

Law and (In)equity
Faculty Advisor: Dean Shoba Sivaprasad Wadhia
Spring 2022
Fridays, 4:15-5:05PM
VIA ZOOM
1 CREDIT: Credit/No Credit

Course Description:

This course will explore the intersection between law and (in)equity with the goal of exposing students to the ways individuals and groups are impacted differently by existing laws in the United States. Each week, one professor based or affiliated with Penn State Law will lead a lecture and discussion in an area of their expertise.

Attendance Policy:

Attendance will be taken at the beginning of every class. I expect you to attend class prepared and ready to participate. Viewing a class recording is not a substitute for class attendance or participation. Laptop computers are permitted, but all internet and related functions must be turned off. Absent an emergency, cell phones and other electronic devices must be turned off.

Evaluation of Performance:

Your grade will be based on class attendance and participation as well as written assignments from a professor(s). Professor Wadhia will assign a reflection paper for students to submit at the end of the course. Other professors may, at their discretion, assign other written assignments.

Academic Integrity:

The [Penn State Law Honor Code](#) serves to safeguard and promote the ideals of honor and integrity within Penn State Law by prohibiting lying, cheating, stealing, and other dishonorable conduct. Accordingly, all students should act with personal integrity, respect other students' dignity, rights, and property, and help create and maintain an environment in which all can succeed through the fruits of their efforts.

Dishonesty of any kind will not be tolerated in this course. Students who are found to be dishonest will receive academic sanctions and will be reported to the law school's Honor Administrator for possible further disciplinary sanction. For an explanation of what types of conduct constitute plagiarism, see [University and Penn State Law Plagiarism Materials](#).

University Statement on Students with Disabilities:

Penn State welcomes students with disabilities into the University's educational programs. If you have a disability-related need for reasonable academic adjustments in this course, students should contact Student Disability Resources (SDR) at 814-863-1807 (V/TTY). For information and

procedures regarding law school disability services, visit the law school [Student Services website](#) and you can find more information about SDR on the [SDR website](#).

To receive consideration for course accommodations, you must provide documentation of your disability. Documentation guidelines are available on the [SDR website](#). If the documentation supports the need for academic adjustments, SDR will provide a letter identifying appropriate academic adjustments. You must contact SDR and request academic adjustment letters at the beginning of each semester.

Counseling & Psychological Services:

I care about the well-being of every student. Many students at Penn State face personal challenges or have psychological needs that may interfere with their academic progress, social development, or emotional wellbeing. The university offers a variety of confidential services to help you through difficult times, including individual and group counseling, crisis intervention, consultations, online chats, and mental health screenings. These services are provided by staff who welcome all students and embrace a philosophy respectful of clients' cultural and religious backgrounds, and sensitive to differences in race, ability, gender identity and sexual orientation.

[Counseling and Psychological Services at University Park \(CAPS\)](#) 814-863-0395

Penn State Crisis Line (24 hours/7 days/week): 877-229-6400

Crisis Text Line (24 hours/7 days/week): Text LIONS to 741741

Reporting Educational Equity Concerns through the Report Bias site:

Penn State University has adopted a "[Protocol for Responding to Bias Motivated Incidents](#)" that is grounded in the policy that the "University is committed to creating an educational environment which is free from intolerance directed toward individuals or groups and strives to create and maintain an environment that fosters respect for others." That policy is embedded within an institution traditionally committed to [academic freedom](#).

Bias motivated incidents include conduct that is defined in University [Policy AD 91: Discrimination and Harassment, and Related Inappropriate Conduct](#).

Students, faculty, or staff who experience or witness a possible bias motivated incident are urged to report the incident immediately by doing one of the following:

* Submit a report via the [Report Bias webpage](#)

* Contact one of the following offices:

- University Police Services, University Park: 814-863-1111
- Multicultural Resource Center, Diversity Advocate for Students: 814-865-1773
- Office of the Vice Provost for Educational Equity: 814-865-5906
- Office of the Vice President for Student Affairs: 814-865-0909
- Affirmative Action Office: 814-863-0471

Forms of Address: Naming and Name Pronunciation

The Pennsylvania State University recognizes the importance of naming and name pronunciation.

Many people (e.g., international students, performers/writers, trans & non-binary people, and others) might go by a name in daily life that is different from their legal name. In this classroom, we seek to refer to people by the names that they go by. Pronouns can be a way to affirm someone's gender identity, but they can also be unrelated to a person's identity. They are simply a public way in which people are referred to in place of their name (e.g., "he" or "she" or "they" or "ze" or something else).

In the classroom, you are invited (if you want to) to share what pronouns you go by, and we seek to refer to people using the pronouns that they share.

In the classroom, you are encouraged to share how your name is pronounced and to have your name pronounced correctly by me and your classmates.

Video Class Recordings:

All class recordings will be posted on the course CANVAS site for access by any student enrolled in this course. Access will begin after the drop/add period and end on the last day of the final exam period.

Course Material Disclaimer:

Recording lectures or copying lecture materials without the explicit permission of Professor Wadhia is prohibited. Additionally, students are granted a limited license to access and use Professor Wadhia (and others') classroom materials, which are protected by U.S. copyright laws. Students do not have permission to provide classroom materials to persons not registered for Law and (In)Equity for Spring 2022 (including employees of Nittany Notes or note distributions services like Chegg or Omega Notes), whether for profit or free of charge.

Class Schedule and Readings:

The class schedule appears below and may be subject to change based on unforeseen circumstances. Any changes to the class schedule will be communicated to students through CANVAS. **All course readings can be found on CANVAS under "Module" and are organized by the last name of the professor.** I have also included readings with a hyperlink or a full citation below (but please also check CANVAS for a complete set of readings!).

January 14: Facing Immigrant Exclusion: Then and Now

Shoba Sivaprasad Wadhia, Associate Dean for Diversity, Equity, and Inclusion
Samuel Weiss Faculty Scholar and Clinical Professor of Law
Director, Center for Immigrants' Rights Clinic

Readings:

- Garrett Epps, The Ghost of Chae Chan Ping, The Atlantic, January 20, 2018, <https://www.theatlantic.com/politics/archive/2018/01/ghost-haunting-immigration/551015/>
- Shoba Sivaprasad Wadhia, Discretion and Disobedience in the Chinese Exclusion Era, Asian American Law Journal at Berkeley Law, Forthcoming 2022, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3923937

January 21: The History of Policing and Race

Gopal Balachandran, Assistant Professor of Clinical Law
Director, Externships Program
Co-Director, Indigent Criminal Justice Practicum

- Reading: Sally Hadden, Police and Slave Patrols: A History of State-Sponsored-White-on-Black Violence, in The Ethics of Policing (CANVAS)

January 28: The Current State of K-12 School Desegregation

Dr. Erica Frankenberg
Professor of Education (EDLDR & Demography)

- Reading: Nikole Hannah-Jones, It Was Never About Busing, New York Times, July 12, 2019, <https://www.nytimes.com/2019/07/12/opinion/sunday/it-was-never-about-busing.html>

February 4: Legal Tech and Access to Justice

Theresa Tarves
Associate Director of the Law Library and Professor of Legal Research
Director, Legal-Tech Virtual Lab

Readings:

- Kathleen Elliott Vinson & Samantha A. Moppett, Digital Pro Bono: Leveraging Technology to Provide Access to Justice, 92 St. John's L. Rev. 551 (2018)

- Rebecca L. Sandefur, Access to What?, 148 Daedalus 49 (2019), available at <https://direct.mit.edu/daed/article/148/1/49/27247/Access-to-What>

February 11: Inequity in Military and Veterans Law: The U.S. military and the U.S. Department of Veterans Affairs (VA) have made efforts in the last decade to undo the damage that has been done for decades (or longer) from discrimination in the military on the basis of race, ethnicity, gender identity or non-identity, sexual orientation, and mental health. The effects of discrimination in the military often follow a veteran after discharge through “discharge status” (as well as likely mental health effects for life). A veteran’s “discharge status” can prevent a veteran’s access to benefits and healthcare from the VA for life until corrected. The most common remedy used is a “discharge upgrade” but less than about 5% of those filings are granted by some branches’ military boards of correction. Is the government doing enough to correct past discrimination? What more can or should the government be doing?

Michele Vollmer
Associate Dean, Clinics and Experiential Learning
Director, [Veterans and Servicemembers Legal Clinic](#)
Clinical Professor of Law

- Readings: See CANVAS

February 18: Drug Supervision in Criminal Law: This lecture will cover the basics of community supervision, and how despite rehabilitative rhetoric, the system is aimed at reimprisoning people who relapse.

Jacob Schuman
Assistant Professor of Law
Affiliate Faculty of Penn State's Criminal Justice Research Center
Affiliate Faculty of Penn State's Consortium to Combat Substance Abuse

- Reading: Jacob Schuman, Drug Supervision, Ohio State Journal of Criminal Law, 2021/2 Forthcoming, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3842981

February 25: AI/equity and Algorithmic Discrimination

Margaret Hu
Associate Dean for Non-JD Programs
Professor of Law
Professor of International Affairs
Co-Hire, Institute for Computational and Data Sciences
Faculty of the Institute for Network and Security Research in the College of Engineering

- Reading: Margaret Hu, Algorithmic Jim Crow, Fordham Law Review (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3071791
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March 4: NO CLASS – SPRING BREAK

March 18: Gender Based Violence

Jill Engle
Associate Dean for Academic Affairs
Professor of Clinical Law

Readings:

- Kimberle' Crenshaw, From Private Violence to Mass Incarceration: Thinking Intersectionality About Women, Race, and Social Control, 9 UCLA J. Scholarly Perspectives (2013), <https://escholarship.org/uc/item/7mp3k6m3>
 - Patrisse Cullors, Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability, 132 Harv. L. Rev. 1684 (2019), <https://harvardlawreview.org/2019/04/abolition-and-reparations-histories-of-resistance-transformative-justice-and-accountability/>
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March 25: Racial Injustice in the Criminal Justice System

Kit Kinports
Polisher Family Distinguished Faculty Scholar
Professor of Law

- Reading: Sentencing Project, Black Lives Matter, Eliminating Racial Inequity in the Criminal Justice System, Feb. 3, 2015, <https://www.sentencingproject.org/publications/black-lives-matter-eliminating-racial-inequity-in-the-criminal-justice-system/>
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April 1: Perspectives on Minority Business Ownership: A Proposal for a National Development Corporation and a National Development Bank

Samuel C. Thompson, Jr.

Arthur Weiss Distinguished Faculty Scholar
Professor of Law
Director, [Center for the Study of Mergers and Acquisitions](#)

- Reading: TBD

April 8: Color Consciousness v. Color Blindness in U.S. Law - Embedded in American jurisprudence are two perspectives – one color-blind, the other, color-conscious. This session will explore these concepts as they play out in the killing of Ahmaud Arbery.

Victor Romero
Maureen B. Cavanaugh Distinguished Faculty Scholar
Professor of Law

Readings:

- 1 Black Juror and 11 White Jurors Will Hear the Trial in the Killing of Ahmaud Arbery, Associated Press, November 3, 2021, <https://www.npr.org/2021/11/03/1052107690/jury-mostly-white-ahmaud-arbery-georgia>
- Additional readings on CANVAS

April 15: So, What is Unlawful Discrimination Anyway?

Michael Foreman
Director, [Civil Rights Appellate Clinic](#)
Clinical Professor of Law

- Reading: *Bostock v. Clayton County, Georgia*, 590 U. S. ____ (2020), https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf

April 23: Reverse Redlining and the Destruction of Minority Wealth

Katrice Bridges Copeland
Professor of Law

- Reading: CANVAS