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**COLLEGE OF LAW**

**Summer 2022**

**JD**

**FIRST WEEK ASSIGNMENTS**

**LAW 6106 U10 - Death Penalty Clinic**

**Professor Hannah Gorman / Mia Ji**

**First Week Assignment**

First week assignment will be emailed directed to students.

**LAW 6112 EA - Crim Pro Investigation**

**Professor Phyllis Kotey**

**First Week Assignment**

First week assignment will be emailed directed to students.

**LAW 6114 U10 - Crim Pro Adjudication**

**Professor Scott Fingerhut**

**First Week Assignment**

**Criminal Procedure: Adjudication**

**Welcome to Criminal Procedure: Adjudication -- a class like few others you will experience in law school.**

**As you know, we will meet in-person, on campus, each Wednesday and Thursday, at 715p in RDB 2008; no remote participation is permitted.**

**Also, because of the varied course materials we will address this semester, and because you should *always* have access to *all* course materials each and every class, you are permitted to use your laptops *in* class, but *only* for *our* class.**

**Please contact me with any questions you may have before we begin.  Reach me at** [**fingerhut@fiu.edu**](mailto:fingerhut@fiu.edu)**.**

**Til soon,**

**Hsf**

**Wednesday, May 25, 2022**

**For our first meeting together, please:**

**-- Read in our main course text, *Criminal Procedure Adjudication* (Chemerinsky and Levenson, Fourth Edition, Wolters Kluwer), Chapter 1, pp. 1-18; and Chapter 8, pp. 348-352;**

**-- Read United States Supreme Court Associate Justice Anthony Kennedy’s speech at the August 2003 Annual Meeting of the American Bar Association, found** [**here**](https://www.supremecourt.gov/publicinfo/speeches/viewspeech/sp_08-09-03)**;**

**-- Read the May 25, 2020, press release of the Minneapolis Police Department regarding the death of George Floyd, found** [**here**](https://www.minnpost.com/wp-content/uploads/2020/05/Screen-Shot-2020-05-28-at-9.51.56-AM.png)**;**

**-- Review carefully this Criminal Justice System Flowchart, found** [**here**](https://www.bjs.gov/content/largechart.cfm)**; and**

**-- Read the last-updated April 14, 2021, Annie E. Casey Foundation blogpost, *Equity vs. Equality and Other Racial Justice Definitions*, found** [**here**](https://www.aecf.org/blog/racial-justice-definitions/)**.**

**Thursday, May 26, 2022**

**For our second meeting, please:**

**-- Read in our main course text, Chapter 1, pp. 18-30;**

**-- Read cover to cover our secondary course text, *The U.S. Constitution and Fascinating Facts About It* (Jordan, Eighth Edition, Oak Hill Publishing), available for purchase** [**here**](https://www.constitutionfacts.com/us-pocket-constitution/)**;**

**-- Read Federalist Papers No. 51 (1788), found** [**here**](https://billofrightsinstitute.org/primary-sources/federalist-no-51)**;**

**-- Read from the Florida Constitution, Article I, found** [**here**](http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=135493424&CFTOKEN=a879394919c25e5d-EB18E550-9D4E-07F8-F4346D4B004072EB#A1)**;**

**-- Read these *select pages* in *United States v. Wade*, 388 U.S. 218, 256-258 (1967); and**

**-- Listen to this August 4, 2020, NPR FRESH AIR interview, *"It's More Than Racism: Isabel Wilkerson Explains America's 'Caste' System,"* found** [**here**](https://www.npr.org/transcripts/898574852) **(transcript available for reading, too).**

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a culture is as great as its dreams, and dreams are dreamed by lawyers

Please Note: Due to Florida's very broad public records law, most written communication to, from, and between members of the University community regarding University business is a public record and may be subject to disclosure.

**LAW 6520 U01 - Administrative Law**

**Professor Kendall Coffey**

**First Week Assignment**

No assignment.

**LAW 6545 RVCC - Employment Law**

**Professor Kerri Stone**

**First Week Assignment**

Welcome to class. I look forward to meeting each of you. Please consider the following excerpt from an essay by Vicki Schultz. If you have already taken Employment Discrimination or Labor Law, you may have already have read this piece. Please read it again.

Rosabeth Moss Kanter opens her classic book, Men and Women of the Corporation, by noting:

The most distinguished advocate and the most distinguished critic of modern capitalism were in agreement on one essential point: the job makes the person. Adam Smith and Karl Marx both recognized the extent to which people's attitudes and behaviors take shape out of the experiences they have in their work.

Kanter shows, in brilliant detail, how jobs create people. In her account, people adapt their actions--indeed, even their hopes and dreams and values--to function as well as possible within the parameters established by their work roles. There is the manager whose need for trust in an organization that cannot eliminate uncertainty leads him to hire others just like him; yet exercising such social conformity in the selection process undermines the very idea of a meritocracy on which the corporation and the manager's own legitimacy is founded. There is the secretary whose higher-ups reward her for loyalty and “love” rather than performance; yet, exhibiting the very traits and behaviors expected of such a loyal subject--timidity, emotionality, parochialism, and praise addiction--undermines the secretary's perceived professionalism and, hence, her ability to move upward within the organization.

The process of adapting ourselves to our work roles does not stop at the office door or factory gate. As human beings, we are not purely instrumental, and we cannot easily compartmentalize the selves we learn to become during working hours. In fact, most of us spend more time working than doing anything else. So, it should not be surprising that the strategies we use to succeed as workers become infused into our behavior, thoughts, feelings, and senses of ourselves--our very beings--with real spillover effects in our so-called “private” lives.

Consider one of my favorite films, The Remains of the Day. Anthony Hopkins plays Mr. Stevens, the head butler to an English nobleman, Lord Darlington. Mr. Stevens's tragedy is that he so faithfully adheres to the ethic of steadfast, loyal service to his master (and, he believes, his nation) that he cannot even question, let alone condemn, the lord's deepening collaboration with the Nazis--a collaboration which ultimately disgraces the estate. At the same time, Mr. Stevens's self-effacing, dignified service as a butler so suffuses his sense of self that he cannot bring himself to even feel, let alone express, his growing love for the house's headmistress. A great butler, he is caught in a dilemma of duty that tragically undermines his capacity to serve his master, or even his own heart, in a deeper, fuller way.

Although there is tragedy in this account of work's influence, there is also reason for hope. If people's lives can be constrained in negative ways by their conception of their occupational roles, they can also be reshaped along more empowering lines by changing work or the way it is structured or understood. The literature is filled with examples of people whose lives have been transformed in positive ways through their work. One powerful set of stories comes from women who entered the skilled trades in the 1970s, when affirmative action opened nontraditional careers to women for the first time. When these women were stuck in low-paying, dead-end jobs, they showed no real commitment to work. But when new lines of work opened up to them, many women aspired for the first time to take up jobs they had never previously dreamed of doing.Although many of the women took their new jobs out of financial need, the jobs quickly became more than a paycheck; the women felt they had come into their own at last. For many, the positive effects of their new work roles on their self-esteem permeated their identities, and they found the courage to change and grow in other aspects of their lives.

As these examples suggest, it is not only academics and filmmakers who have stressed how important our work is to our identity. Ordinary folks have said so in their own words, as Studs Terkel's marvelous oral history of working people confirms. As he notes in his introduction: “This book, being about work, is, by its very nature, about violence--to the spirit as well as to the body. . . . It is, above all (or beneath all), about daily humiliations.” Yet, work also provides a foundation for our dreams: “It is about a search, too, for daily meaning as well as daily bread, for recognition as well as cash, for astonishment rather than torpor; in short, for a sort of life rather than a Monday through Friday sort of dying.”

For better or worse, the people in Terkel's book--like people everywhere-- testify that work matters. Whether they feel beaten down by it, bored by it, or inspired by it, it affects who they are profoundly. They ask someone, “Who are you?,” and they answer, “I'm an autoworker,” or “a nurse.” Most fundamentally, they define ourselves in terms of the work they do for a living.

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Vicki Schultz, Life’s Work, 100 COLUM. L. REV. 1881, 1890 -1892 (2000).

Work is important. Work underlies the identity of many Americans. The law of the workplace is fascinating because it forces legislators, triers of fact, and triers of law to grapple with the nuances of the life of the workplace: the human psyche, interpersonal exchanges, and the dynamics that exist between groups and individuals. Unlike in many countries, like Canada, France, Germany, Great Britain, Italy, Japan, and Sweden, which all have statutory provisions requiring employers to show good cause prior to discharging employees, employment in the United States is presumed to be at-will. This means that any employer may hire, fire, and set up terms and conditions for its employees as it sees fit. Atop this presumption, however, is engrafted legislation and sometimes judge-made law that dictates restrictions on how and why changes in the terms and conditions of one’s employment (including hiring and firing) may be implemented. This class will focus on surveying the law of the workplace, addressing issues like workplace privacy, free speech in the workplace, whistleblowing, and employment discrimination.

**Assignments for the First Week**:**: You are responsible for consulting the Statutory Supplement when assigned pages in the main text make reference to legislation or regulations. I will be assuming your detailed knowledge of relevant legislation, regulations, etc.**

**1.**Please read U.S.-BASED MULTINATIONAL EMPLOYERS AND THE SOCIAL CONTRACT OUTSIDE THE UNITED STATES, by Donald C. Dowling Jr., which may be found at 26 ABA J. Lab. & Emp. L. 77 . Be prepared to discuss the article in detail and to ground your discussion in your understanding of the assigned material.

2. Please read your casebook pp. 1-38.

**Note: You are not permitted to use any e-books in this class.**

**LAW 6713 U10 - Domestic Arbitration**

**Professor Larry Leiby**

**First Week Assignment**

Professor will be reviewing the syllabus and will provide an introduction to arbitration lecture.

**LAW 6723 U10 - Community Lawyering**

**Professor Karim Batista**

**First Week Assignment**

First week assignment will be emailed directed to students.

**LAW 6750 U01 - Professional Responsibility**

**Professor Margaret Brenan Correoso**

**First Week Assignment**

May 25: Introduction and Regulation of Lawyers *Readings*

* Path to Lawyer Well-Being Report Excerpt including cover letter (PDF on Canvas)
* Text: xxvii-xxxi; 1-55
* Rules: Preamble; Scope note; Rule 8.1; 1.0

## Problem

• 1-1: Weed

May 26: Lawyer Liability (cont’d)

## Readings

* Text: 59-75
* Rules: 8.4; 1.2(d); 1.0(d)
* Review readings for Class 1

*Problem*

* 2-1: The Dying Mother

## Other

* Familiarize yourself with the course Canvas page
* Read pages 1 through 4 of the Syllabus, including all footnotes; familiarize yourself with the remainder of the syllabus; enter significant dates into your calendar

“**10 + 10** exercise”: take 10 minutes to research the difference between a “fixed” mindset and a “growth” mindset. After you select a source, take 10 additional minutes to learn from your source. Develop a **basic** understanding of the difference between the two mindsets. Be ready to discuss this exercise in class on June 1.

**LAW 6798 RVCC - ALR**

**Professor Ana Toft Nielsen**

**First Week Assignment**

1.      **Introduce Yourself** discussion due Monday

2.      **Lexis Learn Modules**(to be completed prior to the class lecture)

3.      View **Lecture: Introduction & The Research Process**

4.      **Discussion: Research Strategy**

o    Initial post due Friday

o    Response Post due Sunday

5.      **Research Strategy Assignment** due Sunday

**LAW 6823 RVCC - Law Prac Tech**

**Professor Ana Toft Nielsen**

**First Week Assignment**

Introduce Yourself Discussion

·         Professional Development Assignment: Statement of Intent

·         Tech Competency - Discussion

·         Begin Timekeeping Assignment Manual

·         Read all three (3) group project instructions and sign-up for Groups.

o    Learn [How to Participate in a Group](https://fiu.instructure.com/courses/130679/pages/how-to-participate-in-a-group) and [Working in Teams](https://fiu.instructure.com/courses/130679/pages/working-in-teams)

**LAW 6943 U01 - Immigration Clinic**

**Professor Juan Gomez**

**First Week Assignment**

First week assignment will be emailed directed to students.

**LAW 6949 RVCC/U10 - Civil Externship Placement**

**Professor Phyllis Kotey**

**First Week Assignment**

First week assignment will be emailed directed to students.

**LAW 6949 RVCC/U11 - Civil Externship Placement**

**Professor Michelle Mason**

**First Week Assignment**

First week assignment will be emailed directed to students.

**LAW 7268 RVCC - Int'l Env Law**

**Professor Stella Emery Santana**

**First Week Assignment**

No assignment.

**LAW 7308 U10 - Complex Litigation**

**Professor Rima Mullins**

**First Week Assignment**

Textbook: Marcus, Sherman, Erichson & Bradt, Complex Litigation: Cases and Materials on Advanced Civil Procedure (7th ed. 2021).

First Week Assignment: Due to the block schedule this semester, with class on Monday and Tuesday, students may find it easier to do the weekly reading prior to class on Monday.

May 23: pp. 6-12 (The Role of Procedure in the Private Enforcement Debate), pp. 17-38 (Permissive Party Joinder)

May 24: pp. 38-62 (Compulsory Party Joinder and Intervention)

**LAW 7503 U10 - Florida Constitutional Law**

**Professor Joni Coffey**

**First Week Assignment**

5/23/22 Introduction to Course and the Florida Constitution; State Constitutions as a Limit on Inherent Power

* Fla. Constitution: Article I section 1
* Text: pp. 1-11

5/24/22 Aids in Interpreting the Florida Constitution; Amending the Constitution

* Fla. Constitution: Article I section 1; Article XI
* *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006)
* *In re Advisory Opinion to Att’y Gen. re Limiting Cruel and Inhumane Confinement of Pigs During Pregnancy,* 815 So.2d 597 (Fla. 2002)

**LAW 7930 EA - Special Topics**

**Professor Antony Page**

**First Week Assignment**

Students will be notified directly.

**LAW 7930 RVCC - Special Topics**

**Professor Brian Abramson**

**First Week Assignment**

**Readings:**

* *Vaccine, Vaccination, and Immunization Law* (Bloomberg/AHLA 2018 [2022 update]; hereinafter *VVIL*), available electronically via FIU’s subscription to Bloomberg Law:  
  + *VVIL* Chapter I: *Introduction*  (read lightly)
  + *VVIL* Chapter II: *Vaccine Regulation*, Part I and Part II, Section A (read lightly)
* *Doe v. Rumsfeld*, 341 F. Supp. 2d 1 (D.D.C. 2004)
* *Coalition for Mercury-Free Drugs v. Sebelius*, 671 F.3d 1275 (D.C. Cir. 2012)
* DOJ Announcement, [*Doctor, Clinic Owner and Staff Charged with Falsifying Clinical Trial Data* (Links to an external site.)](https://www.justice.gov/opa/pr/doctor-clinic-owner-and-staff-charged-falsifying-clinical-trial-data) (March 8, 2020)
* DOJ Announcement, *Department of Justice Enforcement Actions Related to COVID-19*, available at <https://en.wikisource.org/wiki/Department_of_Justice_Enforcement_Actions_Related_to_COVID-19> (March 24, 2020)
* DOJ Announcement, *Department of Justice Files Its First Enforcement Action Against COVID-19 Fraud*, available at<https://www.justice.gov/opa/pr/justice-department-files-its-first-enforcement-action-against-covid-19-fraud> (March 22, 2020)

**LAW 7942 U10 - Prosecution Inn. Project**

**Professor Karen Gottlieb**

**First Week Assignment**

Review the attached CIR Guide (including the linked videos), and the CIR Checklist.  Also, the Confidentiality Agreement must be executed by the student and emailed to Shelley Thibodeau, the Director of the Integrity Unit at [sthibodeau@coj.net](mailto:sthibodeau@coj.net), copying me at [kgottlie@fiu.edu](mailto:kgottlie@fiu.edu).

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