

Special Topics:
George Floyd and the Aftermath: Equal Justice and the Law

MTWThF January 11-15, 2021

9:30 a.m. to noon

(via Zoom)

I. Course Description

This intersession course is a one-credit team-taught course designed to provide a unique opportunity to consider equal justice and other legal issues implicated by the killing of George Floyd and other recent current events. It will meet daily from 9:30 a.m. to noon, with a short break mid-class.

II. Instructor of Record Information

Professor Meredith J. Duncan is the instructor of record for this course. Her office is located at 216 BLB, and her office phone number is 713-743-2019. She can most easily be reached via email at mduncan@uh.edu. Further information about this course will be posted on the course website at www.law.uh.edu/faculty/mduncan.

III. Teaching Philosophy

A complete statement of my teaching philosophy is available on my webpage at www.law.uh.edu/faculty/mduncan.

IV. Zoom Video Requirement

This course is offered via Zoom. The course Zoom link will be provided to all enrolled students via email before the beginning of the course. The course Zoom link is not to be shared with anyone not registered for this course.

Attending class via Zoom requires all class members to have their videos on for the entirety of each class session. Student's audio should be muted unless the student is participating in the class discussion. If for some reason a student's video cannot be turned on for all or part of a class meeting, the student must contact and receive permission from the instructor of record in advance of that specific class meeting to be able to attend class without video.

V. Attendance Policy

Students are required to attend all five class sessions of this intersession course in their entirety. The instructor of record must approve any absences in advance of the proposed day or time of absence. Students violating this attendance policy will earn a failing grade for this course.

VI. Class Preparation

Students are required to read all assigned course materials before each class and be prepared to discuss the assigned materials during each class meeting. A student's failure to be prepared in advance of each class meeting will be considered an absence for that class and a lack of participation. ***Students are strongly encouraged to complete some of the assigned readings over the winter break before the intersession begins.***

VII. Course Objectives and Learning Outcomes

By the end of this course, my goals are for you to be able to:

- think more critically and intelligently about the relationships between race, racism, systemic racism, and the law;
- better appreciate the historical connections between race, racism, and the juvenile and criminal justice systems in the United States;
- have an improved understanding of the historical and current legal doctrines linked to race and racism, such as first amendment jurisprudence, policing, capital punishment, and the United States' treatment of children and youth; and
- be more confident in engaging in uncomfortable conversations and activities about race, racism, and their relationship to the law.

VIII. Professionalism

Participation in this intersession course requires students to make a professional effort. Making a professional effort requires, at a minimum, that students attend all classes on time, submit all assignments in a timely fashion, and participate meaningfully during class discussions. We will have a variety of speakers presenting and discussing each day's course materials, and a professional effort requires students to respect the speakers' time and effort in visiting our class by paying careful attention and waiting to be acknowledged before speaking out in class.

IX. Determination of Final Grade (Pass/Fail)

This course will be graded pass/fail. The instructor of record will determine students' grades, which will be determined based upon students: (1) being prepared for and attending each class meeting, (2) participating meaningfully in class discussions, and (3) timely completing and turning in five short reflection papers.

X. Reflection Papers

Each student is required to turn in a total of **five (5) individual reflection papers**, each paper being between **1000 and 1500 words long** (which is *approximately* three to five pages double-spaced in 12-point type). Each reflection paper must have a header containing the student's name, the subject matter, speaker name(s), and date of the class meeting about which the paper reflects. (This required information contained in the header will not be counted toward the word count for each assignment.) Each paper must be formatted in Word, 12-point font, and double-spaced. The instructor of record will assess each paper using the rubric posted on the course website [here](#).

Each Reflection Paper must be turned in by using the links below. Each link will be activated to accept the uploading of your Word document *after* each of the corresponding class periods and will remain active until 9:00 pm on Saturday, January 16, 2021. The links are also available on the course [website](#). ***Do not email your papers to me.***

[Reflection Paper # 1](#) for Mon 1/11/2021 (Prof. Thompson and Prof. Morales)

[Reflection Paper #2](#) for Tues 1/12/2021 (Dean Baynes)

[Reflection Paper #3](#) for Wed 1/13/2021 (Prof. Marrus)

[Reflection Paper #4](#) for Thur 1/14/2021 (Prof. Dow)

[Reflection Paper #5](#) for Fri 1/15/2021 (Prof. Turner)

All Reflection Paper assignments are to be uploaded ***no later than 9:00 p.m. on Saturday, January 16, 2021***. Late paper will not be accepted. Failure to turn each of the five reflection papers before this deadline will result in a failing grade for the course.

Each reflection paper is to be a thoughtful account of the student's thoughts and impressions of each day's topic(s) and class discussion. Each paper must be original, written in prose, and free of typographical and grammatical errors. In composing each paper, students should remain mindful of and not violate the Law Center's plagiarism policy. Beyond the materials assigned for each day's class, no additional research is required for completion of each reflection paper. Footnotes are not required. Papers may not have previously been

submitted to any other instructor in connection with any other course at the Law Center or elsewhere.

A good faith and professional effort are required in composing and completing each of the five reflection papers. For example, submitting an assignment that has not been spell-checked is not considered a good faith or professional effort. The instructor of record will be the final arbiter of whether each assignment constitutes a good faith effort.

XI. Class Topics and Reading Assignments

Monday, January 11, 2021

Professor Meredith J. Duncan

Introduction and Administrative Matters

Background Reading:

[BRYAN STEVENSON, JUST MERCY](#) (2015) (You should have received an email in November 2020 regarding how you can obtain a complimentary e-copy of this book through UHLC's [One Book, One Community Program](#). If not, please contact me for information.)

Toluse Olorunnipa & Griff Witte, [George Floyd's America: Born With Two Strikes, How Systemic Racism Shaped Floyd's Life and Hobbled His Ambition](#), WASH. POST, Oct. 8, 2020.

Laura Meckler, [George Floyd's America: Looking For His Ticket Out](#), WASH. POST, Oct. 12, 2020;

Tracy Jan & Arelis R. Hernandez, [George Floyd's America: Segregated From Opportunity](#), WASH. POST., Oct. 15, 2020.

Professor Sandra Guerra Thompson

Topic: The Historical Context for Policing in Communities of Color

Readings:

[Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America](#) by Gilbert King – pp. 1-123

Professor Daniel Morales

Topic: #BlackLivesMatter, #AbolishICE, and Abolitionist Futures

Readings:

Amna A. Akbar, [Toward A Radical Imagination of Law](#), 93 N.Y.U. L. REV. 405 (2018);

Daniel I. Morales, [Dissent in Immigration](#), 16 LAW, CULTURE & HUMAN. 250 (2017).

Tuesday, January 12, 2021

Dean and Professor Leonard M. Baynes

Topic: What Is Race, Colorism, and Criminal Justice?

Readings:

THE BIBLE, *Genesis 9:20-27* (The Message);

Felicia R. Lee, *From Noah's Curse to Slavery's Rationale*, N.Y. TIMES (Nov. 1, 2003);

Perkins v. Lake County Dep't of Utilities, 860 F. Supp. 1262 (N.D. Ohio 1994);

Mark W. Bennett and Victoria C. Plaut, *Looking Criminal and the Presumption of Dangerousness: Afrocentric Facial Features, Skin Tone, and Criminal Justice*, 51

U.C. DAVIS L. REV. 745 (2018).

Wednesday, January 13, 2021

Professor Ellen Marrus

Topic: Cradle to Prison Pipeline

Readings:

BRYAN STEVENSON, *JUST MERCY* (2015) (please read the entire book over winter break, but we will be focusing on the Introduction and Chapter 6, 8, and 14);

Miriam Aroni Krinsky, *Disrupting the Pathway From Foster Care to the Justice System—A Former Prosecutor's Perspectives on Reform*, 48 FAM. CT. REV. 323 (2010);

Ellen Marrus, *Education in Black America: Is It the New Jim Crow*, 68 ARK. L. REV. 27 (2015);

Ronald C. Lewis, *A Multi-System Approach to Dismantling the "Cradle to Prison" Pipelines*, HOUS. LAWYER (Nov./Dec. 2009);

Marian Wright Edelman, *The Cradle to Prison Pipeline Crisis*, FOCUS MAGAZINE, JOINT CENTER FOR POLITICAL AND ECONOMIC STUDIES (Nov./Dec. 2006);

Tackling Racial Disparity Called Key to Youth Justice Reform, THE CRIME REPORT (Oct. 23, 2020), <https://thecrimereport.org/2020/10/23/tackling-racial-disparity-called-key-to-youth-justice-reform/>.

Thursday, January 14, 2021

Professor David R. Dow

Topic: The Role of Race in the Criminal Justice System: The Death Penalty

Readings:

David R. Dow, *The Problem of "Innocence,"* in MACHINERY OF DEATH: THE REALITY OF AMERICA'S DEATH PENALTY REGIME, 1-8 (David R. Dow & Mark Dow, eds., 2002).

David R. Dow, *The Reality of the Regime: How the Death Penalty Really Works*, in MACHINERY OF DEATH: THE REALITY OF AMERICA'S DEATH PENALTY REGIME, 10-35 (David R. Dow & Mark Dow, eds., 2002).

Friday, January 15, 2021

Professor Ronald Turner

Topic: The First Amendment, Black Lives Matter, and *DeRay McKesson v. Doe*

Readings:

NAACP v. Claiborne Hardware Co., 102 S. Ct. 3409 (1982);

Doe v. McKesson, 945 F.3d 818 (5th Cir. 2019);

McKesson v. Doe, ___ S. Ct. ___, 2020 WL 6385692 (2020);

Executive Order on Combating Race and Sex Stereotyping (Sept. 22, 2020).

XII. Diversity, Inclusion, and Wellness

This is an inclusive learning space. At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you will be treated with respect and dignity and where everyone is provided the equitable opportunity to participate, contribute, and succeed. In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status, or other diverse identities that one may bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment in which we are all expected to engage respectfully and with regard to the dignity of all others. If you feel like your class performance is negatively impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource and can be reached at 713-743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes "[building] on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at UHLCD&I@uh.edu.

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, for other students, or for student groups.

XIII. Preferred Name/Pronouns

I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of your preference early in the semester so that I may make a notation to my records.

XIV. The Honor Code

The UHLC [Honor Code](#) applies to all aspects of my class. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.

XV. Counseling and Psychological Services

[Counseling and Psychological Services](#) ("CAPS") can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "[Let's Talk](#)" program, a drop-in consultation service at convenient locations and hours around campus.

The Texas Lawyers' Assistance Program ("TLAP") also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. [TLAP's website](#) includes a page with links to sources about mental health that are of interest to law students.

XVI. Anti-Discrimination and Sexual Misconduct Policies

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's [Anti-Discrimination Policy](#) and [Sexual Misconduct Policy SAM](#).

Please be aware that under the Sexual Misconduct Policy, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the Sexual Misconduct Policy extends to alleged conduct by University employees and students.