

**LAWYERS AND SOCIAL CHANGE
SYLLABUS, FALL 2009
MONDAYS 4-6 PM, RM. 306**

Professor Deborah J. Cantrell

PURPOSE OF COURSE:

One of the fundamental questions that we engage during law school is: “What is the role of the lawyer?” As law students, the impetus often is to understand the question more narrowly, and to limit it to: “What is my role as a lawyer to my client?” The goal of this service learning class is to encourage you to expand your perspective so that you understand the ways in which lawyers more broadly participate in social change work.

The course will have two component parts: a weekly class and service learning to be performed outside of class. The service learning will happen in connection with students at New Vista High School who are enrolled in “Taking Civic Action,” taught by Christina Jean.

COURSE SCHEDULE:

We will meet as a group once a week for two hours. Our weekly class will be the primary time during which we focus on theories of social change and consider case studies. Throughout the semester we will also use class time to talk about your service learning projects and to meet jointly with the New Vista students (discussed more fully below).

SERVICE LEARNING:

The service learning component of the class is based on the precept that one of the most effective ways to learn a role, is to perform that role. Thus, you will participate as social change lawyers by working students at New Vista High School. You and the New Vista students will identify current issues of interest, and design potential advocacy campaigns about those issues. Depending on how many New Vista students take Christina’s course, there are likely to be 4 service learning teams, each of which will have 3 law students and 3 New Vista students. Together the team will identify the issue on which it plans to focus, and develop an advocacy campaign. By the end of the semester, I expect that your team will have made strides on its advocacy work.

You should expect to spend a notable amount of time outside of class working on your service learning project. You are receiving an additional course credit, for a

total of 3 credits, to acknowledge the substantial amount of work you will do outside the classroom.

Christina and I are working together on our respective courses to try and make sure that our courses are harmonious. Her students will have a copy of this syllabus, and you will have access to Christina's course materials.

EVALUATION:

Your grade for the course will be based on four components: class participation, weekly reflection papers, participation in service learning, and a paper series related to your service learning project. There is no final exam.

Class participation and your weekly reflection papers will combine for 20% of your grade. Another 20% of your grade will reflect the level of participation you put into service learning. Your paper will count for 60% of your grade.

- * *Class participation* – I expect that you will thoroughly read all of the assigned materials, and be prepared to participate in class discussion. Thoughtful volunteering will help you. I am an active moderator of class discussions to ensure that everyone is encouraged to participate. Thus, I will try and make sure that each of you is speaking in equitable amounts. You will never be penalized for asking a question that helps you to better understand the law, or the lawyering process, or anything related to your service learning project.
- * *Weekly Reflection Papers* – Each week you will need to e-mail me before the start of class a short paper in which you reflect on one of the week's readings. The paper should be no more than 1 double-spaced page. The point of the reflection paper is to give me a quick sense of your thoughts. So, start right in with that. I do not need to see an introductory thesis paragraph, or Bluebook cites, or anything else that one usually must do in more formal writing. Think of the reflection paper as your side of the conversation if we were sitting down for a cup of coffee together. On the weeks during which we will be meeting with New Vista students, your reflection paper should focus on your service learning experience.
- * *Participation in Service Learning* – My expectation is that each of you will give your full effort to service learning. At a minimum, that means meeting regularly with your team members; staying in easy communication with all members of your team, and with me or Christina, if needed; and sustained work on the actual advocacy plan crafted by your team. At the last class, I will ask each of you to provide me with a short written assessment of your own participation in service learning. I will also ask each of you to note for

many any particularly positive or negative aspects of your team, and how you navigated those aspects.

- * *Service Learning Paper Series* – By week 8 of the semester, each student team must submit a 7-10 page paper in which your team identifies its advocacy project, including background on the issue, the reasons it was selected as opposed to other possibilities, and in which you detail and justify the team’s initial advocacy strategy. Based on the readings we will have done in class by then, I expect you to incorporate research on other social change advocacy into your proposal, and to analyze and synthesize the ways in which you have used historical information as a guide to you own project. During week 8, teams will briefly present their projects during class for comment.

The second part of the paper series will be your team’s evaluation and assessment of the advocacy project. It will be due at the end of the semester. That paper should also 10-20 pages in length, and it will require your team to incorporate lessons that you have learned from your own project as well as research from case studies or other historical examples. In contrast to part one of the paper series, the second part calls on your team to critically examine and assess your own advocacy work, paying particular attention to ethical issues and to issues related to the roles you played (i.e., did you act as a traditional lawyer with an individual client, a lawyer with an organizational client, a “cause” lawyer, something else, more than one role and were those roles in tension?). For the second part, I will expect your team to demonstrate competency with the reading materials, including the Model Rules of Professional Conduct, as well as demonstrate analytical rigor in assessing the service learning that you performed.

Your grade will not be based in any way on outcomes you do, or do not, achieve in your advocacy project.

READINGS:

We have a TWEN page for our course. Any readings listed in the syllabus that are law review articles, I’ll let you get copies from Westlaw or Lexis. Any readings that are not available online are posted on the TWEN page.

INTRODUCTION

Week 1: For the first hour, we will make sure that we all have a common understanding of the structure of the course and its service learning component. In the second hour, we will be joined by Christina and her students. In addition to meeting each other, it will be the first efforts to brainstorm about possible advocacy projects.

You should expect that you will join Christina at her class at New Vista on either August 27th or 28th to continue brainstorming. We expect all the teams to have preliminarily settled on an advocacy project by Labor Day.

FOUNDATIONS

Week 2: Historical Background – Some Examples of Lawyering for Social Change

- ✓ Deborah J. Cantrell, *A Short History of Poverty Lawyers in the United States*, 5 LOY. J. OF PUBLIC INTEREST LAW 13 (2003).
- ✓ Scott L. Cummings, *The Politics of Pro Bono*, 52 UCLA L. REV. 1 (2004).

Week 3: No Class, Labor Day.

Week 4: What is a “Public Interest,” or “Cause,” Lawyer?

- ✓ Stuart Scheingold & Austin Sarat, *Cause Lawyering and Conventional Lawyering: Professional and Political Perspectives*, in SOMETHING TO BELIEVE IN: POLITICS, PROFESSIONALISM, AND CAUSE LAWYERING (Stanford Univ. Press, 2004).
- ✓ Carrie Menkel-Meadow, *The Causes of Cause Lawyering: Toward an Understanding of the Motivation and Commitment of Social Justice Lawyers*, in CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES (A. Sarat & S. Scheingold, 1998).
- ✓ Ann Southworth, *Conservative Lawyers and the Contest over the Meaning of “Public Interest Law,”* 52 UCLA L. REV. 1223 (2005).

Week 5: A Snapshot of the Ethics of Cause Lawyering

- ✓ Norman W. Spaulding, *Reinterpreting Professional Identity*, 74 U. COLO. L. REV. 1 (2003).
- ✓ Austin Sarat & Stuart Scheingold, *Cause Lawyering and the Reproduction of Professional Authority* in CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES (A. Sarat & S. Scheingold, 1998).
- ✓ ABA Model Rules of Professional Conduct: Preamble, Rule 1.2, Rule 6.1, Rule 6.3.

CASE HISTORIES

Week 6: The Workplace Project, Long Island, NY

- ✓ Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, the Workplace Project, & the Struggle for Social Change*, 30 HARV. C.R.-C.L.L. REV. 407 (1995).
- ✓ William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N. UNIV. L. REV. 455 (1994).

Week 7: Joint Meeting of Law Students and New Vista Students (Oct. 5, 2009). For the first 40 minutes of class, we will meet as a full group. For the second 40 minutes, only the New Vista students will meet with me and Christina. For the final 40 minutes of class, only the law students will meet with me and Christina.

Week 8: Team Presentations.

Week 9: Institute for Justice and “The Castle Coalition”: Media as an Advocacy Tool

- ✓ Institute for Justice website, at <http://www.ij.org/>.
- ✓ Deborah J. Cantrell, *Sensational Reports: The Ethical Duty of Cause Lawyers to be Competent in Public Advocacy*, 30 HAMLINE L. REV. 567 (2007).
- ✓ Lynne B. Sagalyn, *Positioning Politics: Kelo, Eminent Domain, and the Press* (January 21, 2009), Policy Research Institute for the Region, Woodrow Wilson School of Public & International Affairs, Princeton University, 2008. Available at SSRN: <http://ssrn.com/abstract=1331049>
- ✓ *Guest Speaker:* Scott G. Bullock, Senior Attorney, Institute for Justice (and lead counsel for Suzette Kelo).

Week 10: The Sanctuary Movement: From the 1980’s to 2008

- ✓ Rose C. Villazor, *What is a “Sanctuary”?*, 61 SMU L. REV. 133 (2008).

- ✓ Susan B. Coutin, *Moving Law on Behalf of Central American Refugees* in CAUSE LAWYERS AND SOCIAL MOVEMENTS (A. Sarat & S. Scheingold, Stanford Univ. Press, 2006).
- ✓ Website of the New Sanctuary Movement --
<http://www.newsanctuarymovement.org/index.html>

Week 11: Same Sex Marriage: The Public Debate within the GLBT Community and the Litigation

- ✓ Paula Ettelbrick, *Since When is Marriage a Path to Liberation?*, OUT/LOOK, Autumn 1989.
- ✓ Thomas Stoddard, *Why Gay People Should Seek the Right to Marry*, OUT/LOOK, Autumn 1989.
- ✓ Excerpts from: William Eskridge, Jr., *The Case for Same-Sex Marriage* (Free Press, 1996).

Week 12: Urban Housing: The Gautreaux Assisted Housing Program in Chicago

- ✓ William P. Wilen & Wendy L. Stasell, *Gautreaux and Chicago's Housing Crisis: The Conflict Between Achieving Integration and Providing Decent Housing for Very Low-Income African Americans*, 34 CLEARINGHOUSE REV. 11 (2000).
- ✓ *Guest Speaker*: Raj Nayak, staff attorney at Shriver National Center on Poverty Law during Gautreaux litigation.

Week 13: Case History TBA

Week 14: No Class, Thanksgiving

Week 15: Joint Meeting with New Vista Students.

Week 16: Self-Reflections