

LAW PRACTICE: SOCIAL IMPACT ADVOCACY

Professor Francisco Valdes
Spring 2019

Course Information Guide

Despite a century or more of legal reforms and social changes, everyday headlines make plain that the constitutional commitment to “Equal Justice Under Law” remains illusory for many persons, and for some entire communities, living in the United States today. Current events also have made many people newly aware of the “systemic” nature of front-burner legal and social issues, which can range from equal pay for equal work to mass incarceration, voter suppression, student debt, climate adaptation, marriage equality, immigration justice, and many more modern topical controversies. Under these specific social circumstances, the pressing practical question for the legal profession has become: How can lawyers become more effective advocates of systemic reform to achieve equal justice in everyday life for *all*?

To tackle these and similar questions, this introductory three-credit course examines key systemic (or structural) reasons for persistent “access to justice gaps” while emphasizing experiential approaches to “active” research tools that build on core legal skills.

Using contemporary topics of special relevance to students, we survey and discuss key issues, concepts, terms, and arguments relating to law and justice as we work on individual and group projects linked to campus issues and/or community groups. The weekly readings provide a critical understanding of the complex yet crucial cross-connection between law practice, legal reform, systemic change, and social impact while the hands-on campus and community projects emphasize the individual development of three collaborative fact-finding practices that “map” sources of systemic injustice: (1) community interviewing, (2) critical empiricism, and (3) public narrative. Together with core legal training, these advanced foundational ideas and skills are designed to set the stage for persuasive systemic analysis and advocacy in any socio-legal context.

Upon completion of this introductory course, all students should possess a substantive, sophisticated, and self-critical understanding of the cross-disciplinary, multi-cultural, and inter-active skill-sets needed for high-impact social-change lawyering in varied practice settings; interested students should thereby also be well-prepared for follow-up courses in the Social Justice Concentration and, ultimately, to pursue various kinds of public interest careers successfully after graduation.

This Information Guide and attached handout on Social Justice and Systemic Advocacy summarize basic administrative details for the course. Assigned materials are available on the course TWEN site. Please review the contents below carefully, and retain these introductory documents for ready access and future reference throughout the semester.

Class Sessions: Wednesdays & Fridays, 11:00 AM-12:20 PM, Room F302.

Office & Contact: Francisco Valdes—Law Library, Third Floor, Room G369; (305) 284-5432.

Office Hours: Immediately after class, or call office to make appointment. You may also email my assistant, Marysabel Merino, at mmerino@law.miami.edu to schedule an appointment.

Grading: Please note that pass/fail options are not allowed in this course. Weekly assignments and the final group project will be the principal bases of final course grades. Grades are subject to a downward or upward adjustment based on professionalism, including attendance, timeliness, attentiveness, preparedness, consistent and active class participation, respect for course rules, and performance on problem-solving assignments.* Final course grades include and reflect such adjustments.

Preparedness: *Preparedness always is an absolute must for every student every time the class meets.* "Preparedness" does not mean "knowing the right answer" to any particular question; rather, it means being able to display a thoughtful and reflective familiarity with ALL assigned materials. Accordingly, the emphasis in class discussion will be on "critical thinking" and discussion based on student preparedness—"critical thinking" is the ability to go beyond the face of the readings to analyze the relevant issues from an independent perspective. Unpreparedness is, of course, seriously unprofessional behavior and therefore will adversely affect final grades (See "Grading" above).

Professionalism: As you know, advance preparation for important meetings, consistent punctuality at all professional events, and attentive, informed participation in substantive discussions are key hallmarks of a successful professional in law practice, which also makes them important features of your legal education and your performance during law school. Therefore, please recognize from the outset that our time together in the classroom is especially important from this "professionalism" perspective, as we will discuss in more detail during the first week of the semester. Reflecting the importance of the professional aims included in this course, final grades include downward and upward adjustments based on professionalism, including attendance,* punctuality, attentiveness, preparedness, participation, compliance with course-related instructions and performance on problem-solving assignments. This evaluation structure is designed to provide a fair assessment method that considers each student's performance in each part of the course throughout the entire semester. This approach is designed to reward professional behaviors during the entire semester and to discourage unprofessional behaviors at all times. Persistent unprofessionalism may result in failure or withdrawal from the course.

In-Class Devices: The school-wide policy for device use during class time is as follows: Devices may be used only for class-related purposes such as taking notes. While class is in session students may not access the Internet (including e-mail) or use laptops for any other non-class-related purpose. Faculty members have the right to prohibit altogether the use of laptops in the classroom, whether generally or for particular students who misuse their laptops. This right may be exercised at any time.
Failure to follow directions as to laptops can subject students to the same range

* * Attendance" in a class session requires your presence in the classroom for the entire scheduled time; your absence from the classroom for more than 5 minutes is registered as an automatic absence for that day.

of penalties to which they might be subject for failing to follow any other requirement on classroom attendance and participation.” Violations of this policy are, by definition, examples of *extremely* unprofessional behavior and therefore will adversely affect final grades. (See “Grading” above.) The computer or cellphone use policy for this class is as follows: Electronic devices may be used during designated times. Generally, laptops may be used during the problem-solving exercises or related assignments but **NOT** during lecture times. If in doubt, please ask before acting. Violations of this policy are examples of *grossly* unprofessional behavior (See “Grading” above).

Required Texts:

Assigned materials are listed and distributed via TWEN. In addition, we will distribute supplemental handouts in class periodically, and/or assign video viewings (either for in-class or for out-of-class viewings). All students who are absent from a class session are responsible for ascertaining the distribution of handouts and any other assignments announced in class. *Please note: it is YOUR responsibility to acquire handouts and assignments from a classmate if you are absent from any class.*

Course Focus:

This survey course is designed to introduce students to the structuring of social inequality, the legal system’s commitment to justice, and the engagement of law and lawyers in promoting justice by confronting social inequality.

Course Structure:

The course meets twice weekly. Students will complete weekly assignments, sometimes individually and sometimes in collaboration with others. Students will be grouped into “teams” that will work together on problem-solving assignments and a final group project and presentation. Whenever possible, we will devote the first part of the class session to an overview lecture on the assigned readings followed by plenary Q&A, open discussion, and small-group problem-solving assignments, concluding with a review of highlights and take-away points. Depending on our progress, we may vary this basic structure in some circumstances.

Disability:

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Jessie Howell, Coordinator, Disability Services in the Office of Disability Services for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is jhowell@law.miami.edu . You may also visit the Office of Disability Services website at www.law.miami.edu/disability-services.

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Class 1: “Social Justice” and Systemic Advocacy

Introducing the Course: Definitions, Coverage, and Goals

We aim in this 1L elective to live up to the social justice definition provided to you on the Law School website. After this experience, we hope you will better appreciate both, the variety and the complexity, of “social justice” issues as you plan upper-level courses of study and career paths. Because this entirely new course is designed to serve specific curricular purposes in the also-new Concentration, the social justice faculty has standardized the basic conceptual framework for, and the substantive scope of, our classes and discussions.

Standardized Social Justice Definition: As defined for students online, “social justice ... span[s] myriad practice areas, from civil rights and public interest, to administrative law and commercial interests, to tax and trade policy ... social justice work is done in social, economic, and legal contexts, guiding critical analysis and transformative action across many sectors of society.” We hope and trust you will see this definition reflected in the materials for each class, and for the course as one whole.

Standardized Course Coverage: The social justice faculty also itemized the scope of course coverage more conceptually along the following seven bullet points:

- 1) Premises of social justice and equal justice in the law (including questioning formal law as a means to systemic justice);
- 2) Analysis of social structure;
- 3) Systemic power, subordination, and privilege;
- 4) Identity and society (including the debate between particularity and universality, as well as what constitutes “identity”);
- 5) Globalization and international law;
- 6) Theoretical perspectives (e.g. class crit, queer theory, CRT, LatCrit, FLT); and
- 7) The architecture of advocacy (e.g. practice and theory of effective social justice advocacy. We hope and trust you will see this scope of coverage reflected in the class themes, including the Class Goals, Discussion Questions, and Key Concepts for each class.

Standardized Course Goals: As the required “introductory” course for the new Social Justice Concentration and a 1L elective, the core goal set for us is to “survey” areas of law in which social justice (as defined above) is relevant. As discussed by the social justice faculty, the point of this course, therefore, is: “... not to have students dive into every single concept in depth, but rather to give them exposures to frameworks, theories, and ideas that are necessarily implicated when we talk about justice. Students can choose to engage the ideas in more depth through additional class, but the point is not that they have to. Rather, the point is that we don’t graduate students who will do social justice work who have never engaged a vocabulary for power, identity, critical theory, etc. The point is also that having planted a seed of some of these ideas, when they do the work later, they will come back to what they first learned, and build on it in practice.” We hope and trust you will see these basic course goals in our approach to the whole course, and to each class.