**

**10/29:** *Read:* “To Have and to Hold, Reproduction, Marriage, and the Constitution” (Jill Lepore)  
*Complete:* “Marriage and Same-Sex Marriage in Constitutional Law” CALI lesson

**10/31:** *Read:* TBA

*Dialogue:* Simone Chriss (Attorney and Director, Transgender Rights Initiative, Southern Legal Counsel) <https://www.southernlegal.org/staff>

### **Week 12: Roles of Social Justice Lawyers, Courts, and Social Movements**

**11/5:** *Read:* “Bleeding Heart: Reflections on Using the Law to Make Social Change” (Thomas Stoddard) **pp. 972-987**

“The History Test” (Jill Lepore)

**11/7:** *Read:* “Protecting Disfavored Minorities: Toward Institutional Realism” (Joy Milligan) **pp. 896-917**

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

### **Week 13: Conclusion and Final Exam Review.**

**11/12:** *Read:* “Ten Ways of Looking at Movement Lawyering” (William Quigley)

**11/14:** Final exam review

**SJL FINAL EXAM:** In-class, Wednesday, 12/11.