

Willamette University College of Law
LAW-371 Critical Race Theory and the Law
Spring Semester 2022
2 credits, will meet 1x / week
5:30pm-7:45pm / 5:30pm-6:45pm*

**This class meets from 5:30pm-7:45pm on some days and 5:30pm-6:45pm on other days. A detailed schedule of meeting times can be found on page 3 of this document. Note: There will also be a 2-hour makeup class session to meet ABA instructional hours requirements. The class will schedule the date and time of the makeup class session by the first week of the semester.*

Professor:

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COURSE DESCRIPTION

This course surveys methods and aims of critical race theory. It engages in an analysis of social systems, legal doctrine, and cultural norms and considers their impact on human experience and the law. Students will be encouraged to consider how they are ‘placed’ in the social system and how they will participate in it as civic leaders, lawyers, and scholars. An aim will be to construct a framework of race that fosters survival, liberation, and emotional healing for all persons in society.

STUDENT LEARNING OUTCOMES

By the end of this course, students will be able to:

- (1) Analyze the category of race and the workings of racism using an intersectional approach;
- (2) Compare and contrast the work of two critical race scholars;
- (3) Reflect on the impact of race on identity and life experiences; identify ways in which race might affect one’s own experience and approach to the law and to other participants in the legal system; and
- (4) Construct a framework for understanding and engaging the social construct of race in one’s own professional context as a lawyer and/or civic leader. In particular, students’ constructive framework will be able to engage legal storytelling, counter storytelling in court, epistemological norms of the racial contract, law reform, policing, criminal justice, voting rights, language rights, and/or the legacy of ‘neutrality’ in the law. Additionally, students will be able to demonstrate an understanding of the historical role that race and racism have played in the development of the law, be able to better recognize oppressive ideologies and practices in which race and racism continue to affect current legal doctrine and be better prepared to identify and articulate ways in which the law and legal system might be changed in order to address the ongoing influence of racial stereotyping and racial bias in order to nurture equity, well-being, and the flourishing of all members of society.

ASSESSMENT AND GRADING

Class Participation – 30% [SLO 1, 2, 3, 4]

Comparative Paper – 30% [SLO 2, 3]

Final Paper – 40% [SLO 1, 3, 4]

REQUIRED TEXTS

Derrick Bell. *Faces at the Bottom of the Well: The Permanence of Racism* (Revised Ed.). Basic Books. ISBN: 978-1541645530

Cynthia Lee & Angela Harris. *Criminal Law, Cases and Materials*. West Academic Publishing. ISBN: 978-1683284062

Lopez, Ian Haney. *Racism on Trial: The Chicano Fight for Justice*. Belknap Press. ISBN-13: 978-0674016293

Mills, Charles. *The Racial Contract*. Cornell University Press. ISBN-13: 978-0801434549

Williams, Patricia. *The Alchemy of Race and Rights: Diary of a Law Professor*. Harvard University. ISBN-13: 978-0674014718

Richard Delgado & Jean Stefancic. *Critical Race Theory: An Introduction*. NYU Press. ISBN: 978-1479802760

Course Requirements

1. *Class Participation*: Students are expected to come to class having read assigned readings and prepared to discuss them during class sessions. (30%)
2. *Comparative Paper*: Write an 8-10-page (double spaced) comparative paper on two texts from the required course reading list. Outline converging and diverging thoughts between the two texts and provide a reflection of the implications for your work. (30%) **DUE: March 11th**
3. *Final Paper*: Write a 10-15-page paper (double spaced) in which you construct a framework for understanding race and dismantling racism from an intersectional lens. An aim of the paper should be to present a framework that can help nurture justice and/or emotional and psychological healing for participants in the legal system and/or society in your context as a lawyer, civic leader, and/or scholar. The paper should evidence a grappling with concepts studied during the course, lived human experience, and your own unique voice. **Note: Your thesis statement for the final paper is due on April 5th. (40%) DUE: April 26th**

Class Meeting Schedule and Reading Assignments:

Session	Date	Time	Reading
Week 1	January 11 th	5:30pm-7:45pm	Delgado & Stefancic, <i>Critical Race Theory: An Introduction</i> , Foreword, chapters 1-3
Week 2	January 18 th	5:30pm-6:45pm	Delgado & Stefancic, <i>Critical Race Theory: An Introduction</i> , chapters 4, 5, & 7
Week 3	January 25 th	5:30pm-7:45pm	Mills, <i>The Racial Contract</i> , chapters 1-2
Week 4	February 1 st	5:30pm-7:45pm	Mills, <i>The Racial Contract</i> , chapters 2-3
Week 5	February 8 th	5:30pm-6:45pm	Lee & Harris, <i>Criminal Law, Cases and Materials</i> , chapter 1
Week 6	February 15 th	5:30pm-7:45pm	Bell, <i>Faces at the Bottom of the Well: The Permanence of Racism</i> , Introduction, chapters 3, 5, & 6
Week 7	February 22 nd	5:30pm-7:45pm	Bell, <i>Faces at the Bottom of the Well: The Permanence of Racism</i> , chapters 7-9
Week 8	March 1 st	5:30pm-6:45pm	Lee & Harris, <i>Criminal Law, Cases and Materials</i> , chapter 2
Week 9	March 8 th	5:30pm-7:45pm	Lopez, <i>Racism on Trial: The Chicano Fight for Justice</i> , Introduction, chapters 1-3
Week 10	March 15 th	5:30pm-7:45pm	Lopez, <i>Racism on Trial: The Chicano Fight for Justice</i> , chapters 4-6
Week 11	March 29 th	5:30pm-6:45pm	Lee & Harris, <i>Criminal Law, Cases and Materials</i> , chapter 14
Week 12	April 5 th	5:30pm-7:45pm	Williams, <i>The Alchemy of Race and Rights: Diary of a Law Professor</i> , chapters 1, 3, & 4
Week 13	April 12 th	5:30pm-6:45pm	Williams, <i>The Alchemy of Race and Rights: Diary of a Law Professor</i> , chapters 8, 9, 11, & 12

Note: All reading assignments should be read by the date they are listed on the syllabus. The class sessions filled with gold denote the altered 5:30pm-6:45pm meeting time.

Hours Requirements

Reading: 130 hours

Class Hours Required: 26 hours

Comparative Paper: 10 hours

Final Paper: 20 hours

Total Hours: 186 hours

Plagiarism

Plagiarism is literary theft, or offering the words or ideas of another as if they were one's own, with no acknowledgment of the source. Whenever the ideas or words used are taken from a source, this source must be given credit. This applies not only to direct quotations, but also to indirect quotations (in which the original statement is paraphrased). Sources that must be given credit include not only published books, journals, magazines, newspapers, etc., but also other types of media, such as electronic resources (CDROM, Internet, etc.), film, television, radio, and cassette recordings, as well as lectures and the work of other students. The principle also holds true for less direct borrowings, if the ideas in question are distinctive to the source as opposed to being considered common currency. (This is often a matter of judgment; when in doubt, students are advised to err on the side of giving too many citations, rather than too few.) The prohibition of plagiarism applies to dissertations, theses, projects, term papers, class reports, take-home examinations, and any other work (whether in writing or in another media for communicating ideas) intended to fulfill requirements for a class or degree program. The School recognizes that plagiarism is culturally defined. Consequently, students not experienced in the U.S. educational system may be asked to rewrite plagiarized work without the assumption of dishonest intent on the student's part. Nevertheless, under no circumstances is plagiarized work acceptable, and all students are expected to learn what constitutes plagiarism in the U.S. educational context. Cheating involves the use of any kind of assistance (e.g., written, oral, aural, or visual) that has not been specifically authorized. In regard to take-home examinations, students are not to receive assistance from others unless it has been clearly specified that a certain form of assistance is permissible (e.g., in the preparation for, as distinct from the actual writing of, the examination), or that the exam is to be a cooperative effort.