Course Syllabus

SW 770- Social Work and the Law
Winter Term 2006

Wednesday 9:00 - 12:00 - Room TBA

Instructor: Karen M. Staller, Ph.D., J.D.

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Course Description

This introductory course is designed to provide students with a basic understanding of the law, legal processes, and legal systems as they relate to social work practice as well as to introduce students to the field of forensic social work. Forensic social work is defined by the National Association of Forensic Social Workers as “the application of social work to questions and issues relating to law and legal systems, both criminal and civil.” This course is designed to challenge students to think about the variety of ways that social work practice and law intersect. In particular we will cover five major aspects of this intersection: the significance of courts and case law to issues of social justice; the role of social workers as witnesses (lay and expert) in judicial proceedings; judicial advocacy and the role of social workers in class action law suits (impact litigation) used for social reform or protection of civil rights; the use (and misuse) of social science by the courts; and legal regulations and case law that impact social work practice. Students should understand that any single week in this schedule could be expanded to a full semester of study. So students are advised to think about each week as an introductory case study to the ideas under investigation in that unit.

Course Objectives

• Describe and critically analyze the historical intersections between legal systems and social work practice as it relates to issues of social justice;
• Describe major sources of legal authority including constitutional law, statutory law, administrative law and regulations, common law and critically analyze its relevance to social work;
• Describe and critically analyze the intersection of social work and law on issues of significance to social workers such as poverty, health and mental health, family law, juvenile justice, child welfare, immigration, employment etc. (paying particular attention to issues of gender, age, race/ethnicity, health status, mental capacity, sexual orientation, etc.);
• Demonstrate an understanding of the skills necessary to practice forensic social work including the role of expert witnesses, fact witnesses, writing court evaluations and reports;
• Discuss and critically analyze how advocacy strategies involving the courts can be used for social change and social justice on behalf of clients, client groups, and populations;
• Describe and critically analyze the use (or misuse) of social science research in judicial cases relevant to social work practice;
• Describe and critically analyze legal regulations and court cases involving the practice of social work.

Required Textbooks

All required readings are to be completed prior to the class sessions for which they are assigned. Please bring course pack readings assigned for the day to class with you. All required readings are from textbooks, coursepack, online, and/or distributed by the instructor.


COURSEPACK (C-PACK) & COURSE TOOLS (C-TOOLS). Please note that in addition to assignments from the textbooks listed above there are other required readings each week. The articles or cases will be labeled either C-TOOLS or C-PACK. Those articles or cases I could find online have been posted on the course tools webpage (C-TOOLS). A Coursepack (C-PACK) is available for purchase at Exell Test Preparation, (1117 South University) which includes those items not available online. Note that hard copies of the combined readings (C-PACK and C-TOOLS) will be on reserve at the School of Social Work library.

Course Assignments

There are three major assignments for this course. They are:

**Assignment One:** Reflective journal that contains a weekly essay on the reading (2-3 pages), a weekly essay on class discussion (1-2 pages), and three short essays about legal issues in the news (such as the Alito confirmation hearings). The reading and class essays are due each week (the reading essay on the day class reading is required; the class discussion essay the week following class). The three short news-based essay may be handed in any time during the semester. The entire complied journals (containing all essays) are due March 29th (the entire journal will be graded at this time). Counts as 50% of your final grade.

**Assignment Two:** Pick either Expert Witness or Class Action Advocacy. (See separate instruction sheet handout). Written paper 5-8 pages. Due March 8th. Counts as 25% of your final grade.

**Assignment Three:** Paired Presentations. This is a small group project and consists of an in-class presentation (and written summary for the instructor) on a legal topic of interest. (See separate instruction sheet handout). Due March 29, April 5, or April 12. Presentations will be about 45 minutes long (or shorter depending on class size). Feedback and grading will come from both instructor and classmates. Counts as 25% of your final grade.

Two Notes on Grading:

1. Class attendance and class participation are considered essential for this course. Therefore you are expected to attend, to be prepared, and to make reasonable contributions. It is your responsibility to get materials, handouts, or class notes from one of your classmates if you are unable to be in class.

2. In general, I do accept challenges to grades. However, challenges must be in writing (not verbal); must be specific, and must be based on substantive arguments (or mathematical errors) not on
nebulous reference to “fairness.” The instructor reserves the right to re-read, and re-grade, the work in its entirety in the case of a challenge. The grade may be adjusted up or down.

**Academic Misconduct:** Please acquaint yourself with University of Michigan, UM School of Social Work, and NASW policies on scholarly integrity. All academic dishonesty, including cheating, plagiarism, fabrication, and misrepresentation, will be treated seriously. You will find a discussion of plagiarism on of your Student Guide to the Master’s in Social Work Degree Program 2003-2004. Note that using Web resources increases the risk of “accidental plagiarism.” Do not let that happen.

**Schedule of Classes**

**WEDNESDAY JANUARY 11**

**INTRODUCTIONS**

Syllabus, course assignments, expectations. Introduction to intersections of law, social work practice (IP, community organizing and policy), and issues of social justice. Forensic social work. Roles for social workers.

**Audiotape:** *May it Please the Court*, Introduction “The Supreme Court: A Thrilling Place to Be”

**Reading:**


**WEDNESDAY JANUARY 18**

**GETTING ACQUAINTED WITH THE LEGAL SYSTEM**

Terms of art. Federal and State court systems. Criminal and Civil proceedings. Courts of special jurisdiction (probate, family, drug court, etc). Standards of proof. Court room players and proceedings, including the role of witnesses (expert and lay) and process (depositions, hearings, trials, appeals, etc). Legal citations and “reading” cases, law review articles, briefs (in particular amicus briefs) and other legal literature. Statutes and regulations.

**Video tape:** Justice for All: An overview of the federal courts

**Handouts:**

- Map of US Courts of Appeals and District Courts

**Reading:**


**WEDNESDAY JANUARY 25**
CONSTITUTIONAL OVERVIEW, SUPREME COURT, AND SOCIAL JUSTICE

Constitutional issues of particular relevance to social work (liberty, privacy, equal protection, due process, etc). Range of cases and issues litigated under constitutional provisions. The role of the Supreme Court. Justices and voting patterns. Implications and legacy of judicial appointments. The relationship among: statutes, regulations, constitutionality, courts and clients. Fair hearings and the role of advocates. “Poverty” law.

Handouts:

- United States Constitution

Audiotape: Oral arguments Roe v Wade; Loving v. Virginia; Cox v. Louisiana

Reading:

Legal Services Corporation v. Velazquez et al. (Feb. 28, 2001). No. 99-603. C-PACK.

Cases of Interest:


WEDNESDAY FEBRUARY 1
8TH AMENDMENT PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT.

Intersection of the 8th Amendment and special populations (age, gender, race, mental capacity, quality of legal representation, and execution style) raising issues of social justice. Discriminatory impact of application of death penalty. State determination. Death penalty advocacy projects.

Audiotape: Oral Arguments in Gregg v. Georgia

Handouts:

**Reading:**


**Cases of Interest:**


**WEDNESDAY FEBRUARY 8**

**FORENSIC SOCIAL WORK: EXPERT WITNESSES (DEATH PENALTY MITIGATION; CHILD SEXUAL ABUSE).**

Social workers as **expert witnesses**. Preparation for testifying. Conducting forensic biopsychosocial assessments, records and documents, interviews, social science research, etc. Qualifying as an expert. Direct and cross examination. Rules of evidence and testimony.

**Video tape:** Testifying about child sexual abuse: A courtroom guide with Kathleen Coulborn Faller and Suellyn Scarnecchia and/or Joanne Terrell, LSCW and death penalty mitigation specialist

**Handout:**

- Joanne Terrell, MSW, LCSW. “Psychosocial Assessment of J. J.”. Death Penalty Case.

**Reading:**


**WEDNESDAY FEBRUARY 15**

**14th AMENDMENT: EQUAL PROTECTION, DUE PROCESS, RIGHT TO PRIVACY**

The importance of the 14th Amendment to issues of social welfare (affirmative action in education, employment, etc; abortion, gay rights, school integration, gender equality, etc). *California Regents v. Bakke* and *Grutter v. Bollinger, Gratz v. Bollinger*. The significance of the University of Michigan cases in broader social and historical context. The significance of *Bowers v. Hardwick* and *Lawrence v. Texas* in broader social and historical context. Including the debate around gay marriage, civil unions, and domestic partnerships.

**Handouts:**
- “Michigan Civil Rights Initiative” and Frequently Asked Questions

**Video tape:** Affirmative action and its implications

**Audiotape:** Oral Arguments in *Bowers v. Hardwick* and *California Regents v. Bakke*

**Reading:**


**Cases of Note**

*Plessy v. Ferguson*, 163 U. S. 537 (1896)


**WEDNESDAY FEBRUARY 22**  
**CLASS ACTION LAWSUITS AS A FORM OF SOCIAL JUSTICE ADVOCACY, SOCIAL WELFARE CHANGE.**

Legal action as a tool for social welfare reform. Conservative and liberal special interest groups. Is there such a thing as an activist judge?

**Handouts:**


**Reading:**


**WINTER BREAK**

**WEDNESDAY MARCH 8**  
**PROFESSIONAL RESPONSIBILITY: SOCIAL WORK PRACTICE, ETHICS AND THE LAW**

Confidentiality, duty to warn, privileged communications, mandated reporting, professional liability. What do you need to know?

**Audiotape:** Oral arguments in *DeShaney v. Winnebago County*

**Handouts:**


**Required Reading:**


**Cases of Note:**


**WEDNESDAY MARCH 15**

**SOCIAL SCIENCE AND LEGAL ISSUES: USING AND NOT USING WHAT WE KNOW**

The use and misuse of social science research by the judicial branch. Social worker role and responsibility to educate the court, lawyers, and others involved in pursuing cases.

**Handouts:**


**Reading:**


**WEDNESDAY MARCH 22**

**MENTAL HEALTH, POVERTY, AND PRISONS**

We will consider the long history of criminalizing mental illness and poverty. Intersections between mental health, poverty, and legal institutions. Begging, loitering, public morals, nuisance etc.

**Video tape:** *The New Asylums*
Reading:


**Wednesday March 29**
Class Presentations: Topics to be selected by students.

**Wednesday April 5**
Class Presentations: Topics to be selected by students.

**Wednesday April 12**
Class Presentations: Topics to be selected by students.