CRITICAL LEGAL THEORY

Professor Gilda Daniels  
Law Center, Room 1012  
410-837-4607  
E-mail: gdaniels@ubalt.edu  
Website: www.gildadaniels.com

Office Hours: Tuesdays and Thursdays, 5:30 to 6:30 p.m. or by appointment.

Please read this syllabus carefully, before the first class, to understand the course requirements. Prepare DQ Assignment 1 before the first class.

Course Description

Critical legal theory seeks, *inter alia*, to demonstrate the indeterminacy of legal doctrine and show how any given set of legal principles can be used to yield competing or contradictory results. This course will examine the complexities of law thru various lenses. It offers a critical view of how law is made and what influences law. The course is divided into units that include: judicial approaches, critical race theory, feminist legal theory, socioeconomics, and an application of these theories to various substantive areas. It encourages students to think with clarity, depth and provides the ability to critically analyze law through various perspectives.

Course Objectives

In this class, you will learn to identify different interpretive methods and judicial theories, develop an appreciation for other perspectives, apply a historical, socioeconomic analysis to various fact patterns, develop coherent theory to explain and justify rules of law, identify the larger jurisprudential or philosophical framework of substantive areas, and identify possible race, gender, socioeconomic implications that may present themselves in various hypotheticals or fact patterns. I will use a number of teaching methods, such as group activities and simulations to assist in learning the material. Written discussion questions, a midterm and final exam will provide the basis for your final grade in this course.

Additionally, this course will assist in developing many measureable core competencies, such as:

**JUSTICE, PROFESSIONALISM, AND ETHICS**  
Development of professional values, including judgment, reflectiveness, and decision-making; professional interpersonal skills, and cultural sensitivity.
SUBSTANTIVE KNOWLEDGE

Knowledge of doctrinal law, including its
textbook, including its

history, theory, policy, and context.

FUNDAMENTAL LAWYERING SKILLS

Critical thinking, including critical

analysis of law; problem solving,
persuasion, and rhetoric.

Reading Materials

Required Text. Students are required to bring the following text to each class:


The readings in this course will come primarily from the text and documents placed on
the TWEN site. Reading assignments in addition to those from the required textbook will
appear in the “Course Materials” page. You’ll first need to register your password, by
going to www.lawschool.westlaw.com, and then clicking “TWEN” at the top of the page.
It will then ask you to enter your Westlaw password. When you register, please be sure
to include your University of Baltimore email address. This is the address I will use for
any announcements, and you should regularly check that account. If you’re having
trouble registering or adding this course on TWEN, you should contact Westlaw for help.
If the trouble persists, please let me know.

Exams and Grading

This course is subject to the mandatory first year grading curve. I will base your final
grade on completion of the Discussion Questions (10 points), a midterm (20 points) and
and a final exam (70 points) for a total of 100 points.

Midterm and Final Exams. The primary method of grading will involve a midterm
and a final exam. The midterm exam is tentatively set for September 24, 2015
and worth twenty (20) points. The final exam is comprehensive and worth
seventy (70) points. I have placed sample exam questions and answers on
TWEN.

Discussion Questions. Most classes have a corresponding set of Discussion
Questions on TWEN. You are required to complete and submit answers to the
Discussion Questions for five (5) classes, one set per unit. (See the Syllabus
below.) You should submit your answers to the Assignment Drop Box on this
course’s TWEN site. Everyone is required to submit the Discussion Questions for
the first two classes. They will not, however, count towards your five required
submissions. Your DQs are due by 7 p.m. for the corresponding class in the
Assignment Drop Box on TWEN. The DQs are worth a total of ten (10) points toward your final grade.

Attendance

Class attendance is mandatory. I expect everyone to attend class each day and to arrive on time. Walking in after class has begun is disrespectful to your fellow students. Attendance is recorded on a sign-in sheet that is circulated at the beginning of each class. It is your responsibility to ensure that your attendance is properly recorded.

Excessive absences. The University of Baltimore School of Law allows a maximum of five (5) absences. Absences due to observance of religious holidays are not included in this policy. If you are deemed absent from class more than five times, you will be dropped from the course with a failing grade, and will not be allowed to take the final exam.

If you contact me to tell me that you are ill, your car broke down, or a loved one had surgery, I always like to hear from you. Please do not hesitate. However, I do not have the authority to excuse an absence—whether for the above-listed or any other reasons—and I have no discretion in this regard. It is your responsibility to monitor your absences, and if you anticipate missing more than five classes, you are strongly advised to contact Dean Sloan regarding the possibility of withdrawal before it is too late to do so.

Classroom Policies

Preparation and Participation. It is imperative that students learn to think on their feet and clearly articulate their views. Explaining your perspective is a valuable way to better understand the material. Accordingly, I will call on students throughout the semester. This is not intended to frighten or embarrass you, but instead to help you improve your communication skills and make sure that everyone in the class participates in discussions. If you are called upon, you are expected to answer. Please come prepared to discuss the cases and materials that have been assigned. Volunteers are welcome. I will, however, randomly call on students to ensure that everyone participates and develops the reasoning and oral presentation skills that are essential to lawyering.

Leaving class, no re-entry. If you leave class early without permission or without a genuine emergency, you may be counted absent. In addition, you may not reenter the room until class is over.

Laptop Use. Laptop use is permitted in class on the condition that it is confined to course-related functions only. If evidence of abuse emerges, internet access in the classroom will be discontinued. I also reserve the ability to call for “laptop free” days.
Syllabus

This syllabus is tentative. The reading assignments for each day will depend on how quickly we get through the material, and I may adjust readings on a particular topic. I will occasionally post additional readings and updates on the Westlaw/TWEN website. As a legal professional, I expect you to be prepared every day – your future clients and judges will expect no less.

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<tr>
<th>Class</th>
<th>Subject</th>
<th>Reading Assignment</th>
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<tr>
<td></td>
<td><strong>UNIT I</strong></td>
<td><strong>Critical Observations: Introduction to Critical Legal Theory</strong></td>
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<tr>
<td></td>
<td>Kairys, pp. 1-17</td>
<td>“Can ‘robe-itis’ be prevented?” by Danny Jacobs, Daily Record Legal Affairs Writer, October 24, 2014, found at: <a href="http://thedailyrecord.com/2014/10/24/can-robe-itis-be-prevented/#ixzz3JyZ5TKc6">http://thedailyrecord.com/2014/10/24/can-robe-itis-be-prevented/#ixzz3JyZ5TKc6</a></td>
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<td><strong>DQ Assignment 1</strong></td>
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<td><strong>UNIT I</strong></td>
<td><strong>Introduction to Judicial Approaches</strong></td>
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<td>DeShaney v. Winnebago County Department of Social Services (TWEN) Article: A Second Chance for Joshua (TWEN)</td>
<td><strong>DQ Assignment 2</strong></td>
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<td>DQ Assignment 4</td>
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Excerpt from *Bowers v. Hardwick* (TWEN)  
Excerpt from *Lawrence v. Texas* (TWEN)  
**DQ Assignment 5** |
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**DQ Assignment 6**  
Unit Review_Hypo_Judicial Approaches (TWEN) |
| **UNIT II** | **CRITICAL RACE THEORY**  
**Introduction to Critical Race Theory**  
Kairys, 279-84; 285-311  
Derrick Bell, *The Chronicle of the Constitutional Contradiction* (TWEN)  
**DQ Assignment 7** |
| **UNIT II** | **A. Race: The Power of an Illusion**  
*Doe v. Louisiana*  
*People v. Hall*  
Race _The Power of an Illusion_  
**DQ Assignment 8** |

*DQ Assignment 9*

Derrick Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*  

Critical Race Theory_Storytelling, excerpt from *Critical Race Theory: An Introduction*, Delgado and Stefancic. (TWEN)  

*DQ Assignment 10*

| Unit Review | Critical Race Theory | Unit Review_Hypo_Critical Race Theory (TWEN) |

| UNIT III | FEMINIST LEGAL THEORY | Feminist Legal Theory _An Introduction Feminist Legal Theories (TWEN) Ginsburg article on TWEN  

*DQ Assignment 11* |

<p>| | | Kairys, pp. 329-351 Feminist Legal Methods (on TWEN) |</p>
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<th>UNIT REVIEW</th>
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<td><strong>A. Feminist Theories and Methods</strong></td>
<td><strong>SOCIOECONOMICS</strong></td>
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| United States v. Virginia (on TWEN) | Kairys, pp. 569-580
Wyman v. James (on TWEN) |
<p>| <strong>DQ Assignment 12</strong> | <strong>DQ Assignment 14</strong> |
| <strong>B. Feminist and Intersectionality</strong> | <strong>Critiques of the Delivery of Legal Services</strong> |
| <strong>DQ Assignment 13</strong> | |</p>
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<th>UNIT V</th>
<th>CRITICAL THEORIES: COURSES/SUBSTANTI VE AREAS</th>
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<td>A. Constitutional Law</td>
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DQ Assignment 15

DQ Assignment 16

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<td></td>
<td>D. Criminal Law</td>
<td>Kairys, pp. 381-388, 393-402 Kairys, pp. 410-418,424-429 <em>State v. Russell</em></td>
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<td>Review Session</td>
<td>Practice Final Exam</td>
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*DQ Assignment 18*  
*DQ Assignment 19*  
*DQ Assignment 20*  
*DQ Assignment 21*