

**Syllabus**  
**Justice Action Center Colloquium:**  
**Legal Practice for Social Change**  
**Fall 2011**  
**Room W320**  
**Wednesday, 4:00-5:40**

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In this course we will be studying legal practice for social change. When we say “social change,” we do not mean just any change in society, we mean change that implements social justice. Social justice is a broad term that encompasses many different visions. What do we mean by social justice? We mean the ability to engage in basic human relationships and activities without regard to factors such as race, class, gender, or sexuality. We mean access to resources necessary to human fulfillment, including education, housing, employment, and other economic resources. And we mean freedom from oppression and freedom to participate fully in the political, economic, social, and justice systems.

Lawyers have different goals and engage in many types of legal practice for social change. Some lawyers work for long-term social change through bringing class action litigation. Other attorneys seek short-term social change by helping clients who are confronting emergencies such as an imminent eviction or school suspension. Attorneys working for social change represent groups, participate in movements, and work with not-for profit corporations. They advocate formally and informally with administrative agencies and lobby legislative bodies. In short, within resource constraints, there is virtually no limit to the possible strategies for social change and the legal practices that can support them.

We will examine these goals and strategies in the context of several case studies, including migrant farm workers; school desegregation; Hurricane Katrina; same-sex marriage; the cradle-to-prison pipeline; and advocacy for international human rights, in particular as it relates to the intersection of poverty, and race, and gender; and human trafficking. We will think critically about different strategies in an attempt to determine their strengths and weaknesses. By the end of the semester, we hope that you will be able to think strategically about legal practice for social change. We hope you will be able to recognize a social problem, identify strategies to help solve the problem, and examine what lawyers can do to support these strategies.

We also want to share one thing about what we will not be doing in this course. We will not be focusing on teaching doctrine or expecting you to master a particular area of law. We will, of course, encounter legal doctrine and we will speak about it and assign readings that cover doctrine, including several cases. But our emphasis will be on how lawyers use legal doctrine or the legal system to effectuate change, not on mastering the doctrine itself.

Most of the assignments for the course are contained in the course supplement, which we will distribute to you. In addition, the assignment for the second class is to read selections from *The Grapes of Wrath*. We will also be distributing additional reading materials for other classes.

### **Written Assignments and Grading**

There are three components of your final grade:

1. Class Participation: 30%

Class participation includes class attendance, thoughtful and informed contributions to class discussions, and effective participation in small group problem-solving exercises.

2. Short Writing Assignments: 10%

You will be responsible for completing four short writing assignments of approximately 250 words each. I will be circulating an assignment for weeks three through twelve. You are responsible for completing four of the assignments. I will grade each assignment on a scale of 1-10 based on the following:

Responsiveness to the assignment C1 point

The degree to which your answer directly addresses the question

Originality and thoughtfulness of your answer C4 points

Thorough analysis

Cogent reasoning

Depth of analysis (i.e. more than a summary of the readings)

Original thoughts

Application of the reading assignments to the question C4 points

Integration of readings into the answer

Use of quotes and excerpts from the readings to demonstrate points

Writing style/grammar C1 point

Spelling, punctuation, capitalization, sentence structure, topic sentences, thesis statement

The papers are due by email to me by 5 pm on the Monday prior to class.

3. Final Paper (50%) and Presentation (10%)

You will select a partner to work with on your final paper. The subject of the paper, which is to be a minimum of twenty-five pages, is to describe, analyze, and compare the work of two attorneys or law offices that are engaged in legal practice for social change. Your paper will identify and describe two organizations that engage in legal practice for social change, describe the social problem they address, identify the organizations= social change goals and visions, identify and describe the legal strategies they use to accomplish their social change goals, including the types of clients they represent, the nature of their relationships with their clients,

case selection procedures, and the extent to which they work with other legal and professional problem-solvers and in coalitions. Finally, the paper will compare and contrast the organizations and their approaches. We will be distributing a template to help you research and write the paper. The reading assignments for the course and the class discussions will provide you with sufficient secondary source material to frame your analysis. However, you will need to do additional primary and secondary source research about the social problem or movement, the attorneys or law offices, and their work. This research should include reviews of any relevant legal material and interviews with the relevant individuals.

Each team will also present its paper to the class in one of the final two class sessions. The presentation will last approximately 25 minutes, including time for questions.

The meetings and various due dates for the paper are:

- Week of September 6: select partner and submit preferred meeting times to professor
- Week of September 12: first meeting Ctopic due prior to meeting
- Week of October 10: second meeting Ctwo page abstract due prior to meeting
- Week of November 14: third meeting Crough draft and presentation outline due two days prior to meeting
- December 21: final paper due by noon to Alissa Kane, [akane@nyls.edu](mailto:akane@nyls.edu)

The grade on the paper and presentation will be based on the following criteria:

#### Paper

- Description of social problem: 4 points
- Description of organizations/attorneys: 7 points
- Description of legal efforts: 18 points
- Comparison of organizations, including analysis of effectiveness of legal strategies: 10 points
- Writing style, grammar, structure, and organization: 4 points
- Use of sources, including application of course readings to paper and primary research: 7

#### Presentation

- Effective communication of subject matter: 8 points
- Responsiveness to questions: 2 points

### **Course Schedule, Class Topics, and Reading Assignments**

## PART ONE

### INTRODUCTION TO LEGAL PRACTICE FOR SOCIAL CHANGE

#### **Class One: August 24**

#### **Introduction to Legal Practice for Social Change**

William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOC. JUSTICE 7 (Fall 2007)

Lani Guanier, *Lift Every Voice...and other personal narratives...*)

Mahoney, Calmore, Wildman, *Social Justice: Professionals, Communities, and Law*.  
“Note: Legal Education and Its Impact on Ideals”

Martha Minow, *Introduction: Seeking Justice*

#### **Class Two: August 31**

#### **Social Change Legal Practice Strategies**

JOHN STEINBECK, THE GRAPES OF WRATH (1939)

“Fields of Tears,” *Economist*, Dec. 18, 2010, at 39.

#### **Class Three: September 7**

#### **Rebellious Lawyering and its Implications for Social Change Legal Practice**

Gerald Lopez, *Rebellious Lawyering: One Chicano’s Vision of Progressive law Practice* (1992)

Scott L. Cummings & Deborah L. Rhode, *Public Interest Litigation: Insights from Theory and Practice*, 36 FORD. URB. L. J. 603 (2009)

William Quigley,” Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations”

Michael Diamond, “Community Lawyering: Revisiting the Old Neighborhood”

Dean Hill Rivkin, “Reflections on Lawyering for Reform: Is the Highway Alive Tonight?”

## PART TWO CASE STUDIES

### **Class Four: September 14** **Social Justice for Migrant Workers Case Study**

Jennifer Gordon, *Law, Lawyers, and Labor: The United Farm Workers = Legal Strategy in the 1960s and 1970s and the Role of Law in Union Organizing Today*, 8 U. PA. J. LAB. & EMP. L. (2005)

Jennifer Gordon, *We make the Road by Walking: Immigrant Workers, The Workplace Project, and the Struggle for Social Change*, 30 Harv. C.R.-C.L. L. Rev. 407 (1995)

### **Class Five: Friday, September 16, 4:00** **School Desegregation Case Study (I)**

*Scott v. Sandford*, 60 U.S. 393 (1857) [Note: a background memo on the history of the case and the issues raised is posted on the JAC Colloquium website]

*Plessy v. Ferguson*, 163 U.S. 537 (1896)

Leland Ware, *The Story of Brown v. Board of Education: The Long Road to Racial Equality*, in *Education Law Stories* 19-50 (Michael A. Olivas & Ronna Gtreff Schneider, eds. 2008)

*Brown v. Board of Education*, 347 U.S. 483 (1954)

Derrick Bell, *Race, Racism, and American Law*, “The Quest for Effective Schools”

### **Class Six: September 21** **School Desegregation Case Study (II)**

Robert Cottrol, Raymond T. Diamond, & Leland B. Ware, *Brown v. Board of Education: Caste, Culture, and the Constitution* 234-243 (2003)

*Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 127 S. Ct. 2738 (2007)

Martha Minow, *In Brown's Wake*, 5-32 (2010)

### **September 28: No Class, Rosh Hashanah**

**Class Seven: October 5**  
**The Cradle-to-Prison Pipeline Case Study**

Children’s Defense Fund, *America’s Cradle to Prison Pipeline* 1-46, 125-136, 183-212, 223-225 (2005) [Full report posted on the JAC Colloquium website]

Note: You will also be assigned to read one of the following articles:

Joseph B. Tulman & Douglas M. Week, *Shutting Off the School-to-Prison Pipeline for Status Offenders with Educational Disabilities*, 54 N.Y.L.S. L. Rev. 875 (2009/10)

Lisa H. Thureau & Johanna Wald, *Controlling Partners: When Law Enforcement Meets Discipline in Public Schools*, 54 N.Y.L.S. L. Rev. 977-986, 1014-1020 (2009/10)

Dennis D. Parker, *Discipline in Schools After Safford Unified School District #1 v. Redding*, 54 N.Y.L.S. L. Rev. 1023 (2009/2010)

Russell Skiba, Suzanne v. Eckes, & Kevin Brown, *African-American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy*, 54 N.Y.L.S. L. Rev. 1071-1089 (2009/10)

These articles can be downloaded through the JAC website, [www.nyls.edu/jac](http://www.nyls.edu/jac), by using the tab on the left of the home page for “Symposia” and following the link to the School-to-Prison Pipeline Symposium.

**Class Eight: October 12**  
**Hurricane Katrina Case Study**

Michael E. Dyson, *Come Hell or High Water: Hurricane Katrina and the Color of Disaster* (2006)

Susan L. Waysdorf, *Returning to New Orleans: Reflections on the Post-Katrina Recovery, Disaster Relief, and the Struggle for Social Justice*, 12 U. D. C. L. REV. 3 (2009)

Bill Quigley, *The Katrina Pain Index 2010 New Orleans—Five Years Later*

**Class Nine: October 19**  
**Same-Sex Marriage Case Study**

Scott L. Cummings & Douglas NeJaime, *Lawyering for Marriage Equality* 57 U.C.L.A. L. Rev. 1235 (2010)

New York City Bar Association, *Report: Why Should New York Support Marriage Equality for Same-Sex Couples?*

New York Legislative Bill A8354 (Governor's proposed Marriage Equality Act) (2011)

New York Legislative Bill A8520 (Amendment to proposed Marriage Equality Act)(2011)

"Behind Gay Marriage, an Unlikely Mix of Forces," *New York Times*, June 25, 2011.

"Settled in Albany, Gay Marriage Draws Opposition," *New York Times*, July 12, 2011.

[Note: An additional article providing an overview of U.S. law is posted on the JAC Colloquium website – "Same-Sex Marriage, Civil Unions, and Domestic Partnerships," *New York Times*, July 24, 2011]

### **Class Ten: October 26**

#### **Advocacy for International Human Rights – The Framework**

Hope Lewis, "New" *Human Rights: U.S. Ambivalence Toward International Economic and Social Rights Framework* in 1 BRINGING HUMAN RIGHTS HOME, A HISTORY OF HUMAN RIGHTS IN THE UNITED STATES 103 (Cynthia Soohoo et al. eds.)

Cynthia Soohoo, *Human Rights and the Transformation of the "Civil Rights" and Civil Liberties* Lawyer, in 1 BRINGING HUMAN RIGHTS HOME, A HISTORY OF HUMAN RIGHTS IN THE UNITED STATES 71 (Cynthia Soohoo et al. eds.)

Henry J. Steiner, Et al. *International Human Rights in Context* (2007)

U.N. Human Rights Comm., *Report on Women's Human Rights in the United States Under the International Covenant on Civil and Political Rights* 1-11 (July 2006) [Full report posted on the Colloquium website]

*International Human Rights: Status of Ratification of Treaties by the United States* [Table and questions prepared by students from the JAC Colloquium class of 2010]

[Note additional materials posted on the JAC Colloquium website:

International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

International Convention on the Elimination of Racial Discrimination (CERD)

International Covenant on Civil and Political Rights (ICCPR)

Several short documents on the role of the UN Commission on Human Rights, complaint procedures for human rights violations (including shadow reports), and the functions of treaty bodies.]

**Class Eleven: November 2**  
**Poverty, Race, and Gender Case Study**

U.S. Census Bureau, statistical tables relating to poverty

Mark Greenberg, "It's Time for a Better Poverty Measure," *Center for American Progress* 1 (Aug. 25, 2009)

Barbara Ehrenreich, *Nickel and Dimed* (2002)

Katherine Boo, "After Welfare," *The New Yorker*, April 9, 2001, at 93

U. N. Human Rights Comm., *Report on Women's Human Rights in the United States Under the International Covenant on Civil and Political Rights* 30-49 (July 2006) [Full report posted on the Colloquium website]

**Class Twelve: November 9**  
**Human Trafficking Case Study**

Penda Hair, *Louder than Words: Lawyers, Communities and the Struggle for Justice*, Chapter Two: Client-Centered Lawyering-Garment Worker Advocacy in Los Angeles.

Girls Education and Mentoring Services website <http://www.gems-girls.org>

Free the Slaves, "The Challenge of Hidden Slavery: Legal Responses to Forced Labor in the United States," in Beeks and Amir (eds) *Trafficking and the Global Sex Industry* (2006).

[Note: News articles about recent developments related to this topic will be posted on the JAC Colloquium website]

**PART THREE**  
**STUDENT PAPER PRESENTATIONS**

**Class Thirteen: November 16 (this class will end at 5:55)**

Student Paper Presentations

**Class Fourteen: November 30 (this class will end at 5:55)**

Course Evaluations

Student Paper Presentations