

**LAW AND POVERTY SEMINAR**  
**UNIVERSITY OF BALTIMORE SCHOOL OF LAW**  
**FALL 2018**

Thursdays, 1:30-4:15, Room 602

Instructor: Professor Robert Rubinson  
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Email: rrubinson@ubalt.edu  
Office hours: Tuesdays, 10:30-noon  
Thursdays, 4:15-6:00

NOTE: While you are welcome to come to office hours, I prefer scheduling meetings in advance. I am usually flexible and we can arrange to meet at a mutually convenient time.

**REQUIRED TEXT**

- (1) Brodie, et al., *POVERTY LAW, POLICY, AND PRACTICE* (2014)
- (2) Readings posted on TWEN as assigned in syllabus

**CONCEPTS AND GOALS:**

This course will explore the nature and extent of poverty in the United States and how the law and legal system affect and respond to poverty. By the end of the course, all students should be able to critically assess and make informed contributions to current debates about how to ameliorate poverty. The goals of the class are to enable you to:

- (1) explain the history of poverty and how it influences current conceptions of the cause and nature of poverty.
- (2) explain theories about poverty;
- (3) describe how we currently measure poverty and assess alternatives;
- (4) review how the law reinforces, responds to, and/or ameliorates poverty;
- (5) review the intersection of race, gender and other identities with poverty;
- (6) explain how the law shapes the lives of poor people;
- (7) apply remedies for alleviating poverty and/or its symptoms.

While the course focuses on legal aspects related to poverty, it will also incorporate sociological, political science, and economic perspectives on poverty. The class format will be a combination of lecture, discussion, guest speakers, and student-led class presentations.

**ATTENDANCE**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

## **GRADES**

Grades will be based on class preparation and participation (15%), student presentations (15%), and student research papers (70%).

Additional grading adjustments:

Attendance in class is crucial. I will distribute an attendance sheet each class. **ONLY THE LISTED STUDENT MAY SIGN THE ATTENDANCE SHEET.** Apart from exceptional circumstances, I will deem all absences unexcused unless I receive notice by email, telephone, or some other means prior to or within twenty-four hours after an absence. Signing the attendance sheet constitutes a certification that you will attend the entire class and that you will communicate a failure to do so. I retain the discretion to reduce your grade by one-half step in light of excessive unexcused absences and/or excessive tardiness. This is separate from other consequences recommended or mandated by School of Law attendance policies.

Laptops in class are to be used solely for note taking or access to class materials being discussed. “Surfing” is unprofessional, disrespectful, and distracting to other students. A violation or violations of this rule may result in prohibiting the use of the laptop and/or a reduction of your grade by one-half step.

## **TWEN PAGE**

This course has a TWEN page through Westlaw. The page will include this syllabus and future revised syllabi, readings, and other materials. The site will also facilitate e-mail communications, including messages about the substance of the course and, if necessary, announcements about class cancellations or make-up classes. Students must insure that the student has access to the TWEN page and to communicate with the instructor if this is not the case.

## **COMPUTERS**

Students may use laptop computers in this class.

## **CLASS CANCELLATION**

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

## **ACADEMIC INTEGRITY**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

## **TITLE IX SEXUAL MISCONDUCT AND NONDISCRIMINATION POLICY**

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

## **DISABILITY POLICY**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

## **STUDENT RESEARCH PAPERS AND PRESENTATIONS**

Each student will choose a topic related to law and poverty that will be the basis of a 25-30 page law review style paper and a student-led presentation to the class. The paper for this course fulfills the upper-level writing and research requirement. Please note the deadlines below and enter them in your calendar. Failure to meet any deadlines will result in a drop of one-half letter grade for each day following a deadline. Extensions will not be granted barring exceptional circumstances. All work should be emailed directly to me.

<b>TOPIC AND THESIS</b>	<b>February 8, by 5:00 pm</b>
<b>OUTLINE</b>	<b>March 2, by 5:00 pm</b>
<b>FIRST DRAFT</b>	<b>March 29, by 5:00 pm</b>

**FINAL DRAFT**

**April 30, by 5:00 pm**

## **DETAILS ABOUT THE RESEARCH PAPER AND PRESENTATION**

**Goals of the paper and presentation:** The goals of the paper assignment are to master a body of material, understand doctrinal and policy aspects of the material, and apply the material to analyze unresolved or unaddressed problems of law and/or policy. Typically, the paper will describe the problem, set forth how other scholars have addressed the problem, explain your perspective on the problem, and defend that perspective/solution. The goals of the presentation are to give you an opportunity to practice oral speaking skills, share your knowledge with your colleagues, and obtain feedback.

**The topic and thesis:** The topic and thesis should be approximately one typewritten page. You should attach an additional page with the results of a literature search of resources most relevant to your proposed topic. You should conduct research before submitting a thesis to discover whether your topic allows for sufficient creativity. A seminar paper is not a report or a review, but an original piece of work, reflecting your own thesis about and analysis of the subject you undertake. Accordingly, your proposal should set forth your anticipated thesis, even though the thesis may change as your research progresses.

Your paper can be on any subject relating to poverty and law, modern or historical. Poverty law is inherently interdisciplinary. You can pick almost any other legal topic and explore how it intersects with the themes of this course. Moreover, there are many issues related to poverty that we will not have time to discuss, but which would make interesting and important contributions to this class. Examples include special education, mental health, family law, elder care, comparative and international perspectives, human rights, rural poverty, human trafficking, and consumer law. I welcome topics that will require some independent factual investigation and/or interviews, as well as legal analysis. If I think your topic is too broad, too narrow, or otherwise unmanageable, I will let you know at this stage of the process. Regardless of your topic, it must involve analysis of case law and/or statutes so that you can bring a legal perspective to your thesis.

**The outline:** The outline should be in full sentences and include all portions of the paper, from introduction to conclusion. It should contain headings for each section and subsection in a logical order. Please note key research sources where appropriate. The goal of the outline is to help you to organize your arguments and to keep you on track for developing a draft.

**First draft:** The first draft should be an attempt at the entire paper, including footnotes (even if they are not in bluebook form). The more complete your first draft and the harder you work on it, the more useful feedback you will get. In addition, it will make the final draft much easier to complete in a timely fashion.

**Final draft:** The final draft should be in law review format; that is, it must be polished, proofread, and properly footnoted in ALWD or Bluebook form. The paper is to be your own work, prepared solely for this seminar, involve significant research and analysis, and contain

your own perspective on the issue discussed. It must be between 25 and 30 pages including footnotes. The paper should be double-spaced with one-inch margins and use Times New Roman 12 point font. The footnotes should be single-spaced. In order to engage with other scholars in your field, you must read and cite to at least two books and five law review articles related to your topic. Citations to non-scholarly sources from the internet are not acceptable. The paper will be evaluated according to the following criteria: timeliness and thoroughness of all assignments (25%); thoroughness and complexity of research (25%); analysis and synthesis (25%); and writing, which includes organization, style, brevity, clarity, grammar, spelling, punctuation, and citation (25%).

NOTE: Students are welcome to submit any of the paper assignments prior to the due date. If you do so, I will return them to you with comments earlier than when the due date is reached.

**Presentation:** Each student will present his or her topic to the class. The presentations will take place during the last three weeks of the semester. Each presentation should last roughly 20 minutes, and will be followed by 10 minutes of discussion and questions. You should be familiar enough with your topic so that you can speak about it without reading a "speech." You are welcome to use PowerPoint in your presentation. In addition, you must prepare a one-page outline for the class that will help the class follow your talk. If you are using PowerPoint, you may distribute a copy of your slides to the class instead of an outline. Outlines or slides will be distributed on the day of the presentation.

### **Poverty Law Websites**

The following websites have data relevant to the course and can be a source for ideas for papers.

- \* Poverty Law Research Guide from Georgetown Law School: <http://www.ll.georgetown.edu/guides/poverty.cfm>
- \* Sargent Shriver National Center on Poverty Law: <http://www.povertylaw.org/>
- \* National Law Center on Homelessness and Poverty: <http://www.nlchp.org/>
- \* University of Michigan National Poverty Center: <http://www.npc.umich.edu/>
- \* Southern Poverty Law Center: <http://www.splcenter.org/>
- \* Poverty and Race Research Action Council: <http://www.prrac.org/>
- \* Urban Institute: <http://www.urban.org/>
- \* National Center for Children in Poverty: <http://www.nccp.org/>
- \* Comparative Research Programme on Poverty: <http://www.crop.org/>
- \* National Center for Law and Economic Justice: <http://www.nclej.org/>
- \* National Low Income Housing Coalition: <http://www.nlihc.org/template/index.cfm>
- \* ABA Commission on Homelessness and Poverty: <http://new.abanet.org/homeless/Pages/default.aspx>
- \* Administration for Children and Families: <http://www.acf.hhs.gov>
- \* Institute on Race and Poverty: <http://www.irpumn.org/>
- \* Joblessness and Urban Poverty Research Program: <http://www.hks.harvard.edu/urbanpoverty/>
- \* Brookings Institution: <http://www.brookings.edu/>

- \* Brennan Center for Justice: <http://www.brennancenter.org/>
- \* Center for Law and Social Policy: <http://www.clasp.org/>
- \* American Constitution Society Research Link: <http://researchlink.acslaw.org/>

## CLASSES AND READINGS

**NOTE: Each set of readings (other than readings from the assigned texts) will be posted on TWEN one week in advance of class.**

**1/18** Overview of Poverty  
 Brodie, pp. 1-9; 12-22; 25-57  
 David K. Shipler, *A Poor Cousin of the Middle Class* (TWEN)

**1/25** Constitutional Law  
 Brodie: pp. 116-147; 150-164; 169-177

**2/1** Welfare

**2/8** Education

**2/15** Housing

**2/22** Health Care

**3/1** Veterans  
 Guest Speaker: Hugh McLean

Access to Justice and Poverty Lawyering

**3/8** Community Development  
 Guest speakers: Professor Jaime Lee  
 Professor Komal Vidya

**3/15** Access to Justice  
Immigration  
 Guest Speaker: Professor Nickole Miller

## SPRING BREAK

**3/29** Criminalization  
 Guest Speaker: Professor Lila Meadows

**4/3** Low Wage Work

Rural and “Rust Belt” Poverty

**4/5** Paper Presentations

**4/12** Paper Presentations

**4/19** Paper Presentations

**4/26** Conclusions: Reflections on Law and Poverty