

SOCIOLEGAL EXAMINATION OF THE LAW 357 § A

FALL 2023 M/W 4:30pm – 6:00pm

Professor Zoha Khan

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REQUIRED TEXT

1. Law, Justice, and Society: A Sociolegal Introduction, Sixth Edition, Anthony Walsh and Craig Hemmens
 2. Materials to be provided by Professor Khan via Lexis Webpage.
 3. Students must enroll in the Lexis Classroom page titled “Sociolegal – Khan – Fall 2023”
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COURSE DESCRIPTION

This course is designed to critically evaluate the role that law has on society and that society has on the law. An interdisciplinary approach will cover various areas of substantive law and allow students to examine the law in a sociolegal context.

Students will receive a thorough understanding of the impact of substantive legal principles while reviewing case law, legal doctrines, and historical ideologies and how those contribute to the foundation of society and the deeper societal impact of the law. Students will further enhance their understanding by engaging in legal research and analysis and developing their own contribution to the topic through a written final paper and in-class peer presentation.

This course allows students to gain a broad holistic view of the law. This course aims to explore the “big picture” and “why” as to the structure and substance of the law. Students will explore various topics through a sociolegal lens, such as: (1) the function, purpose, and making of the law; (2) crimes and criminal procedure; (3) civil and administrative law - including family, property, and immigration law; (4) juvenile justice; (5) women and the law; (6) racial minorities and the law; and (7) social control and ethics of the law.

ATTENDANCE, GRADES, ULWR, FORMATTING & LATE POLICY

ATTENDANCE:

You should attend every class. WSCL written policy for students whose class regularly meets twice per week, is that upon your fifth absence, you will fail this course and receive a grade of 0.0 (on the 4.0 scale). See Student Handbook, § 5.13. For students whose class meets once per week, if you are absent for an entire, or substantially all, of a three hour class period, you will have accumulated two official absences. If, however, you are absent for only half of a three hour class period or a significant portion thereof, you will accumulate just one absence.

GRADES AND UPPER-LEVEL WRITING REQUIREMENT (ULWR)

This class satisfies the Western State College of Law upper-level writing requirement (ULWR), and follows guidelines established by the American Bar Association. Each student will earn a numeric grade for the course. Instructional material regarding the ULWR and the final paper will

be periodically presented. The research paper must be the individual work of the student, you may not utilize generative artificial intelligence, (i.e., ChatGPT, etc.) to write your paper. Doing so would result in a (0) for the course.

The final course grade consists of an outline (10%), P&P (Participation & Professionalism) (20%), and a 15-18 page research paper (70%).

You will work on the paper throughout the semester. In a WSCL ULWR course, you must earn a 2.0 or higher to obtain ULWR credit.

FORMAT REQUIREMENTS FOR FINAL PAPER

- (1) Assignments must be typewritten in black ink, double-spaced, on white, 8 ½ x 11 inch paper.
- (2) Text must be in "Times New Roman," 12-point font.
- (3) Footnotes must be in "Times New Roman," 10-point font.
- (4) You must use one-inch margins for the top, bottom, left, and right margins. (Note that, if using Microsoft Word, you must set the margins to one-inch each, as the right and left margins are preset at 1.25 inches.)
- (5) Each page should be numbered, in the center, at the bottom of the page, using Times New Roman font. (Note that even if the text of your document is in Times New Roman, you must affirmatively change the font of your pagination.)
- (6) Pages must NOT be right-justified.
- (7) Papers must be submitted as an attachment via email in Microsoft Word format. Students are able to get a free Microsoft account using their school email address at <https://www.microsoft.com/en-us/education/products/office>

LATE PAPERS – GRADED ASSIGNMENTS

As a professional, you are responsible for submitting all assignments on time. A late paper is one submitted any time after it is due. Your outline and final paper must be emailed to me as a Microsoft Word attachment prior to the start of class on the date it is due. Your final paper must also be uploaded to TurnItIn.

Late outlines and/or research papers will receive point deductions. Do not plagiarize. Do not use generative AI in a manner that violates the Honor Code and constitutes plagiarism. Any violation of the Honor Code will result in the student receiving a "0" in the course as well as possible referral to the Honor Code Committee.

PARTICIPATION, PROFESSIONALISM, PRESENTATIONS, & PREPARATION

PARTICIPATION & PROFESSIONALISM (P&P):

Success in law school involves an active learning environment. This class is most productive (and fun!) if you have thought about the material and are willing to discuss it. In order for this class to have its intended purpose, there must be active student participation. Quality is valued over quantity for volunteer participation, and all views are welcome. 20% of your final course grade will be based on the quality and quantity of your contributions to class discussions,

attendance, punctuality, conduct during class time, a presentation to the class, and overall professionalism.

At times, this class may touch on particularly sensitive, triggering, emotionally, and/or intellectually heavy topics. I will do my best to create a space where we can tackle these discussions with mutual respect, sensitivity, empathy, and decorum. I ask that all students help ensure these objectives are met.

You may not record this class without my prior approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.

CLASS PRESENTATION:

Every student must give a presentation related to the topic of their research paper to the class; details will be provided on the first day of class, and a sign-up sheet will be posted via a google doc link at the beginning of the semester.

OUTSIDE PREPARATION:

You should anticipate that, on average, preparing for class (including researching for and writing your paper) will take you a minimum of two hours for every one hour of class time. To restate with specificity and at risk of redundancy: because Sociolegal is a three-unit class, you should estimate your preparation for class to require six (6) or more hours outside of class to complete.

LEARNING GOALS

During this course, students should be able to:

1. Obtain a comprehensive and interdisciplinary understanding of substantive legal principles and the correlating sociolegal impact of the law.
2. Develop legal research, analysis, and writing skills by utilizing critical thinking to assess substantive areas of law in a sociolegal context.
3. Foster open dialog and discussion about the role law has played and/or continues to play on society, and the impact society has played and/or continues to play on the law.
4. Advocate, in both oral and written formats, the legal, economic, and societal impact of rule or policy and use case law, statutes, and policy to critically examine one's position.
5. Identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

OFFICE HOURS

TBD - Please email me directly at zkhan@wsulaw.edu to schedule an office hour appointment.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SYLLABUS:

1. The listed chapters and corresponding page numbers reference our course textbook, Law, Justice, and Society: A Sociolegal Introduction, Sixth Edition, Anthony Walsh and Craig Hemmens.
2. Additional designated Readings/Material are posted on the Lexis Course page, or you are provided a direct link.

WEEK:	TOPICS:	READING/ASSIGNMENT:
<u>WEEK 1:</u> Wed August 23	Introduction to Course; Function, Purpose and Making of the Law. ULWR: Picking a Topic.	<u>Reading:</u> Ch. 1 – Law Its Function and Purpose pgs. 1-10; Ch. 3 – Making Law pgs. 59-76; Ch. 4 – Federal and State Courts pg. 111.
<u>WEEK 2:</u> Mon August 28 Wed August 30	Criminal Law ULWR: Writing a Thesis Statement.	<u>Reading:</u> Ch. 5 – Crime and Criminal Law pgs. 115-118, 121-135; Ch. 10 – The Limits of Social Control: Policing Vice pgs. 260-261, 269- 287.

<p><u>WEEK 3:</u> Mon September 4 Wed September 6</p>	<p>Criminal Procedure</p> <p>No Class Mon September 4 (Labor Day)</p> <p>ULWR: Components of the Paper and Formatting the Outline</p>	<p><u>Reading:</u></p> <p>Ch. 6 – Criminal Procedure pgs. 139-159.</p> <p>Due: Topic Approval. Must email Professor Khan and get topic approved by start of class 9/6.</p>
<p><u>WEEK 4:</u> Mon September 11 Wed September 13</p>	<p>Tort Law and Property Law.</p>	<p><u>Reading:</u></p> <p>Ch. 7 – Civil and Administrative Law pgs. 169-176.</p> <p>Allison Torres Burtka, <u>The Tobacco Cases</u>.</p> <p>Christopher Ramos, Excerpt – <u>Racially Restrictive Covenants and Mexican Americans</u>.</p>
<p><u>WEEK 5:</u> Mon September 18 Wed September 20</p>	<p>Contract Law and Family Law</p> <p>ULWR: Roadmaps & Citations.</p>	<p><u>Reading:</u></p> <p>Ch. 7 – Civil and Administrative Law pgs. 177-178.</p> <p>David A. Hoffman & Cathy Hwang, <u>The Social Cost Of Contract 121</u> Colum. L. Rev. 979 (2021).</p> <p>Stacey Steinberg and Meredith Burgess, and Karla Herrera, <u>Adopting Social Media in Family and Adoption Law</u> Utah Law Review, (2023).</p> <p>Due: Outline (10% final grade); Email to Professor Khan by start of class 9/20. (Must be in Word format).</p>
<p><u>WEEK 6:</u> Mon September 25 Wed September 27</p>	<p>Conferences in Lieu of Class this Week. (Mandatory)</p> <p>Sign-Up via Google Doc.</p>	<p>No Class this week. All students must sign-up for a mandatory conference. Sign-up will be available via google doc link.</p>

<p><u>WEEK 7:</u> Mon October 2 Wed October 4</p>	<p>Administrative Law and Immigration Law.</p> <p>ULWR: The Importance of Editing.</p>	<p>Reading:</p> <p>Ch. 7 – Civil and Administrative Law pgs. 184-190.</p> <p>Christopher Terry, and Eliezer (Lee) Joseph Silberberg, and Stephen Schmitz, Throw the Book at Them: Why the FTC Needs to Get Tough with Influencers (January 29, 2021).</p> <p>Pooja Dadhania, Deporting Undesirable Women (October 2, 2018). 9 UC Irvine Law Review 53 (2018).</p>
<p><u>WEEK 8:</u> Mon October 9 Wed October 11</p>	<p>Juvenile Justice Guest Lecture</p>	<p>Reading:</p> <p>Ch. 8 – Juvenile Justice pgs. 200-223.</p>
<p><u>WEEK 9:</u> Mon October 16 Wed October 18</p>	<p>Women and LGBTQIA+ and the Law</p>	<p>Reading:</p> <p>Ch. 12 – Women and the Law 329-354; Ch. 10 – The Limits of Social Control: Policing Vice pgs. 262-267.</p> <p>303 Creative LLC v. Elenis, 2023 U.S. LEXIS 2794</p>
<p><u>WEEK 10:</u> Mon October 23 Wed October 25</p>	<p>Racial Minorities and the Law</p>	<p>Reading:</p> <p>Ch. 13 – Racial Minorities and the Law pgs. 360-387.</p>
<p><u>WEEK 11:</u> Mon October 30 Wed November 1</p>	<p>Social Control and Ethics of the Law</p>	<p>Reading:</p> <p>Ch. 9 – The Law and Social Control pgs. 228-236; 241-246; Ch. 11 – Law, Social Change, and the Class Struggle pgs. 294-298; 321-323.</p>
<p><u>WEEK 12:</u> Mon November 6 Wed November 8</p>	<p>Conferences in Lieu of Class this Week. (Optional)</p> <p>Sign-Up via Google Doc.</p>	<p>No Class this week. Students may attend optional conferences. Sign-up will be available via google doc link.</p>

<p>WEEK 13: Mon November 13 Wed November 15</p>	<p>Presentations</p>	<p>In-class final presentations.</p> <p>Due: Final Paper (70% of final grade) due on 11/13. Email Professor Khan by the start of class. Must be in Word format. Must also be Uploaded to TurnItIn.</p>
<p>WEEK 14: Mon November 20 Wed November 22</p>	<p>Presentations</p> <p>No Class Wed November 22 (Legislative Day – Friday classes meet instead)</p>	<p>In-class final presentations.</p>
<p>WEEK 15: Mon November 27 Wed November 29</p>	<p>Presentations</p>	<p>In-class final presentations.</p>
<p>WEEK 16: Mon December 4</p>	<p>Presentations / Course De-Brief and Reflection</p>	<p>In-class final presentations; Class reflection.</p>

Expectations for Students in Zoom Sessions:

- **Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.**
- **Arrive to class early and dressed as you would to attend an in-person class.**
- **Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.**
- **Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.**
- **Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.**
- **If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.**
- **If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.**
- **Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.**
- **Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.**
- **Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.**
- **Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.**

- **If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.**
- **Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in that particular class.**
- **Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share your screen, type in the chat window. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.**

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the

ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on

those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.