

The Lawyer as Public Citizen: Access to Justice
Law 492.001, Fall 2020
3 Credit Hours, Rigorous Writing Experience, Experiential
University of North Carolina-Chapel Hill School of Law
Mon. 4:15 - 6:15 p.m.
Professor Deborah M. Weissman, 919-962-5108, Office: 5078, .
Office hours by Zoom appointment- please email

Syllabus and Course Requirements

Introduction: This course will teach the principles of the lawyer as public citizen and the profession's obligations to facilitate access to justice through a combination of readings, discussions, practice simulations, drafting exercises, and guest speakers. Major topics to be covered include the history of the provision of legal aid to the poor including the development of case law, legal policy, and legislation. It will review the development of poverty law as a subject matter during the 1960s and 1970s, and the subsequent restrictions on legal resources for the poor, including federal legislative restrictions, challenges to law school clinical programs, and reduced opportunities to obtain attorney fees in civil rights cases. The course will include a review of current efforts to expand access to justice for poor communities, critically examine developments in the area of *pro bono* and professional responsibility, the development of court sanctioned *pro se* opportunities, community lawyering strategies, the civil Gideon movement, criminal indigent defense, and access to justice for special populations.

This class and the pandemic: Sadly, pursuant to the needs of the law school and other concerns, this course will be taught remotely. Zoom class attendance will be treated the same as in-class attendance. All classes will be recorded and students who are absent can request the link to the recording. I will be available on the zoom at least 10 minutes before class and will remain on zoom after class for as long as need. I very much welcome individual remote meetings. I want to get to know you and hope you can get to know me and thus, we will have to attempt to transcend the aspects of quarantine and technology. While I will not have regular office hours, I am very responsive to emails and will look forward to "meeting" with you outside of class.

Most classes will be structured with a pre-recorded video in which I will review the learning objectives and key issues from our last class meeting, review goals for the upcoming class, set out questions for discussion, and review upcoming assignments. I anticipate that these recordings will run about 30 minutes more or less. They will be posted several days in advance of the class. You are responsible for watching the video before class and making sure that any questions you have, especially regarding upcoming assignments, can be addressed. The link for the recording will be posted on Sakai in announcements and emailed to you. The synchronous portion of the class starts each Monday at 4:15 p.m. and ends approximately at 5:45 p.m. depending on the length of the pre-recorded video. The zoom class will include a 10-minute break.

Course Prerequisites: **None**

Learning Objectives and Outcomes:

Students will learn doctrinal and policy-related matters relating to the legal system and marginalized communities, develop critical thinking and practical skills, and obtain knowledge about how the obligations of the lawyer as a public citizen may be achieved to further social justice. The course will meet several objectives and students will be able to think critically in order to:

- 1) demonstrate the degree to which access to justice for the poor has been shaped by a political economic and cultural perspective about poverty, as well as case law, legislation, professional regulations, and innovations for self-represented litigants;
- 2) employ a critical analysis of the social context in which a legal issue arises that draws on an understanding of historical and contemporary forces related to race, ethnicity, class, gender/gender identity, and patriarchy;
- 3) encourage students to contemplate their future role in the provision of legal services to under-represented clients;
- 4) introduce students to the advocacy and written skills and other practical knowledge required to fulfill their vision;
- 5) facilitate the exercise other professional skills needed for well-rounded, competent, and ethical participation as members of the legal profession, including, but not limited to applying legal and other scholarship to understand and affect legal policy.

In addition, per approved learning outcomes:

📖 Students shall be able to identify and think critically about professional and ethical responsibilities that arise in practice including crucial issues facing the legal profession, such as ensuring dedicated and effective representation for different groups and cultures.

📖 Students shall be able to exercise other professional skills needed for well-rounded, competent, and ethical participation as members of the legal profession, including, but not limited to, applying legal and other scholarship to understand and affect legal policy.

Course Requirements: The course requirements consist of reading assignments and class work which including lectures, class discussions, group exercises, simulations, writing assignments and guest speakers. Classes require advance reading and preparation. The teaching method in this course is largely dependent upon active student participation in class discussion. Please note: In addition to class readings, discussions, and lectures, assignments also include:

- **Aug. 31, 2020:** In-class exercise: preparation of a litigation plan based on a landlord-tenant dispute
- **Sept. 21, 2020:** Simulated arguments for and against New York's mandatory *pro bono* regulations (see assignment for that class below)
- **Oct 5, 2020. No class meeting.** In lieu of class, and if pandemic allows, out of class-court observation -civil court only. In likely event that court observation is not advised, students will be assigned a video or podcast in lieu of class with an accompanying written assignment. Whether court observation or video/podcast, the written assignment in either case is to prepare a 6-8-page reflection paper that includes
 - Preparation of a proposed court sanctioned *pro se* form with instructions for use by a tenant in a housing dispute. (3-5 pages) or

- o Draft of proposed legislative or regulatory language pertaining to permissible activities by government-funded legal aid lawyers for the poor. (3-5 pages)

Total written pages for this assignment: 6-8 pages, combination of reflection and either pro se form or legislative draft.

Due date Oct. 9, 2020 by 5 p.m. to be delivered electronically to professor's email.

Additional information regarding the reflection paper will be provided as we ascertain whether court observation is possible.

- **Oct 12, 2020: Film assignment.** The film can be watched on your own or during class time. Written assignment based on film and readings for class **due Oct. 16, 2020 by 5 p.m. delivered electronically to professor's email.**
- **Nov. 2nd and Nov. 9th:** Last classes of semester the class will break into groups for group presentations of advocacy proposals based on a fact pattern/scenario relating to lawyers' obligations to the underserved. (See "Student Presentations Information folder separately posted on Sakai). We will review group assignments by **October 19th.**
- **Final Paper:**
 - o Students will submit a paper abstract and outline- 2 pages by **Oct. 5th**. I will provide written commentary for your consideration to revise and resubmit as part of your final paper.
 - o Students will submit a paper draft -5 pages by **Oct. 26th**. I will provide oral and written commentary for your consideration to revise and resubmit as part of your final paper.
 - o Please note, your abstract/outline and first 4-5-page draft will be informally assessed but not given a grade. You will be expected to produce the best work you can at any given stage.
 - o **Final Version: You will be graded on your final 20-page paper (2/3 grade) due Mon. Nov. 23rd by noon via PROFESSOR'S EMAIL. The Sakai folder titled Final Paper has a document with guidance related to the assessment of your paper.**

Late semester assignments will be graded downward. Final papers past the deadline, absent extraordinary circumstances or prior permission will not be accepted

**** Individual one-on-one meetings. As noted above, I will meet with each of you to review your written assignments and final paper draft.**

Required Readings: All course materials are posted on Sakai

Course Grade and Attendance Policy: Approximately one-third of the grade will be based on the consistency and quality of effort in class preparation and participation, including the written assignments, class simulations, and final class presentation which will be informally assessed. Informal assessment includes a review of whether the student has followed instructions, used appropriate grammar, spell-check, has drawn on class discussion, readings as applicable, and offered a critical perspective on the problem or assignment. Late semester assignments will be graded downward. Students are invited to make an appointment with the professor to review the informal assessment of the written assignments that are due during the semester.

Attendance. Students must attend class on a regular basis and actively participate. Given the nature of this course and the importance of student engagement, attendance is key. Students who have failed to punctually attend, prepare for, or participate in class may receive unfavorable consideration resulting in a lowered grade. The Law School has an attendance policy that requires students to attend 80% of class sessions. For the full policy, go to <https://law.unc.edu/academics/academic-policies/>. Attendance is taken by identifying present students according to the class roster.

Students who are asking for an absence to be excused should communicate via email with the professor and state the circumstances for their request as far in advance as possible about any anticipated absences. Excused absences can be made up by viewing the class recording within 10 days from the missed class and providing a reflection paper that will be sent by the professor specific to the class missed. Please feel free to communicate with me at any time about problems you are having.

Other grading information: Approximately two-thirds of the grade for the course will be based upon a final paper (20 pages double spaced) written in accordance with the honor code. The paper can be theoretical, in the sense that it develops or applies some form of legal theory to a legal issue or problem affecting the substance of the course. Alternatively, the paper can be more practical, for example it could lay out a lawyering plan for accomplishing reform related to the focus of the course. I am readily available to discuss your ideas about your paper topic. As noted above, students must submit an abstract and outline--2 pages by **Oct. 5.th** I will provide written commentary for your consideration to revise and resubmit as part of your final paper. Students will submit a paper draft -5 pages by **Oct. 26.th** **Your final paper is due on Monday, Nov. 23, 2020 at noon electronically to professor's mailbox.** Absent extraordinary circumstances or prior permission, late final paper will not be accepted.

The Honor Code is in effect in this class and all others at the University. I am committed to treating Honor Code violations seriously and encourage all students to become familiar with its terms set out at <http://instrument.unc.edu>. If you have questions, it is your responsibility to ask me about the Code's application. All written work and other projects must be submitted with a statement that you have complied with the requirements of the Honor Code in all aspects of the submitted work.

Acts of discrimination, harassment, interpersonal (relationship) violence, sexual violence, sexual exploitation, stalking, and related retaliation are prohibited at UNC-Chapel Hill. If you have experienced these types of conduct, you are encouraged to report the incident and seek resources on campus or in the community. Please contact the Director of Title IX Compliance / Title IX Coordinator (Adrienne Allison, adrienne.allison@unc.edu), Director of Equal Opportunity and Compliance (Brandon Washington, brandonW@unc.edu), Report and Response Coordinators (reportandresponse@unc.edu), Counseling and Psychological Services (CAPs) (confidential) in Campus Health Services at (919) 966-3658, or the Gender Violence Services Coordinators

(confidential) (Kayla Zollinger, Kayla.Zollinger@unc.edu; Holly Lovern, holly.lovern@unc.edu) to discuss your specific needs. Additional resources are available at safe.unc.edu.

The University of North Carolina at Chapel Hill facilitates the implementation of reasonable accommodations, including resources and services, for students with disabilities, chronic medical conditions, a temporary disability or pregnancy complications resulting in difficulties with accessing learning opportunities.

All accommodations are coordinated through the Accessibility Resources and Service Office.

See the ARS Website for contact information: <https://ars.unc.edu> or email ars@unc.edu.

Relevant policy documents as they relate to registration and accommodations determinations and the student registration form are available on the [ARS website under the About ARS tab](#).

Important Dates:

- Aug. 29: Saturday Class (Pandemic/Academic Calendar Warp)**
- Aug. 31: In-class exercise: Litigation Plan**
- Sept. 7: No class: Labor Day**
- Sept. 21: In-class exercise: Simulated arguments: NY Pro Bono Rule**
- Oct. 5: No class in lieu of court observation assignment (civil court only for observation) or alternative video/podcast**
- Oct. 5: Abstract and outline of proposed final paper topic 2-pages due by 5:00 p.m. electronically**
- Oct. 9: Court observation or alternative reflection paper due by 5 p.m. to be delivered electronically (see Sakai folders for resources for each of these assignments).**
- Oct. 19: Identify your group and chose Advocacy Proposal Projects for Group Presentation (last two class)**
- Oct. 26: Draft 4-5 pages of your final paper due by 5 p.m. to be delivered electronically.**
- Nov. 2: Group Presentations (See Sakai folder, Student Presentation Information)**
- Nov. 9: Group Presentations (See Sakai folder, Student Presentation Information)**
- Nov. 23: FINAL PAPER DUE- hard copy at NOON. (Deliver electronically to my email)**

SYLLABUS AND READING ASSIGNMENTS

(Please pay attention to Sakai emails for possible modifications to Syllabus).

Please carefully review the specific pages assigned as noted below (also noted on Sakai when you see the (i) symbol next to the assignment). Please read in the order listed. Reading assignments that are noted as “excerpts” will have ellipses and/or asterisk to identify omitted materials. Article footnotes are routinely omitted. You will have the full citation to almost all reading assignments and can access the full article if want to explore references or additional context (otherwise not required).

Aug 17: Introduction to Course. What is Public Interest Law Anyway?

- Kathryn A. Sabbeth: *What’s Money Got to Do with It? Public Interest Lawyering and Profit*, 9 Denver Law Rev. 441 (2014) (excerpt)

- Website Information on “Public Interest” Law Firms Identified with Progressive Causes and/or Social Justice-related Ideology
- Website Information on “Public Interest” Law Firms Identified with Conservative Causes and/or Libertarian Ideology
- Read website of Lieff Cabraser, Plaintiffs Law firm with offices in 3 major U.S cities: <http://www.lieffcabraser.com/About-Us/>
- Sameer M. Ashar, *Deep Critique and Democratic Lawyering in Clinical Practice*, 104 Calif. L. Rev. 201 (excerpt)
- Jill I. Gross, Ronald W. Filante, *Developing a Law/Business Collaboration Through Pace’s Securities Arbitration Clinic*, 11 Fordham J. of Corp. & Fin. Law 57 (2005) (excerpt)
- Steven Zeidman, Public Defenders as Prosecutors: Unanswered Questions (2019)
- Anna Stolley Perskey, *Prosecution Complex*, 99 Mar. ABA j. 15 (2103)
- Carla D. Pratt, Should Klansmen Be Lawyers? Racism As An Ethical Barrier To The Legal Profession, 30 Fla. St. U. L. Rev. 857 (2003) (excerpt)
- Russell G. Pearce, Eli Wald, *The Obligation of Lawyers to Heal Civic Culture: Confronting the Ordeal of Incivility in the Practice of Law*, 34 U. Ark. Little Rock L. Rev. 1 (2011) (excerpt)
- Robert Hornstein, *Teaching Law Students to Comfort the Troubled and Trouble the Comfortable: An Essay on the Place of Poverty Law in the Law School Curriculum*, 35 Wm. Mitchell L. Rev. 1057 (2009)

Aug 24: A History of Law as Charity and the Transformation During the OEO Years.

Guest speaker.

- Deborah M. Weissman, *Law as Largess: Shifting Paradigms of Law for the Poor*, 44 Wm. & Mary L. Rev. 737 (2002) (excerpt)
- Jack Katz, Poor People’s Lawyers in Transition (1982) (excerpt posted, **Pp. 34-50**)
- Alan W. Houseman, Linda E. Perle, *Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States*, (2007) **PLEASE READ ONLY PAGES iv and v, 3-5, 7-14**
- Susan E. Lawrence, *The Poor in Court, The Legal Services Program and Supreme Court Decision Making* (1990) **PLEASE READ ONLY PAGES 56-69**
- *Goldberg v. Kelly* 397 U.S. 254 (1970) (excerpt of majority opinion)
- *King v. Smith*, 392 U.S. 309 (1968) (excerpt of majority and concurring opinions)

Aug. 29 SATURDAY!!!!: Restrictions on Public Interest Law.

Guest speaker.

- Deborah M. Weissman, *Law as Largess: Shifting Paradigms of Law for the Poor*, 44 Wm. & Mary L. Rev. 737 (2002) (excerpt)
- Rael Jean Isaac- *War on the Poor*, National Review, May 15, 1995
- David Cole, *A Shackling Compromise, How the Legal Services Corporation Sold Out the Poor*, Legal Times, Jan. 27, 1997
- Congressional Debates- LSC Restrictions and Funding Cuts (excerpts)

- LSC Appropriations Act (pages 1-12, page numbers refer to document page numbers)
- LSC Regulations, Parts 1605, 1608, 1610, 1612, 1613, 1615, 1617, 1620, 1626, 1632, 1633, 1636, 1637, 1638, 1639, 1643, 1644.
- NC Statutes- Legal Aid- Restrictions
- Sara S. Greene, *A Theory of Poverty: Legal Immobility*, 96 Wash. U. L. Rev. 753 (2019) (excerpt)

Aug 31: Poverty, Housing and Litigation Planning. PLEASE NOTE: In addition to exploring the degree to which poverty burdens the outcome in litigation, this class will cover basic landlord/tenant law so that in this, and in subsequent classes, students can engage in practical exercises that illustrate the various challenges for unrepresented litigants in housing law matters. The class will engage in an in-class exercise to draft a litigation plan for a tenant facing a legal action for summary ejectment (eviction) and compare the tasks that might be accomplished pro bono with market rates for such legal tasks. The North Carolina Private Landlord/Tenant Law Overview (William D. Rowe) provides sufficient substantive legal information for this exercise. Please have the powerpoint or pdf on Sakai in this class folder on hand for your review as we go through the exercise.

- *Department of Housing and Urban Development v. Pearlie Rucker, et al.*, 535 U.S. 125 (2002)
- *Fla. Bar v. Rosen*, 495 So. 2nd 180 (1986)
- David J. Garrow, *Mental Decrepitude On The U.S. Supreme Court: The Historical Case For A 28th Amendment*, 67 U. Chi. L. Rev. 995 (2000)
- *Noelle Bush given 10 days in jail for contempt* (2003)
- *Heroin Crisis and White Families*, N.Y. Times, Oct. 30, 2015
- Gillian K. Hadfield, *The Price of Law: How the Market for Lawyers Distorts the Justice System*, 98 Mich. L. Rev. 953 (2000)(excerpt)
- William D. Rowe, *North Carolina Private Landlord/Tenants Law Overview*
- Power point for in-class exercise (also on Sakai in pdf format) – litigation plan for eviction case (This reviews the salient legal issues from the Rowe Landlord-Tenant Law Overview- it will be important for you to print this out to make it easier to go through the class exercise).
- National Law Center on Homelessness and Poverty, *Protect Tenants, Prevent Homelessness*, (2018) **EXECUTIVE SUMMARY and RECOMMENDATIONS ONLY, Pp. 6-8.**
- Litigation Fact Pattern Mrs. Smith

Sept 7: NO CLASS- LABOR DAY

Sept 14: Closing the Gap, Pro Se

Guest Speaker

- Joy Moses, *Grounds for Objections: Causes and Consequences of America's Pro Se Crisis* (2011)
- Peter Edelman, *When Second Best is the Best We Can Do* (2011)

- Stephan Landsman, *Pro Se Litigation*, 8 Annu. Rev. Law Soc. Sci. 231(2012) **PLEASE READ PAGES 244 (STARTING AT BOTTOM)-250**
- Jessica K. Steinberg, *Adversary Breakdown And Judicial Role Confusion In “Small Case” Civil Justice* 2016 B.Y.U. L. Rev. 899 (excerpt).
- Robert Ambrogi, *Who says you need a law degree to practice law?*
- Local NC Attorney Query- Obligation to Pro Se Opposing Party
- Turner v. Rogers, 131 S.Ct. 2507 (excerpt)
- Julia Melle, Excerpt *Illogical Extremes: The Sovereign Citizens Movement and the First Amendment* 22 Temp. Pol. & Civ. Rts. L. Rev. 554 (2013)
- Jed S. Rakoff, *Why You Won't Get Your Day in Court*, N.Y. Review of Books Nov. 16, 2016
- **Go to the website for the North Carolina Court system, <http://www.nccourts.org/>, and Legal Aid of North Carolina <http://www.legalaidnc.org/>. Please peruse these sites to determine what information you can find that might assist a *pro se* litigant in determining how to defend yourself against an eviction including asserting affirmative defenses and a counterclaim. Be prepared to provide your opinion as to the helpfulness of the information on the websites, specifically what you learned from using the website information, and what information, if any, you could not find. Be prepared to make suggestions for improvement for *pro se* litigants.**

Sept. 21: Closing the Gap, Pro Bono. PLEASE NOTE: There will be an in-class exercise: Students will be divided into three groups: one group will present arguments for the recent New York State *pro bono* rule, a second group will argue against the rule, and a third group will serve as a panel of bar association officials hearing the arguments. In addition to feedback from the professor, students should be prepared to provide commentary to each other on the exercise. See Instructions posted in readings for Feb. 24.

- Instructions for Class on Pro Bono Exercise.
- Annie Correal, *Why Big Law is Taking on Immigration* N.Y. Times, Nov 21, 2018.
- Scott L. Cummings, Deborah L. Rhode, *Managing Pro Bono: Doing Well by Doing Better*, 78 Fordham L. Rev. 2357 (2010) (excerpt)
- Fred Rooney, *Build Your Practice, Build Good Karma*, 29 No. 1 GPSOLO 26 (2012)
- NY Pro Bono Rule
- James Podgers, *Magic Number*, 99-MAR A.B.A. J. 22 (2013)
- Chief Judge Jonathan Lippman, *New York's Template to Address the Crisis in Civil Legal Services*, 7 Harv. L. & Pol'y Rev. 13 (2013) (excerpt)
- Jessica Ratner, *Pro Bono or Problemo: Can a Moral Obligation Effectively Bridge the 'Justice Gap'* 18 Pub. Int. L. Rep. 8 (2012) (excerpt)
- Douglas R. Richmond, *New York State of Mind*, 21 No. 3 Prof. Law. 6 (2012)
- *Mallard v. U.S. District Court for the Southern Dist. Of Iowa, et al.*, 490 U.S. 296 (1989)
- North Carolina Supreme Court Order Establishing the NC Equal Access to Justice Commission

Sept 28: Cross-Population Differences and Access to Justice.

In-class exercise: Simulated interview with a Limited English-Speaking client and interpreter.

- David C. Leven, *Justice for the Forgotten and Despised*, 16 *Touro L. Rev.* 1 (1999) (excerpt)
- Hannah Belitz, *A Right Without A Remedy: Sexual Abuse in Prison and the Prison Reform Litigation Act*, 53 *Harv. C.R.-C.L. L. Rev.* 291 (2018) (excerpt)
- Ethan Bronner, *No Lawyer for 100 Country Miles, So One Rural State Offers Pay*, *N.Y. Times*, Apr. 9, 2013
- Please watch one of these ABA videos on implicit bias at <https://www.americanbar.org/groups/diversity/resources/implicit-bias/> per the group to which you will be assigned. Please prepare points to discuss, share or question about the video
 - First video is implicit bias – public defenders
 - Second video is implicit bias – prosecutors
 - Third video is implicit bias – judges
- Jerry Kang, *et al.*, *Implicit Bias In The Courtroom*, 59 *UCLA L. Rev.* 1124 (2012)
- Reena K. Shah, Lauren E. Bartlett, *Human Rights in the United States: Legal Aid Alleges that Denying Access to Migrant Labor Camps is a Violation of Human Rights*.
- *Padilla v. Kentucky*, 559 U.S. 356 (2010) (excerpt)
- Deborah M. Weissman, *Between Principles and Practices: The Need for Certified Court Interpreters in North Carolina*, 78 *N.C. L. Rev.* 1899 (2000) (excerpt)
- The North Carolina Court System, Language Access Services, <http://www.nccourts.org/LanguageAccess/Default.asp>.

Oct 5: NO CLASS (In lieu of court observation- civil court only or alternative podcast/video) Reflection paper and legislative draft or pro se form with instructions due Oct 9 by 5 p.m. to be delivered electronically.

OPTION ONE Legislative Draft: You are assigned to draft a proposed legislation or regulation pertaining to permissible activities by government-funded legal aid lawyers for the poor. The purpose of this assignment is to consider the forms and conventions of legislative drafting by modeling existing legislative writing, to learn to conceptualize legislative solutions to social problems, and to consider the dynamics involved with legislative drafting and substantive policy. Please do not exceed 3 pages of legislative or regulatory text plus an additional two pages of commentary in support of the proposal. There is a folder on Sakai named Legislative Drafting Resources. You will find instructions for this exercise and resources to help you. **Total written pages for this assignment: 6-8 pages, combination of reflection and legislative draft. Due date Oct. 9, 2020 by 5 p.m. to professor’s email.**

OPTION TWO Pro Se Form and Instructions: Please draft a proposed court sanctioned pro se form to assist a tenant who wishes to defend an action for summary ejectment and also wishes to raise relevant affirmative defenses and counterclaims. Please include instructions for the form. Please use the fact pattern and housing guide from the class on poverty, housing, and litigation planning. You may also wish to review a New York form and a document prepared by the state justice institute entitled, “Best Practices In Court-based Programs for the Self-Represented.” These documents will be

posted on Sakai in a separate folder titled “**Resources for Drafting Pro Se Form.**” You may use any other resource you locate that will help in the drafting of the form. **Total written pages for this assignment: 6-8 pages, combination of reflection pro se form and instructions. Due date Oct. 9, 2020 by 5 p.m.**

Oct 12: How Do We Lawyer? Cause Lawyering/Community Lawyering/Solicitation.

No Zoom Class. Students will be asked to watch a movie outside of class: The Conspirator.

- Thomas M. Hilbink, *You Know The Type...: Categories Of Cause Lawyering*, 29 Law & Soc. Inquiry 657 (2004) (excerpt)
- Marshal & Hale, *Cause Lawyering*, 10 Annu. Rev. Law Soc. Sci. 310 (2014) Pp. 304-313
- Angela Morris, Texas Senate Passes Religious Liberty Bill to Shield Lawyers Who Reject LGBTQ Clients, (April 03, 2019)
- Susan D. Carle, Scott L. Cummings, *A Reflection on the Ethics of Movement Lawyering*, 31 Geo. J. Legal Ethics 447 (2018) (excerpt)
- Burt Neuborne, *Confessions of an ACLU Lawyer*; Wall St. J., Oct. 20, 1988
- This 3 min 16 sec. video <https://www.youtube.com/watch?v=kWMkAPZoPYk>

Written Assignment: Please submit a reflection paper 3-4 pages. The reflection paper will respond to the themes/questions that are set forth on Sakai in Oct 12 class folder and will be based on the film and the readings. Due on Oct.16 at 5 p.m. delivered to professor’s email.

Oct 19: Indigent Defense – Criminal Matters.

- Tim Young, *The Right to Counsel An Unfulfilled Constitutional Right*, 39-APR Hum. Rts. 6 (2013)
- William Glaberson, *Justice Denied, Inside the Bronx’s Dysfunctional Court System*, N.Y. Times, Apr. 14, 2013 at A1.
- Richard A. Oppel, Jr. *Judge Says Lawyer Works Too Hard*, N.Y. Times, Mar. 31, 2018
- Cynthia Godsoe, *Participatory Defense: Humanizing the Accused and Ceding Control to the Client*, 69 Mercer L. Rev. 715 (2018) (excerpt)
- Yaris v. Bunton (complaint)
- Yaris suit- affidavit- T. Frampton
- Michelle Alexander, *Go to Trial: Crash the Justice System*, N.Y. Times, Mar. 11, 2012

Be prepared to identify group assignments for last two classes (See Sakai folders for Nov 2nd and Nov 9th for description of assignment options).

Oct 26: Human Rights and Public Interest Law at Home and Abroad.

- Scott L. Cummings, Louise G. Trubek, *Globalizing Public Interest Law*, 13 UCLA J. of Int’l. L. & Foreign Aff.1(excerpt)
- Alan Jenkins & Larry Cox, *Bringing Human Rights Home*, The Nation, Jan. 27, 2005
- Risa Kaufman & JoAnn Kamuf Ward, *Using Human Rights Mechanisms of the United Nations to Advance Economic Justice*, Clearinghouse Rev. 259 (Sept-Oct. 2011)
- Eric Tars, *Human Rights Shadow Reporting: A Strategic Tool for Domestic Justice*, 42 Clearinghouse Rev 475 (Jan-Feb. 2009)

- Partners for Dignity and Rights <https://dignityandrights.org/> (Please peruse website)
- Human Rights in the U.S., A Handbook for Legal Aid Attorneys. This is an important manual; **skim TOC** to become familiar with its contents. We will do an in-class exercise for about half of the class based on this handbook. **Please choose one substantive law section to review (see section on Specific Legal Issues Areas) and be prepared to discuss your views and opinions. You will be asked to address a specific legal issue area, such as Freedom from Domestic Violence, Labor and Employment Rights, Housing Rights, Consumer Rights, Rights to Public Assistance, Children’s Rights, Immigration: Family & Border Rights, Immigration: Trafficking & Domestic Violence Issues, HIV/AIDS and Disability Rights and explain how you might raise international human rights treaty law in state court to advocate on these “domestic” issues. Be prepared to discuss strengths and weaknesses of this approach.**
- Rosalind Hursthouse, *The Art of Living Well* (Book Review of Intelligent Virtue), Times Literary Supplement, Dec. 19, 2012 (tangentially related to class subject matter)

Nov 2 and Nov 9: Student Presentations: Students will work in two groups according to one of two problem options they select. Each problem provides students with the opportunity to present their own views of the problems raised throughout the semester including their court observation assignment. Please note that each of these classes will last one hour only in order to make time for one-on-one meetings with professor to review written assignments and work toward final paper.

Nov. 23 at noon. Final paper due to be delivered via email to professor’s email.