

LAW PRACTICE: SYSTEMIC ADVOCACY

Professor Francisco Valdes
Spring 2021

Course Description, Syllabus, and Administration

Course Description:

“To establish Justice” is the second purpose of the “rule of law” as specified in the original text of the 1789 U.S. Constitution—even before getting to the part about forming a more perfect Union. So what happened? Despite founding contradictions or betrayals of this stated purpose, and two-plus centuries 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.

In addition, 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 the Critical Challenge of using law for justice, this introductory three-credit course examines key historical, social, economic, and systemic (or structural) reasons for persistent inequalities and inequities that affect entire groups from generation to generation.

Oftentimes, as history and current affairs show, systemic injustice correlates consistently to social identities (like race, sex, class or creed) and to related ideologies (or belief systems) of superiority and inferiority, which distort individual lives, society as a whole, law as a system, and perceptions of reality. For this core reason, the course centers four “elements” frequently missing from conventional legal analysis (identities, groups, interests, and power) by incorporating them into legal problem-solving contextually, and from a “bottom-up” perspective. During and through this course, students will be able to work collaboratively in small teams on projects/papers of your choice, while developing “critical thinking” skills that build on basic legal training. Upon completion of this course, all students should possess a self-critical understanding of systemic injustice intellectually, and how to overcome it as a systemic advocate practically.

This survey course satisfies the foundational course requirement for the Social Justice Concentration, helping to prepare interested students for follow-up courses in this Concentration and, ultimately, to pursue various kinds of public interest careers successfully after graduation. The attached handout on Social Justice and Systemic Advocacy summarizes the Faculty’s charge for this course, which we will discuss during Class 1, along with the role of this course in your education and career planning. Assigned materials are available on the course Blackboard site, as outlined in the accompanying Syllabus. Please review carefully the information on course assignments and course administration outlined below, and retain these introductory documents for ready access and future reference throughout the semester.

Course Syllabus:

In general, we track the book's table of contents, averaging about 40-ish pages per class session:

Week 1: Chapter 1

W: Table of Contents, Editors' Introduction, and Sections 1.1-1.3

F: Sections 1.4-1.6

Week 2: Chapter 2

W: Sections 2.1-2.3

F: Sections 2.4-2.8

Week 3: Chapter 3

W: Sections 3.1-3.4

F: Sections 3.5-3.6

Week 4: Chapter 4

W: Sections 4.1-4.2

F: Sections 4.3-4.4

Week 5: Chapter 5

W: Sections 5.1-5.2

F: Sections 5.3-5.5

Week 6: Chapter 6

W: Sections 6.1-6.3

F: Sections 6.4-6-7

Week 7: Chapter 7

W: Sections 7.1-7.2

F: Sections 7.3-7.4

Week 8: Chapter 8

W: Film Screenings (TBA) & Team Meetings

F: [NO CLASS/SPRING BREAK]

Week 9: Chapter 9

W: Sections 9.1-9.3

F: Sections 9.4-9.7

Week 10: Chapter 13

W: Sections 13.1-13.2

F: Sections 13.3-13.4

Week 11: Chapter 16

W: Sections 16.1-16-2

F: Section 16.3 and Editors' Closing Reflections

Week 12: PRESENTATIONS AND CLOSING DISCUSSIONS

W: Student Presentations

F: Student Presentations

Week 13:

W: Student Presentations

F: Student Presentations

Please keep track of our schedule, as listed above, and ask your questions promptly.

Course Administration:

Class Sessions: Wednesdays & Fridays, 10:10 AM-11:25 AM, via Zoom.

Zoom: Our class time together should be conversational—a resource we use together to conduct conversations based on the assigned materials to help *every* student clarify concepts, sharpen skills, and develop professionally. To maximize learning and teaching for everyone, please: keep your video “on” during each entire class session; “mute” your audio when not speaking; participate often, either through the “raise hand” function or through a chat message; and, generally, conduct yourself as a well-prepared, informed, engaged, and capable professional readying for law practice in a complex, diverse, and sometimes challenging society.

Course Materials: Assigned materials are presented via Blackboard (or, if necessary, by email).

Contact Info: Faculty Assistant, Marysabel Merino, at mmerino@law.miami.edu.

Grading: Pass/fail options are not allowed in this course. Quality and timeliness of weekly assignments and the final *group* project will be the principal bases of *individual* final course grades, along with active participation and consistent professionalism.

Professionalism: If you practice “professionalism” consciously as part of your formal education, you will be much better at it when it comes time to employment, retention, and advancement. Start now. Please be punctual. Please be prepared. Please be respectful of our shared time and of our common learning-teaching purposes. Avoid interruptions or disruptions as much as possible during class time. *If you have doubts or questions, timely bring them up—preferably in class so that everyone can listen and participate.* To ensure your attendance is recorded, register for each class as required by Law School or University policies. Persistent or egregious unprofessionalism may result in failure or withdrawal from the course.

Preparedness: *Preparedness always is an absolute must—but "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. To be “prepared” requires only that you (1) read the materials in a focused and intentional manner, (2) reflect on them before class, and (3) contribute questions and thoughts during class discussions. This preparation (or training) also will develop your capacity for "critical thinking" on any issue or topic—the ability to form questions or opinions, and to connect them to the substance of the assigned materials, in clear, brief, and plain terms. Unpreparedness is, of course, seriously unprofessional behavior.*

Disability: Contact Jessie Howell, Director, Office of Accessibility and Student Inclusion for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is access@law.miami.edu.