

(Re)Searching for Justice -Fall 2020-

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Class Dates: Monday, Aug. 17, 2020 – Sunday, Oct. 4, 2020

Time and Location: Asynchronous Classes Delivered Through Readings, Videos,
and Assignments Posted to Blackboard on a Weekly Basis

Course Description & Goals

This is a short research course designed for aspiring movement lawyers and students interested in social justice issues. Topics covered include the legal research process and its limitations, critical approaches to conducting legal research, critical legal scholarship, and emerging legal research technologies and their shortcomings. The capstone of this course will be an annotated bibliography of a contemporary justice issue or an area of critical legal scholarship of interest to the student. This bibliography may serve as the foundation for a law review note.

Grades

Your grade will be based upon research assignments, quizzes, and an annotated bibliography. The majority of your grade will be based upon the annotated bibliography. Please work alone on all graded work, but always feel free to contact me for help (preferably at least 24 hours before the assignment is due). Late work will not be accepted, except in extenuating circumstances (see “Participation” section below).

Due Dates

As you know, there are six modules in this course. Although there are suggested dates for completing the modules, these are not hard deadlines. The only hard deadline is Sunday, November 30, 2020 at 11:59 PM. Accordingly, you may complete the modules earlier or later than the suggested deadline without penalty. If, however, you stop completing modules for several weeks, I will contact you to ensure that you are on track to complete the course.

Required Text

There is no required textbook. However, students will be responsible for reading articles and book chapters posted to Blackboard.

Research Databases

In this course, you will frequently be using the commercial databases made available to you through the Law Library. These include [databases](#) you can access remotely using your Cane ID and Password, as well as [Westlaw](#) and [LexisNexis](#). Please contact me if you are having trouble accessing these resources.

Participation

Although this class is delivered remotely and has no scheduled in-person meetings, students are still expected to fully engage with the materials and complete assignments on time. If you are experiencing extenuating circumstances that prevent you from doing so, such as a medical or family emergency, please contact Dean of Students Janet Stearns at (305) 284-4551 or jstearns@law.miami.edu.

E-mail

E-mail use is required of all students in the class. E-mail will be used for announcements, questions, and changes in the syllabus

Class Recordings

Students are expressly prohibited from recording any part of this course. Meetings of this course might be recorded by the University. Any recordings will be available to students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate University policies and maintain the security of passwords used to access recorded lectures. Recordings may not be reproduced, shared with those not enrolled in the class, or uploaded to other online environments. If the instructor or a University of Miami office plans any other uses for the recordings beyond this class, students identifiable in the recordings will be notified to request consent prior to such use.

Disability & Accommodation

If a student has a disability, or suspects that he or she may have a disability, please contact Jessie Howell, Director of Accessibility, for information about available opportunities, resources, and services. Her phone number is 305-284-4551, and her email address is access@law.miami.edu.

Title IX

The University of Miami seeks to maintain a safe learning, living, and working environment free from all types of sexual misconduct including but not limited to: Dating Violence, Domestic Violence, Sex- or Gender-Based Discrimination, Sexual Assault (including Sexual Battery), Sexual Exploitation, Sexual Harassment, and Stalking. For additional information about the University's efforts to prevent, stop, and address sexual misconduct, including resources and reporting options, please visit www.miami.edu/titleix or contact the University's Title IX Office at titleixcoordinator@miami.edu.

Intellectual Property

The course professor is the copyright owner of the courseware. Specifically, pursuant to the University's Policy on Inventions, Intellectual Property, and Technology Transfer, "courseware" includes: course syllabi, assignments, assessments, and/or other materials that are first created and made available to students as part of the educational curriculum at the University.

SCHEDULE

<p>Monday, Aug. 17, 2020 – Sunday, Aug. 23, 2020</p>	<p>MODULE 1: OVERVIEW OF THE LEGAL RESEARCH PROCESS</p> <p>READ: KENT C. OLSON, LEGAL RESEARCH IN A NUTSHELL 1–92 (13th ed. 2018).</p> <p>WATCH: Thomson Reuters Legal, <i>A Day in the Life of a Case</i>, YOUTUBE (Nov. 4, 2013), available at https://www.youtube.com/watch?v=0JQNlznUM6k&feature=youtu.be.</p> <p>Thomson Reuters Legal, <i>Thomson Reuters Westlaw Key Number System</i>, YOUTUBE (May 14, 2018), available at https://www.youtube.com/watch?v=Cpz4toSrg7k&t=1s.</p> <p>Thomson Reuters Legal, Dan Dabney on Thomson Reuters Key Number System, YOUTUBE (July 17, 2013), available at https://www.youtube.com/watch?v=Ldk_rMt0Xs&feature=youtu.be.</p> <p>Librarianship Studies & Information Technology, Library of Congress Subject Headings (LCSH), YOUTUBE (Apr. 5, 2020), available at https://www.youtube.com/watch?v=P-3GeYUCjqk&feature=youtu.be.</p> <p>LECTURE #1</p> <p>ASSESS: Research Assignment (Due Sunday, Aug. 23, 2020 at 11:59 PM)</p>
<p>Monday, Aug. 24, 2020 – Sunday, Aug. 30, 2020</p>	<p>MODULE 2: CRITICISMS OF THE LEGAL RESEARCH PROCESS</p> <p>READ: Richard Delgado & Jean Stefancic, <i>Why Do We Tell the Same Stories?: Law Reform, Critical Librarianship and the Triple Helix Dilemma</i>, 42 STAN. L. REV. 207 (1989).</p> <p>Richard Delgado & Jean Stefancic, <i>Why Do We Ask the Same Questions? The Triple Helix Dilemma Revisited</i>, 99 LAW LIBR. J. 307, 2007 LAW LIBR. J. 18.</p>

	<p>WATCH: LECTURE #2</p> <p>CHANGE THE SUBJECT (Sawyer Broadley & Jill Baron 2019).</p> <p>ASSESS: Quiz (Due Sunday, Aug. 30, 2020 at 11:59 PM)</p>
<p>Monday, Aug. 31, 2020 – Sunday, Sept. 6, 2020</p>	<p>MODULE 3: STRATEGIES FOR OVERCOMING THE TRIPLE HELIX DILEMMA</p> <p>READ: Nicholas F. Stump, <i>Following New Lights: Critical Legal Research Strategies as a Spark for Law Reform in Appalachia</i>, 23 AM. U. J. GENDER SOC. POL'Y & L. 573 (2015). (2015).</p> <p>WATCH: LECTURE #3</p> <p>ASSESS: Research Assignment (Due Sunday, Sept. 6, 2020 at 11:59 PM)</p>
<p>Monday, Sept. 14, 2020 – Sunday, Sept. 20, 2020</p>	<p>MODULE 4: FANTASTIC CRITICAL LEGAL SCHOLARSHIP AND WHERE TO FIND IT (PART I)</p> <p>READ: PATRICIA J. WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR 107–10 (1991) (allegory of the sausage-making machine: explanation of positivist/formalist, legal realist, and nihilist/critical interpretive stances).</p> <p>David Kairys, <i>Legal Reasoning</i>, in THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE (David Kairys ed. 1982) (example of CLS scholarship).</p> <p>Gerald J. Clark, <i>A Conversation with Duncan Kennedy</i>, ADVOCATE: SUFFOLK U. L. SCH. J., no. 2, Spring 1994, at 56 (introduction to Critical Legal Studies).</p> <p>Robert Clark, <i>In Critical Legal Studies, the West Is the Adversary</i>, WALL ST. J., Feb. 23, 1989, at A18 (critique of CLS).</p> <p>FEMINIST LEGAL THEORY 11–50 (Nancy Levit & Robert M. Verchick eds., 2d ed. 2016) (introduction to Feminist Legal Theory).</p> <p>Mary Joe Frug, <i>Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook</i>, 34 AM. U. L. REV. 1065 (1985) (example of Feminist Legal scholarship).</p> <p>RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION 1–13 (3d ed. 2017) (introduction to Critical Race Theory).</p>

	<p>Derrick A. Bell, <i>Who's Afraid of Critical Race Theory</i>, 1995 U. ILL. L. REV. 893 (example of CRT scholarship).</p> <p>Richard A. Posner, <i>The Skin Trade</i>, NEW REPUBLIC, Oct. 13, 1997, at 40 (book review) (critique of CRT).</p> <p>RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION 102–109 (3d ed. 2017) (overview and response to criticisms of CRT).</p> <p>WATCH: LECTURE #4</p> <p>ASSESS: Quiz (Due Sunday, Sept. 20, 2020 at 11:59 PM)</p>
<p>Monday, Sept. 21, 2020 – Sunday, Sept. 27, 2020</p>	<p>MODULE 5: FANTASTIC CRITICAL LEGAL SCHOLARSHIP AND WHERE TO FIND IT (PART II)</p> <p>REREAD: KENT C. OLSON, LEGAL RESEARCH IN A NUTSHELL 42 (Types of Law Books: Scholarly Monographs), 50–57 (Law Reviews) (13th ed. 2018).</p> <p><i>Annotated Bibliography</i>, THE WRITING CENTER AT THE UNIVERSITY OF WISCONSIN – MADISON, https://writing.wisc.edu/handbook/assignments/annotatedbibliography/ (last visited May 27, 2020).</p> <p>COMPLETE: CALI Lesson on Legal Periodicals and Periodical Indexes, https://www.cali.org/lesson/766 (last visited Aug. 28, 2020).</p> <p>WATCH: HeinOnline, <i>What Is HeinOnline</i>, YOUTUBE (Jan. 30, 2017), available at https://www.youtube.com/watch?v=8axMX0wcO50&feature=youtu.be.</p> <p>HeinOnline, Law Journal Library, YOUTUBE (Nov. 26, 2014), available at https://www.youtube.com/watch?v=gCRU9mL8tas&feature=youtu.be.</p> <p>HeinOnline, <i>How to Find an Article in 4 Easy Steps if You Know the Name of the Article</i>, YOUTUBE (Feb. 5, 2013), https://www.youtube.com/watch?v=5bqBFUXka1s&feature=youtu.be.</p> <p>Elsevier – SSRN, <i>About SSRN</i>, YOUTUBE (Feb. 14, 2018), https://www.youtube.com/watch?v=PrvDoM704aE&feature=youtu.be.</p> <p>LECTURE #5</p> <p>ASSESS: Research Assignment (Due Sept. 27, 2020 at 11:59 PM)</p>

<p>Monday, Sept. 28, 2020 – Sunday, Oct. 4, 2020</p>	<p>MODULE 6: EMERGING LEGAL RESEARCH TECHNOLOGIES AND THEIR DISCONTENTS</p> <p>READ: Carolyn Elefant, <i>Part I: The Basics – What is AI?</i>, MYSHINGLE.COM (July 19, 2019), https://myshingle.com/2019/07/articles/future-trends/part-i-the-basics---what-is-ai/.</p> <p>Susan Nevelow Mart, <i>Every Algorithm Has a POV</i>, AALL SPECTRUM, Sept.–Oct. 2017, at 40.</p> <p>Kim P. Nayer, Marcelo Rodriguez, & Sarah Sutherland, <i>Artificial Intelligence & Implicit Bias: With Greater Power Comes Greater Responsibility</i>, AALL SPECTRUM, May–June 2020, at 14.</p> <p>RUHA BENJAMIN, RACE AFTER TECHNOLOGY 90–96 (2019).</p> <p>WATCH: LECTURE #6</p> <p>HubSpot, <i>What is Artificial Intelligence (or Machine Learning)?</i>, YOUTUBE (Jan. 30, 2017), available at https://www.youtube.com/watch?v=mJeNghZXtMo.</p> <p>The RSA, <i>Cathy O’Neil: The Truth About Algorithms</i>, YOUTUBE (Oct. 17, 2018), available at https://www.youtube.com/watch?v=heQzqX35c9A.</p> <p>TED, <i>The Era of Blind Faith in Big Data Must End</i>, YOUTUBE (Sept. 7, 2017), https://www.youtube.com/watch?v=2u_eHHzRto&feature=youtu.be.</p> <p>ASSESS: Research Assignment (Due Oct. 4, 2020 at 11:59 PM)</p>
<p>Assigned: Monday, Oct. 7, 2020</p> <p>Topic Due: Monday, Oct. 14, 2020</p> <p>Final Due: Sunday, Nov. 29, 2020 at 11:59 PM</p>	<p>ANNOTATED BIBLIOGRAPHY</p> <p>Helpful Resources: <i>Annotated Bibliography</i>, THE WRITING CENTER AT THE UNIVERSITY OF WISCONSIN – MADISON, https://writing.wisc.edu/handbook/assignments/annotatedbibliography/ (last visited May 27, 2020).</p> <p>James E. Duggan, <i>General Instructions & Sample Entries for Bibliographies</i>, AMERICAN ASSOCIATION OF LAW LIBRARIES (AALL) (revised Apr. 2018), https://www.aallnet.org/wp-content/uploads/2018/04/Bibliographies-Guide-for-LLJ-2018_040618.pdf.</p>

Annotated Bibliographies Due on Sunday, November 29, 2020 at 11:59 PM.

If you plan to use your bibliography as a foundation for a law review note, please be sure to make an appointment for a follow-up meeting with me after grades are distributed!