

CONSORTIUM: EQUAL JUSTICE—APPLIED RESEARCH

SPRING 2009—Syllabus as of December 16, 2008

Course Instructor: Professor/Associate Dean Marie A. Failing

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Course Overview

This course is offered as part of a Minnesota Justice Foundation (MJF) initiative called Legal Scholarship for Equal Justice (LSEJ) to students at all four law schools in Minnesota. The aim of the initiative is to foster stronger connections between those portions of the academic and practitioner communities that are concerned with issues of social and economic justice, and to encourage more scholarly work by Minnesota law students and professors to that end.

Statements of Goals and Objectives

The aims of this course are:

- a. To acquaint students with clients and practitioners in the equal justice community and their work;
- b. To produce usable legal scholarship that addresses pressing local issues of social and economic justice;
- c. To give students the experience of partnering with, and being mentored by, knowledgeable practitioners in a project focused on a social justice outcome.
- d. To give students the opportunity to discuss their sense of calling as social justice lawyers, to explore career options and strategies, and to work out some of the professional, personal and ethical difficulties that their calling raises with the support of others who share their commitments

Student Responsibilities of this Course:

1. To produce a well-written and researched document relating to some local social justice issue identified by LSEJ practitioners as important to confront in this

community. You should target the following dates for your work. After your field supervisor is identified, please provide both Prof. Failinger and your supervisor with each of the following after the topic selection:

January 30 (end of class) **Paper topic selection**

February 6 Preliminary research plan (1-3 pp.) This plan should describe what sources of information you believe are relevant to your topic (e.g., client or practitioner interviews, statistical data bases, research center information, legislative history, Westlaw research), what the order of research is expected to be, and some target dates by which you plan to complete each part of the research and write your draft. Part of this plan should detail what kinds of questions you need to consult with your field supervisor on.

March 20 Outline or précis of paper due This 1-3 page outline or précis should describe your working thesis for the paper and suggest what you plan to argue in your paper and how you plan to organize it (e.g., sections, thesis for each section, etc.) It is a working document that may change as you do your paper.

April 13 Rough draft of paper due. This draft should be sufficient to give your basic argument and the information supporting it. It should be sufficiently detailed that you can prepare your CLE lecture from it. It will be critiqued by the instructor as well as the field supervisor and the critique returned to you.

April 24 Presentation of paper at CLE day (see below)

May 15 Final paper due. This should be a completed draft of the paper that is ready for publication on the LSEJ website. It should include any additional materials that you are preparing for your project, such as a piece of model legislation, a consumer brochure, a letter to the editor, etc. Criteria for evaluating the paper will be provided in the first class.

2. To meet responsibilities to **work with the project's designated field supervisor(s)** in the early stages of the project to help clarify and define issues, and later as the project progresses to ensure that you maintain appropriate focus and scope to the project. You should plan to **meet in person or by telephone** at least three (3) times with the field supervisor, including one (1) time by Week 3 of class. We strongly encourage you to meet in person at least two of these times, and more if expected by the supervisor.
3. To spend at least **20 hours "in the field"** as you work on your project. The purpose of this requirement is to immerse yourself in the context in which your legal issue occurs; however, you will not be representing a client or doing legal work as you might in a clinic or internship. Time that you can count for this requirement includes time that you spend in your supervisor's office (such as observing intake or counseling or trials), time that you spend in a social services or other office related to your project (which can include volunteer work such as

serving meals to the homeless on a homelessness problem), and time you spend interviewing clients or professionals on your topic. You may not count traditional research, such as reading books or articles, searching on the Internet for information, etc. If you have questions about whether something will count, please ask. Please contact Sara or Sara, or your MJF coordinator about possible places to fulfill this requirement if you do not identify such an opportunity on your own.

4. To **attend weekly class meetings**. Most class meetings will involve a guest speaker on some aspect of public interest practice (about 60-75 minutes), a discussion of assigned readings relating to lawyering for social justice and reflection on the relevance of these materials for students' own lives (about 45 minutes), and a discussion of students' progress on their projects, including identification of problems and obstacles, collaborative work on student research projects, etc.
5. To read assigned materials, and to write a **brief journal entry** each week, to be utilized in class discussion and handed in at the end of the semester, that relates to your field project and the readings for the week. The purpose of the journal is help you to be reflective about your experience as a thinker and practitioner about social justice, what it means to your professional life and the lives of the clients whom you will be serving, and how your field project and the classroom readings relate to these issues. Journal entries should be one page or more per week.
6. To make a **final presentation of your work** to an audience. This presentation will be made at a CLE day for attorneys and other practitioners to be held at Hamline University School of Law on April 24, 2008. Presentations will be roughly 30-50 minutes, depending on the complexity of the topic, and the number of presenters. Students who work on projects in teams will present in teams. MJF and the four law schools will assist in publicizing the event. Students will also be expected to provide some **brief written materials** for participants suitable for CLE credit.
7. To write a **brief 1 page dissemination plan** for your work (for example, 3-5 ways that you plan to let people in the scholarly and "real" world know about your project and conclusions.) We hope you will actually follow through with this dissemination plan but the requirement is to describe a plan that is likely to have the most impact on your own topic.
8. To **record the time** you spent on your field work and project and hand it in at the end of the semester.

Evaluation/Grading: Professor Failinger will assign a letter grade (A, A-,B+, etc.) after consultation with field supervisors for each project. The grade will be given on the basis of the quality of students' work and the way in which they met their responsibilities described above. The final paper/project will comprise 70% of the grade; the evaluation

of students' fulfillment of other responsibilities listed above, including the presentation, will comprise 30% of the grade. However, all of these responsibilities must be fulfilled as described for students to get a final grade in the course. Students should consult with their own academic deans about their schools' rules about how these grades will transfer to their schools. (With permission of students' home schools, a P/F can be assigned in lieu of a letter grade.)

Attendance Policy: Attendance is required under ABA rules. If any student is absent more than 5 class hours), he or she **MUST** see Professor Failinger about whether make-up work, a grade change or withdrawal is warranted.

Course Materials: Materials will be posted on the LSEJ TWEN site or handed out in class.

Topics can be found at <http://www.lsej.org/RTF1.cfm?pagename=Research%20Topics>

Laptop policy:

Class periods (first three weeks)

Week 1 January 23

Course overview

Presentations:

A. LSEJ "Graduate" panel—how we did our projects and field work—some tips

Kate Hannaher—Hamline

Shira Shapiro—William Mitchell

Jaclyn Millner—William Mitchell

Shauna Kieffer—St. Thomas

B. Researching public interest topics—Barb Kallusky, Head of Public Services, Hamline Law School Library

Discussion:

Introductions—why are we interested in public law and in this course? What specific interests and concerns do we bring to the table?

Introduction to research topics

Reading: Look at the LSEJ website (www.lsej.org) and read at least 2 papers on the site; Read William P. Quigley, Letter to a Law Student interested in Social Justice (posted on TWEN site)

January 30

Presentation: How do professional researchers produce a public policy paper? What kind of research, including statistical research, is reliable?

Dallas Drake, Center for Homicide Studies

Discussion:

Topic discussion and selection of teams

Initial brainstorm about research opportunities for topics

Q & A about course requirements

What ethical, organizational and practical problems does a public interest researcher encounter in his or her work?

Reading: The readings for this day will be posted on TWEN. They include Randy Diamond, Advancing Public interest Practitioner Skills in legal Education (excerpt) and Deborah Cantrell, Sensational Reports: The Ethical Duty of Cause Lawyers to be Competent in Public Advocacy

February 6

Presentation: Gloria Contreras Edin, former Executive Director, Centro Legal.

Integrating impact litigation and public policy-making to produce a just result for clients

Discussion: Cause lawyering and the use of integrated approaches to litigation to further causes

Progress and brainstorming on research topics

Reading: The readings for this day will be posted on TWEN.