

## **Poverty Law, Policy & Practice (Law 266.5)**

Thursday, 4:25-6:15 pm  
Boalt Hall Room 134  
Spring 2013

### **I. GENERAL DESCRIPTION**

This course provides an introduction to the relationship between law and poverty, including the relevance of doctrine, policy and practice to the significant inequality in income, assets and basic social goods impacting tens of millions of people in the United States.

We will begin by considering historical and contemporary trends in domestic poverty, U.S. social welfare policy, and the legal framework under which poverty-related claims have been adjudicated.

Grounded in data, policy arguments and doctrine, we will then explore modern government anti-poverty programs and issues such as welfare, housing, employment, healthcare, education, family and childcare, criminalization and legal aid/access to justice.

We will conclude by considering other approaches to combating poverty, including market-based solutions and international human rights, with an emphasis on what role law, lawyers and legal institutions can play in such efforts.

### **II. MATERIALS**

Readings will be assigned on bSpace from draft chapters of a forthcoming Aspen casebook, *Poverty Law, Policy and Practice* (Brodie, Pastore, Rosser & Selbin). Additional materials may be assigned from legal, social science and popular sources. Though not required reading, a good background primer on domestic poverty is John Iceland's *Poverty in America: A Handbook* (University of California Press, 2012).

While the readings are generally sympathetic to the goal of reducing poverty and ameliorating its impact, they represent a range of political, economic and social perspectives about the means to achieve such goals. You are expected to read and discuss the materials critically – this is a complex subject with no easy or obvious answers.

As a survey course on a topic of this breadth and depth, we cannot even touch on, much less explore in detail, every important poverty-related issue. That said, I welcome suggestions about supplemental readings and topics, both in and out of class.

### **III. REQUIREMENTS & GRADING**

#### **A. Class Attendance and Participation – 20%**

You are expected to attend class and to participate in discussions. Quality contributions will be rewarded, and unexcused poor attendance could result in a reduced grade or being dropped from the course. If for any reason you do not feel comfortable engaging in class discussions, please let me know what I can do to make the atmosphere more conducive to your participation.

In addition to the first class written assignment, you will also lead a class discussion with 5-6 other students on one of the course topics during the middle of the semester. More detailed instructions will be provided, but this will offer you the opportunity to explore an area of interest in greater depth and to contribute to our collective learning.

**B. Community Participation and Reflection – 20%**

You are expected to spend at least half a day at a community-based site of poverty law activity. I will provide some options, but you may select your own project (it's fine if it's something for which you are already volunteering or receiving credit). You will receive further instructions about the assignment, but you are required to submit a 2-3 page reflection paper (double-spaced, 12-point Times Roman font, 1-inch margins) due no later than Friday, March 22, 5pm (before spring break). The paper should describe your experience in light of one or more of the course topics.

**C. Final Paper – 60%**

You must complete a 10-12 page final paper for the course (double-spaced, 12-point Times Roman font, 1-inch margins), due no later than Friday, May 3, 5pm. For those of you who want to start thinking about your final paper now, the prompt is as follows:

*You have been asked by the second-term Obama Administration to direct a domestic policy initiative to reduce, alleviate or eliminate poverty. Your proposed strategy should draw on some aspect of theory, doctrine or public policy covered in the course, and must consider the role of law, lawyers and/or legal institutions (even if they are not central to your idea). Your plan can be broad or targeted, but you should specify its intended beneficiaries. You are expected to research and reference publicly-available data in support of your proposal (both defining the problem and informing the solution), and you should identify and rebut anticipated arguments against it (including fiscal concerns).*

**D. Office Hours**

Monday, 3-5 (or by appointment) – please sign up in advance at my office (590 Simon) or by emailing me.

I'm looking forward to a terrific semester.

**IV. SYLLABUS (subject to change)**

**A. Poverty, Social Welfare Policy, the Constitution and Lawyers**

Jan. 10 Introduction to the Course and Topic

U.S. Conference of Catholic Bishops, Campaign for Human Development, [\*Living in Poverty U.S.A.: What's Life Like at the Poverty Line?\*](#) (2011).

Robert Rector, Heritage Foundation, [\*The New "Poor": Big Houses, Flatscreen TVs, AC\*](#) (December 1, 2012).

New York Times, [\*Even Critics of Safety Net Increasingly Depend on It\*](#) (February 11, 2012) (the article includes video and an interactive map).

- Jan. 17: Defining and Understanding Domestic Poverty  
Aspen, Chapter 1
- Jan. 24: U.S. Social Welfare Policy  
Aspen, Chapter 2
- Jan. 31: Poverty and the Constitution  
Aspen, Chapter 3
- Feb. 7: Legal Services  
Aspen, Chapter 11

**B. Anti-Poverty Programs**

- Feb. 14: Welfare & Food  
Aspen, Chapter 4
- Feb. 21: Criminalization  
Aspen, Chapter 10
- Feb. 28: Housing  
Aspen, Chapter 6
- Mar. 7: Healthcare  
Aspen, Chapter 7
- Mar. 14: Education  
Aspen, Chapter 8
- Mar. 21: Family & Childcare  
Aspen, Chapter 9
- Mar. 22: Reaction paper due (5pm)**
- Mar. 28: Spring break (no classes)*
- Apr. 4: Work  
Aspen, Chapter 5

**C. Non-Governmental Approaches**

- Apr. 11: Market Strategies  
Aspen, Chapter 13
- Apr. 18: International Human Rights  
Aspen, Chapter 14
- May 3: Final paper due (5pm)**