

Syllabus

Access to Justice Seminar: Campaigns to Fight Injustice in the Justice System

**National Center for Access to Justice
Fordham University School of Law**

Tuesdays, 9:30 to 12:20 pm, Spring 2024

3 credits

Fordham Law School, Room 4-06

*Instructors: Bruce Green, Lauren Jones, David Udell
bgreen@fordham.edu, ljones77@fordham.edu, dudell@fordham.edu*

I.

Course Description:

Our justice system—including our criminal and civil legal systems—should offer everyone an equal opportunity to secure the protection of fair and just laws. It does not live up to that ideal. This seminar will consider the justice system’s deficiencies, analyze policy advocacy campaigns that bring about its change, and explore the tools that reformers rely on to achieve their goals.

In this course, students will choose a justice system problem (“a systemic injustice”) in New York State or New York City as the focus of a proposed policy advocacy campaign that they will design during the semester. Students will simulate some of the elements of such a campaign, including power-mapping, writing an op-ed, crafting policy testimony, and creating other tools to make change. Students will place themselves in the (hypothetical) employment of a nonprofit organization whose mission includes the goal of increasing access to justice.

Using the research and the multiple writings they have done throughout the semester, students will write a final memo directed to a philanthropy, nonprofit organization, or a fellowship program, making the case for pursuing the campaign in all its parts, including by describing the systemic deficiency and how it relates to access to justice, the proposed policy solution and how it would increase access to justice, the advocacy tools to be deployed during the course of the campaign, and why the campaign is a good fit with the (hypothetical) organization’s mission.

II.

Teachers

Bruce Green is the Stein Chair and Director of the Stein Center for Law and Ethics (bgreen@fordham.edu, room 7-168). David Udell is the Executive Director of the National Center for Access to Justice (dudell@fordham.edu, room 7-165). Lauren Jones is the Legal and Policy Director of the National Center for Access to Justice (ljones77@fordham.edu, room 7-170). Please speak with any of us if you have questions about the seminar.

III. **Class**

Overview. Throughout the semester students will (1) learn from experts about their experiences in working to increase access to justice in the criminal and civil legal systems; (2) learn about components of strategic decision-making in policy advocacy campaigns and about the tools that advocates use to create and drive such campaigns; and (3) learn about and workshop elements of such campaigns.

Participation, presentations, consultation with professors: This is a discussion-based course and students are expected to participate, including by discussing the advocacy project that is the focus of their semester. There will be three presentations during the semester. The first presentation will be mid-semester, when each student will prepare a presentation (for up to ten minutes) on the systemic deficiency they are seeking to correct in their semester-long project. The second will be at the semester's end, when each student will present (for up to ten minutes) the policy solution they have devised and their recommendations about how an advocacy campaign should proceed if it is to accomplish its goal. During the semester, students will also have opportunity to present simulated oral testimony (two minutes) in support of their proposed solution. In addition, students will meet with professors periodically outside of class time to talk through their proposed campaign plan and their progress in building out its elements.

Readings. Readings will provide historical, theoretical, and practical perspectives on access to justice problems, systemic solutions, and the advocacy tools that are important in accomplishing policy goals. Students are encouraged to complete the readings for each week's upcoming class before working on the written assignment for that class, as some of the readings are pertinent to the written assignments for the week.

Weekly writings. Each week, students will prepare **and email to the professors by 9 p.m. on the Sunday before class** a short assignment (no more than 5 pages).

Final paper. In the final assignment, students may choose to write a campaign memo to a (hypothetical) organization making the case for why it should take up this campaign as part of its work; a grant proposal to a (hypothetical) philanthropy making the case for why it should fund this campaign, or a fellowship proposal to a (hypothetical) fellowship sponsor making the case for why it should fund the student to do this work at an organization. In the memo, students will describe the systemic policy deficiency (including who it harms and how), why its reform is important to access to justice, their proposed systemic policy solution and how it would address that systemic deficiency, the ways their campaign would employ a range of advocacy tools to realize the reform goal, and the organization they (hypothetically) work for (or intend to work for) and why the campaign is a good fit with that organization's mission and approach. The final paper is unlike a traditional term paper. It is not a static description of a particular policy, but rather it is about how a non-profit organization can take specific concrete steps to bring about a desired change in policy.

Grading. There is no exam for this seminar. The following is a break-down of the grading for the semester:

- Final memo: 40%
- Class presentations: 20%
- Writings during the semester: 20%
- Class participation: 20%

IV. Overview of Classes

- A. Defining the Problem and Identifying the Solutions
1. 1/23 What is Access to Justice
 2. 1/30 Identifying a Systemic Problem (**Joanna Weiss, Fines and Fees Justice Center**)¹
 3. 2/6 Identifying Possible Systemic Solutions (**Susan Shin, New Economy Project**)
 4. 2/13 Drafting Legislation, Rules, or Regulations (**Brian Crow, Manhattan District Attorney's Office**)
 5. 2/20 Zeroing in on One Solution (student presentations)
- B. Getting from Here to There: The Tools in the Advocate's Toolbox
6. 2/27 Power Mapping (**Zach Ahmad, NYCLU**)
 7. 3/5 The Power of Research (**Jullian Harris-Calvin and Jaeok Kim, Vera**)
 8. 3/12 The Power of Litigation (**Phil Desgranges, Legal Aid**)
 9. 3/19 The Power of Communications (Part I – Messaging) (**Alexandra Poole, Zealous**)
- 3/26 *No Class (spring break)*
10. 4/2 The Power of Communications (Part II – Op-ed Writing) (**Liberty Aldrich, Children's Law Center**)
 11. 4/9 The Power of Organizing, Lobbying and Politics (Part I — Written Testimony) (**Andrea Nieves, New York County Defenders**)
 12. 4/16 The Power of Organizing, Lobbying and Politics (Part II — Oral Testimony) (**Brian Kavanagh, New York State Senator**)
- C. Analyzing the Whole Campaign
13. 4/23 Student Presentations

¹ All speakers listed are subject to confirmation and may change.

V.
Classes with Speakers, Readings, Writing Assignments:

A.
Defining the Problem and Identifying the Solutions

1. January 23: What Is Access to Justice

Readings due:

- (1) Lizzie Presser, “Ambulance, Judge, Jail: When Debt Collectors Get to Decide Who Gets Arrested,” Pro Publica, October 16, 2019, <https://features.propublica.org/medical-debt/when-medical-debt-collectors-decide-who-gets-arrested-coffeyville-kansas/>
- (2) Sarah Stillman, *Sentenced to Life for an Accident Miles Away*, The New Yorker (Dec. 11, 2023), <https://www.newyorker.com/magazine/2023/12/18/felony-murder-laws>
- (3) Shoshana Walter, *They Followed Doctors’ Orders. Then Their Children Were Taken Away*, New York Times Magazine (Jun. 29, 2023), <https://www.nytimes.com/2023/06/29/magazine/pregnant-women-medication-suboxonbabies.html?searchResultPosition=12>
- (4) *What is Access to Justice?* National Center for Access to Justice, <https://ncaj.org/what-access-justice>

Writing Assignment Due: Read this week’s assigned readings with an eye to issue spotting. What access to justice issues do this week’s readings raise? Make a bullet point list with all the access to justice issues you find.

2. January 30: Defining the Problem

Guest Speaker: Joanna Weiss, Co-Director, Fines and Fees Justice Center

Writing Assignment (due by Jan. 28 at 9 p.m.): Select a problem from the list below, or email us by Thursday, January 25 with a very short description of another proposed problem of your choosing. The systemic deficiency – “the problem” – you select will be the focus of your advocacy project for the semester. In a short paper (2 to 4 pages) first answer the following questions about the scope and nature of the problem: (1) What is the problem? Describe it in one or two sentences. Try to identify alternative ways to define the problem. (2) Where does the problem occur? Is it specific to New York City?

To New York State? Does it happen across the country? (3) What harms does the problem create? (How does it hurt individuals? Does it have an economic impact? Social impact? Something else?) (4) How many people does the problem impact? Who are they and how does it affect them? (5) Does it have a disproportionate impact on particular communities? If so, which ones and how? (6) When did the problem start? Has it gotten worse at any point? If so, when?

Then answer: What laws (statutes, caselaw, and/or regulations) cause or exacerbate the problem? Be as specific as you can, quoting the law directly. If the absence of a law contributes to the problem (e.g., there is no right to counsel in civil cases), identify that too. If there are multiple sources of law contributing to the problem, try to identify all of them. For example, if the problem you have identified is that it is difficult for people to find and keep employment after exiting prison, you should research and describe not only the laws regarding whether a prospective employer can ask about incarceration history and whether employers can fire a person if they learn about a past conviction, but also parole regulations that might make it difficult to keep a job, limitations on work licenses for people with prior convictions, eligibility requirements for obtaining education loans, and more.

Criminal:

- People experiencing a mental health crisis are often arrested—and sometimes injured or even killed—during police encounters
- People are incarcerated for drug use
- People are charged unaffordable criminal court fines and fees
- People are charged with felony murder
- People plead guilty at high rates, including to crimes they did not commit
- People suffer physical violence in prisons and jails
- It is difficult for people to stay in touch with their loved ones while incarcerated
- People are denied parole at high rates

Reentry:

- People are jailed on sometimes small technical parole violations
- It is difficult for people to find and keep employment after prison
- When people exit jail or prison they often have no available housing

Family Stability

- Large numbers of children are placed in foster care with strangers
- Case workers search homes and question children without a warrant
- Some people cannot afford to get a divorce
- Divorce proceedings can add to children's trauma

Housing Security

- A growing number of people in New York City are unhoused
- People are evicted from their homes
- Public housing units are in a state of disrepair

- Police arrest people for sleeping on the subway

Debt and Bankruptcy

- People face unaffordable medical debt
- People face unaffordable student loan debt
- People do not assert available exemptions to garnishment and attachment, meaning they pay money that should be protected under law
- People have their wages garnished for a debt claim without ever receiving notice of a lawsuit
- People cannot afford to file for bankruptcy

Immigration

- Immigrants who have been arrested for even minor infractions are deported
- Immigrants are deported to countries in which they have never lived
- Immigrants are detained for long periods of time awaiting a hearing
- Immigrants are being incarcerated far away from their attorneys and their loved ones

Court Systems

- People with disabilities are unable to assert their claims effectively in court
- People with limited English proficiency are unable to assert their claims effectively in court
- The judiciary is not diverse
- There are not enough legal aid attorneys to represent people in every civil case

If you are looking for more inspiration for an access to justice problem on which to focus, consider skimming the Report to the Chief Judge of the State of New York from the Permanent Commission on Access to Justice

(https://www.nycourts.gov/LegacyPDFS/accesstojusticecommission/22_ATJ-Comission_Report.pdf); look through reports from the New York City Bar Association (<https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports>); and read the Justice Roadmap 2023, <https://justiceroadmapny.org/wp-content/uploads/2022/12/Justice-Roadmap-2023.pdf>

Readings due:

- (1) No Price on Justice Campaign, *New York's Ferguson Problem: How the State's Racist Fee System Punishes Poverty, Lacks Transparency, and Is Overdue for Reform*, https://noprisonjustice.org/wp-content/uploads/2020/09/New_York_Ferguson_Problem_NPJ_Report.pdf
- (2) NYCLU, *Following the Money: How New York Tries, and Ultimately Fails, to Extract Revenue from Indigent Criminal Defendants*, https://www.nyclu.org/sites/default/files/field_documents/230306-whitepaper-finesfees.pdf

- (3) National Center for Access to Justice, *Fines and Fees Index New York*, <https://ncaj.org/state-policy-report/NY>

3. February 6: Identifying Solutions

Guest Speaker: Susan Shin, New Economy Project

Writing Assignment (due by Feb. 4 at 9 p.m.): Research the systemic solutions that have already been proposed for your problem. Pay particular attention to what people who are directly impacted have said about the problem and their desired solutions, as well as to whether other cities, states or countries have implemented solutions. Have any proposed bills on point been introduced in the jurisdiction in which you are working? Then, in a short paper (3-5 pages) name and briefly describe three to five possible systemic law reforms that would ameliorate the problem you have identified. The solutions need not solve the problem entirely, but they should aim to reduce the number of people affected by the problem, limit the harms of the problem, enable people to obtain resolutions of their disputes, or in some other systemic way fix or ameliorate the systemic problem. For each of the solutions: (1) identify as specifically as you can what the solution would change in existing law; (2) describe how, if successful, the law change would impact the problem you have identified; (3) identify who (if anyone) is calling for this change in the law; and (4) discuss whether this law change has been tried in other places. Then, select one of the systemic solutions as the subject on which to focus your campaign during the semester and explain why you want to pursue this solution over the others you have identified. In 1 or 2 sentences clearly articulate the systemic goal that your campaign will achieve if successful.

Readings due:

- (1) New York Senate, *How a Bill Becomes a Law*, <https://www.nysenate.gov/how-bill-becomes-law>
- (2) Pages 1-9 of *Bill Drafting Manual: A Guide to Legislative Composition for the City of New York*, <https://council.nyc.gov/legislation/wp-content/uploads/sites/55/2023/03/NYC-Bill-Drafting-Manual-2022-FINAL.pdf>.
- (3) New Economy Project, *Joint Letter to Mayor Adams and Speaker Adams In Support of the Community Land Act*, <https://www.neweconomynyc.org/resource/joint-letter-to-mayor-adams-and-speaker-adams-in-support-of-the-community-land-act/>.

4. February 13: Drafting Legislation, Rules, or Regulations

Guest speaker: Brian Crow, Manhattan District Attorney's Office

Writing Assignment (due by Feb. 11 at 9 p.m.): Draft a bill (to be introduced to the City

Council or state legislature), a court rule, or a regulation that codifies the systemic change you are seeking to make. If you want to amend an existing law, copy the text of the current law and make your proposed amendments in redline. If your law is a new law (i.e. one that creates a new right previously not in existence) write the text and identify where in the laws or codes it should live.

Readings Due:

- (1) Deborah Beth Meadows, *A Beginner's Guide to Legislative Drafting*, Harvard Law School Journal on Legislation, Oct. 24, 2016, <https://harvardjoi.com/2016/10/24/a-beginners-guide-to-legislative-drafting/>
- (2) Pages 10-29 of *Bill Drafting Manual: A Guide to Legislative Composition for the City of New York*, <https://council.nyc.gov/legislation/wp-content/uploads/sites/55/2023/03/NYC-Bill-Drafting-Manual-2022-FINAL.pdf>
- (3) End Predatory Court Fees Act, <https://www.nysenate.gov/legislation/bills/2021/S3979>
- (4) Establishing a Day-Fines Pilot Program in the Office of Administrative Trials and Hearings, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6187601&GUID=4F6E2C66-E339-4BA0-8C13-41F4E9A45929&Options=ID%7cText%7c&Search=1008>

5. February 20: Zeroing In on a Systemic Solution: Student Presentations

Assignment: Prepare a 5 to 10 minute presentation that you will give to the class that (1) describes the problem you have identified, how it relates to access to justice, and its harms; and (2) explains your proposed solution and describes how, if successful, it will ameliorate the problem.

Readings due:

- (1) *Power Mapping*, Beautiful Trouble, <https://beautifultrouble.org/toolbox/tool/power-mapping/>
- (2) Working Partnerships USA and the 1000 Leaders Project, *Decision-Maker Analysis*, https://www.communitycatalyst.org/doc-store/publications/Decision-maker_analysis_template.pdf

B.
The Tools in the Policy Advocate's Toolbox

6. February 27: Power Mapping

Guest speaker: Zach Ahmad, NYCLU

Writing Assignment (due by Feb. 25 at 9 p.m.): First, select a non-profit to “work” for this semester. You may select from the list of non-profits below, select another one that is not on the list, or make up a new one entirely. If you are going to “work” for an existing non-profit, look at the organization’s website and the work that they have done. If you are making one up, think carefully about the mission, goals, staffing, etc. of your hypothetical organization. Then in a short paper (1-3 pages) answer the following questions: (1) What is the mission of the organization? (2) What area(s) of law does it focus on? (3) What kinds of work does it do, e.g., direct representation of clients, impact litigation, research, lobbying, etc.? (4) How does law reform fit into its broader work? (5) What role do lawyers play in the organization? (Is it primarily a legal organization? Are there some lawyers on staff?) (6) How does the organization select the issues on which it works? (6) How does it fund its work? Does it receive government contracts, individual donations, philanthropic grants, or other sources of funding?, and (6) How would your proposed project fit into its work? Would it extend a part of the work that they are already doing? Complement it? Deepen it? Open up an entirely different branch of work? If you are making up a hypothetical organization, also answer: how does this organization differ from existing organizations already working on similar issues?

Next, identify all of the decision-makers, allies, and opponents who might be involved in your issue. Draw a power map and place on it all the decision-makers you have identified, as well as allies and opponents. For each person or organization on the power map write a bullet point list describing: (1) Why they do (or do not) care about the problem and solution you have identified; (2) Why you have placed them where you have on the vertical axis (i.e. how much power they have on this issue); and (3) Why you have placed them where you have on the horizontal axis (i.e. how much they will agree or disagree with the solution you have proposed). Be sure to also put the organization you are “working” for this semester on the power map and identify why you have placed it where you have on the X and Y axis.

Sample non-profits:

- Advocates for Children
- Brennan Center for Justice
- Bronx Defenders
- CAMBA
- Center for Community Alternatives
- Center for Family Representation
- Civil Rights Corps.
- District Attorneys Association of New York
- Drug Policy Alliance

- Fines and Fees Justice Center
- Fortune Society
- Housing Justice for All
- JMAC for Families
- Legal Action Center
- Legal Aid Society
- Make the Road
- Met Council on Housing
- NAACP Legal Defense Fund
- National Center for Access to Justice
- National Center for Law and Economic Justice
- New York City Bar Association
- New York Civil Liberties Union
- New York Immigration Coalition
- New York State Defenders Association
- Parole Preparation Project
- Urban Justice
- Vera Institute
- VOCAL
- Worth Rises

Readings due:

- (1) Community Tool Box, *Section 5: Identifying Opponents*, Center for Community Health and Development, University of Kansas, <https://ctb.ku.edu/en/table-of-contents/advocacy/advocacy-principles/identify-opponents/main>
- (2) Watch: Right to Counsel in Immigration Court (Last Week Tonight with John Oliver): <https://www.youtube.com/watch?v=9fB0GBwJ2QA>
- (3) Rebecca Lewis, *New York Lawmakers Want Your Right to An Attorney to Cover Immigration Too*, City & State, Sept. 22, 2022, <https://www.cityandstateny.com/policy/2022/09/new-york-lawmakers-want-your-right-attorney-cover-immigration-too/377732/>
- (4) Fines and Fees Justice Center, *Interim Survey Results: The Impact of New Mexico's Fines and Fees* (Jan. 2023), https://finesandfeesjusticecenter.org/content/uploads/2023/01/New-Mexico-Survey-DIGITAL_2023.pdf.

7. March 5: The Power of Research

Guest speakers: Jullian Harris-Calvin and Jaeok Kim, Vera Institute

Writing Assignment (due by Feb. 25 at 9 p.m.): In a short paper (2-3 pages) research and describe the following: What research has already been done about your problem and your solution? What has it found? Identify gaps in the research that you think might be helpful to convince decision-makers to adopt your solution. Think about different types of research, including interviews with people who are directly impacted, opinion polls, assessments of economic impact, legal and other research about the roots of the problem, and more. Describe the kinds of research and outputs you think would be helpful in advancing your campaign and why.

Readings due:

- (1) Politico, *New York Democrats Didn't Defend Their Bail Law Changes. It Bit Them At the Polls.*, <https://www.politico.com/amp/news/2022/11/23/new-york-democrats-bail-law-00070800>
- (2) Ann Givens, *Changing Bail Laws, Rebuilding N.Y. State Police Among Gov. Hochul's Public Safety Proposals*, Gothamist, Jan. 10, 2023, <https://gothamist.com/news/changing-bail-laws-rebuilding-ny-state-police-among-gov-hochuls-public-safety-proposals>
- (3) Nick Sibilla, *New Delaware Law Ends Many Fines and Fees that Criminalize Poverty*, Forbes, <https://www.forbes.com/sites/nicksibilla/2022/10/04/new-delaware-law-ends-many-fines-and-fees-that-criminalize-poverty/?sh=18adbf557b1a>

8. March 12: The Power of Litigation

Guest speaker: Phil Desgranges, Legal Aid Society

Writing Assignment (due by Mar. 3 at 9 p.m.): Research caselaw that relates to your solution, paying particular attention to whether there has been litigation in other states that would advance your solution. In a 3-5 page paper, write about potential litigation you could bring to advance your campaign. In the paper, address:

- (1) Has litigation on point already been brought in New York? Other jurisdictions? If so, what was the result of those cases?
- (2) If you were going to file a lawsuit, what would the claim(s) be?
- (3) Who would be the plaintiff ?
- (4) Who would be the defendant?
- (5) Is there a scenario in which the desired goal could be achieved by a defendant?
- (6) Where would the lawsuit be litigated, and would it be in a state or a federal court?
- (7) Would you try to bring the claim as an individual action, a multiple plaintiff action, or a class action?
- (8) What kinds of evidence would be needed for the claim to prevail?
- (9) If the litigation is likely to succeed, what change could it achieve?

- (10) If the litigation is unlikely to succeed, are there nevertheless benefits to bringing the lawsuit?
- (11) Are there risks to bringing the litigation? If so, what are they?
- (12) Given the potential benefits and risks, would you recommend that the organization (or another organization in coalition with your organization if your organization does not do this kind of litigation) bring the litigation?

Readings due:

- (1) *People ex. rel. Degranges v. Anderson*, <https://casetext.com/case/people-ex-rel-degranges-v-anderson>
- (2) Deepti Sood and Jared Raynor, *Stepping into the Fight: A Guide for Nonprofits to Understand and Engage in Legal Advocacy*, TCC Group, <http://www.atlanticphilanthropies.org/wp-content/uploads/2016/07/NonprofitGuidetoLegalAdvocacy.pdf>
- (3) *Why Should You Consider Bringing Strategic Litigation?* Children’s Rights International Network, <https://archive.crin.org/en/guides/legal/guide-strategic-litigation/why-should-you-consider-bringing-strategic-litigation.html>
- (4) Blake Strode, *A Holistic Approach to Legal Advocacy*, Brennan Center for Justice, Sep. 7, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/holistic-approach-legal-advocacy>

9. March 19: The Power of Communications (Part I—Messaging)

Guest speaker: Alexandra Poole, Zealous

Writing assignment (due by Mar. 10 at 9 p.m.): In a short paper (1-3 pages) identify a person or entity that you want to convince to support your proposed policy solution. Who are you targeting and why? What kinds of arguments do you think will resonate with them? Moral? Economic? Religious? Connecting the issues to something else they care about? Something else? Why do you think that will resonate?

Readings due:

- (1) Watch: *What Aristotle and Joshua Bell Can Teach Us About Persuasion*, <https://www.youtube.com/watch?v=O2dEuMFR8kw>
- (2) *Op-Ed Writing: Tricks and Tips*, The Op-Ed Project, <https://www.theopedproject.org/resources>
- (3) Scott Hechinger, *A Massive Fail on Crime Reporting By the New York Times*, NPR, The Nation, Oct. 6, 2021, <https://www.thenation.com/article/society/crime-reporting-failure/>

March 26: No Class (Spring Break)

10. April 2: The Power of Communications (Part II—Op-ed Writing)

Guest speaker: Liberty Aldrich, Children’s Law Center

Writing Assignment (due by Mar. 17 at 9 p.m.): Write an op-ed that argues for the adoption of your proposed policy as law. The op-ed should be between 700 and 800 words.

Readings due:

- (1) Trish Hall, *Op-ed and You*, New York Times (Oct. 13, 2013), <https://www.nytimes.com/2013/10/14/opinion/op-ed-and-you.html>.
- (2) Erik Nielson and Charis Kubrin, *Rap Lyrics on Trial*, New York Times (Jan. 13, 2014), <https://www.nytimes.com/2014/01/14/opinion/rap-lyrics-on-trial.html>.
- (3) Bruce Green and David Udell, *What’s Wrong With Getting a Little Free Legal Advice?*, New York Times (Mar. 17, 2023), <https://www.nytimes.com/2014/01/14/opinion/rap-lyrics-on-trial.html>
- (4) Liberty Aldrich, *Is Family Court Worth Saving?*, Vital City (Jan. 4, 2024), <https://www.vitalcitynyc.org/articles/is-family-court-worth-saving>

11. April 9: The Power of Organizing, Lobbying, and Politics (Part I – Written Testimony)

Guest speaker: Andrea Nieves, New York County Defender Services

Writing Assignment (due by 9 p.m. on Mar. 31): Pretend that a Senate or House committee is holding a hearing on a bill that would make the change you are seeking. Write a short (no longer than 2 pages single spaced 12pt font) piece of written testimony to submit into the record. Alternatively, write a short (no longer than 2 pages 12pt font) letter to a decision-maker (other than a legislative committee) about why they should make the change you are seeking. The testimony or letter should (1) describe the specific change you are seeking, (2) make a persuasive argument about the need for this change, and (3) provide evidence and research to support your arguments.

Readings due:

- (1) *Sample Written Testimony: The Basics*, <https://lrb.hawaii.gov/par/wp-content/uploads/sites/2/2019/12/Sample-testimony.pdf>

- (2) Non-Profit New York, *Legislative Memo Template* (Mar. 2021), <https://thecommunity.nonprofitnewyork.org/s/article/Legislative-Memo-Template>
- (3) NYCLU testimony in support of the End Predatory Court Fees Act: <https://www.nyclu.org/en/legislation/end-predatory-court-fees-act>
- (5) Christie Thompson, *Mental Health Care is Broken. Is Police Hospitalizing More People the Answer?*, The Marshall Project, Dec. 17, 2022, <https://www.themarshallproject.org/2022/12/17/mental-illness-involuntary-hospitalization-new-york-california>
- (6) New York City Bar, *Report on Legislation By the Criminal Justice Operations Committee, Corrections and Community Reentry Committee, Criminal Courts Committee and the Mask Incarceration Task Force*, <https://s3.amazonaws.com/documents.nycbar.org/files/20221021-TreatmentNotJails.pdf>

12. April 16: The Power of Organizing, Lobbying, and Politics (Part II – Oral Testimony)

Guest speaker: Brian Kavanagh, New York State Senator

Assignment: Write out and prepare to give oral testimony in favor of your proposed solution. Imagine that a Senate or Assembly committee is holding a hearing about the topic and you have two minutes to make the case for why your solution is the one they should adopt. Write a short statement that (1) identifies who you are and who you work for (2) explains why the legislators on this committee should care about the issue, and (3) why they should adopt your solution. You will read this oral testimony to the class.

Readings due:

- (1) *Guide: Advocacy 101 (How to Lobby on the Issues You Care About)*, Rhode Island ACLU, <https://riaclu.org/en/advocacy101> (be sure to click through the links).
- (2) Citizen Advocacy Center, *Guidelines for Preparing, Writing, and Giving Testimony*, https://www.citizenadvocacycenter.org/uploads/8/8/4/0/8840743/guidelines_for_preparing_writing_and_giving_testimony.pdf
- (3) Watch: *Tips on Testifying Before a Legislative Committee*, <https://www.youtube.com/watch?v=QcvukGnGWuk&t=26s>

C. Analyzing the Whole Campaign

13. April 23: Student Presentations

Students will prepare and give a 10 minute presentation to the class about the problem they have identified, their proposed solution, who the campaign will target and how, and the advocacy tools they will use to move the campaign forward.

Final Paper Guidance: Drawing on the work and writing you have done over the course of the semester, write a memo describing your advocacy campaign in all its parts. You may address the memo to: (a) a (hypothetical) philanthropy whose mission is to increase access to justice with the goal of persuading it to fund your campaign at the (hypothetical) organization for which you are working; (b) the executive director or policy director of the (hypothetical) organization for which you are working with the goal of persuading them to greenlight your campaign; or (c) a (hypothetical) fellowship program that funds post-graduate roles for recent law school graduates who propose to carry out an access to justice campaign at a (hypothetical) non-profit organization for which you seek to work. Regardless of which option you pick, you do not need to create a budget for your work.

Your goal is to convince the philanthropy, organization, or fellowship program that it should greenlight your systemic policy campaign because it is important, impactful, and well thought-out. Be sure to include in your memo (1) a description of the justice problem you identified and why it is imperative to fix it; (2) your proposed solution, including the harms caused by the problem and how your proposed solution would ameliorate them; (3) a plan for which decision-makers you will target in your campaign, as well as how likely they are to adopt your solution and why, as well as who will work with you in coalition and who will likely oppose the campaign (as well as a plan for how to counter that opposition); (4) an outline of each of the tools of policy advocacy you will use, including a description of how and why they would be deployed (or not) during the campaign, and (5) a description of why your chosen organization's mission and methodology are a good fit for the proposed campaign.

With respect to each of these elements, please explain your reasoning. Where there are gaps in knowledge that are important to establishing or deepening critical parts of the analysis, describe those gaps, and explain what steps the organization can constructively take to fill them. Append to your memo your draft bill (or rule), op-ed and the legislative testimony you wrote. The memo is due on April 23, but students may receive extensions upon obtaining prior approval from the professors.