

**LEGAL PROBLEMS OF INDIGENTS**

**Spring 2006**

**SYLLABUS**

<u>WEEK, DATE &amp; PAGE NUMBERS OF READINGS</u>	<u>FACULTY LEADER</u>	<u>TOPIC</u>	<u>DESCRIPTION</u>
Week 1 Jan. 11	Norton, Muller-Peterson, Marritz	Background of Legal Services	Hypothetical that raises across-the-board issues of professionalism, politics, and services
<b>READING:</b>	Molly Ivins, "Legal Aid Group Fights for its Life" Val Verde Voting Rights Case - Background Phil Gramm on Senate Floor Judge Biert's Decision on the Law John McKay letter		
Week 2 Jan. 18	Norton/Zurflieh	Welfare Issues	Policy issues; assumptions underlying welfare reform; what it is like to be poor Outside presenters
<p><u>Working From the Margins-Voices of Mothers in Poverty</u>, Virginia E. Schein, Cornell U. Press, 1995, pgs. 27-39, 41-54, 69-89 (<b>Auditors read at least one chapter</b>) Pa. Welfare facts - 1 page WELFARE: A Documentary History of U.S. Policy and Politics, ed. By Gwendolyn Mink and Rickie Solinger, chapter 152—"Teenage Pregnancy and the Welfare Reform Debate by Alan Guttmacher Institute</p>			
Week 3 Jan. 25	Norton/Zurflieh	Welfare Reform	Facts and fallacies underlying the recent national changes in the availability of welfare benefits for single parents and their children. Students present their solutions to problem presented in hypothetical, using OPS memos provided and Pennsylvania statutes.
<p>The Self-Sufficiency Standard for Pennsylvania, Wider Opportunities for Women, 1997, reprinted pages will be placed in your box. Pgs. 1-5, 2, 28 <b>"A Piece of the Puzzle—How States Can Use Education to Make Work Pay for Welfare Recipients," Carnavale and Reich with Johnson and Sylvester. (Auditors should read this piece), reprinted pages</b> Act 35, 62 P.S. §§ 402, 405.1, 405.3, 408, 432.3</p> <p>Assignment Hypothetical and Welfare Domestic Violence and Education and Training Operations Memoranda are posted for Week 3.</p>			

Week 4 Feb. 1	Marritz	Administrative Law  SSI	Concepts and procedures common to the administrative processes in public benefits cases such as welfare, unemployment compensation, social security disability, SSI, public housing, and education. Topics: hearing procedure, standards of proof; evidentiary issues; appellate review
<b>READING:</b>	Pennsylvania administrative procedure outline/statute <u>Lyness v. State Board of Medicine</u> , 605 A.2d 1204 (Pa. 1992) <u>A.Y. v. Dept. of Public Welfare</u> , 641 A.2d 1148 (Pa. 1994) <u>Begis v. Industrial Board</u> , 308 A.2d 643 (Pa. Cmwlth. 1973) <u>Lansberry Inc. v. Public Utility Commn.</u> , 578 A.2d 600 (Pa. Cmwlth. 1990) <u>Lyness v. State Board of Medicine</u> , 605 A.2d 1204 (Pa. 1992) <u>Peak v. Unemployment Compensation Board of Review</u> , 501 A.2d 1383 (Pa. 1985) <u>Richardson v. Perales</u> , 402 U.S. 389 (1971)		
Week 5 Feb. 8	Muller-Peterson	Unemployment Compensation	Unemployment compensation system: most frequent issues for low income clients, hearing preparation
	Unemployment Compensation Reading: Excerpts from statute, 43 Pa. C.S.A., Sections 751, 752, 801, 802 <b><u>Frumento v. UCBR</u>, 351 A.2d 631 (S. Ct. of Pa.) (willful misconduct) - Auditors read</b> <b><u>Jones v. UCBR</u>, 510 A.2d 1278 (Commw. Ct. 1986) (Voluntary quit) - Auditors read</b> <u>Truitt v. UCBR</u> , 589 A.2d 208 (Commw. Ct. 1991) (Child care) <u>Stokes v. UCBR</u> , 372 A.2d 485, (Commw. Ct. 1977) (Section 3) <u>Walker v. UCBR</u> , 367 A.2d 366 (Commw. Ct. 1976) (Evidence/hearsay) <u>Highland Park Ctr. v. UCBR</u> , 503 A.2d 1037 (Commw. Ct. 1986) (Evidence/business records)		
Week 6 Feb. 15	Muller-Peterson Marritz	Unemployment Compensation Hearings	Students will participate in mock hearings based on legal services cases
<b>READING:</b>	Case documents and relevant law – These will be distributed in Week 5.		
Week 7 February 22	Norton	Private Rights of Action	Focus on federal claims brought on behalf of indigent people, using substantive laws enforceable under § 1983, and implying causes of action where federal law is silent as to enforceability.

<b>READING:</b>	<u>Maine v. Thiboutot</u> , 448 U.S. 1-11 <u>Blessing v. Freestone</u> , 117 S.Ct. 1356-1364 ( <b>Auditors read</b> ) Child Support statute and regulation 42 U.S.C. § 657(a)(2)(A) 45 CFR § 302.51(a)(1) & (2); (b)(1);(f) <u>Cort v. Ash</u> , 422 U.S. 66,		
Week 8 March 1	Norton  Muller-Peterson	Hour 1 Private Rights of Action, continued  Hour 2 Client counseling	Students will present a case they read in the materials posted to Week 8.  Techniques of good interviewing and client counseling will be explained and demonstrated
<b>READING:</b>	To be assigned		
Week 9	<b>BREAK</b>		

<p>Week 10 March 15</p>	<p>Marritz</p>	<p>Housing Overview Landlord/Tenant 1 hour</p> <p>Housing hypothetical</p>	<p>Private landlord-tenant relationships; (implied) warranty of habitability; security deposits; right to quiet enjoyment; self-help evictions; judicial eviction proceedings; impediments to appellate review.</p> <p>Students will conduct part 2 of the interview—explaining the law and discussing options</p> <p>Students will evaluate strengths and weaknesses of other parties' positions</p>
<p>Outline of LT law            LT statutes and court rules – evictions, security deposits            list of LT related statutes – USTRA, Plain Language, mobile homes  <u>Pakyz v. Weiser</u>, 15 Adams L.J. 196 (1974)  <u>Kuriger v. Cramer</u>, 498 A.2d 1331 (Pa. Super.)  <u>Smith v. Coyne</u>, 555 Pa. 21, 722 A.2d 1022            Pa. Constitution, Article V, sec. 10(c)            Plain Language Act</p>			
<p>Week 11 March 22</p>	<p>Muller-Peterson</p>	<p>Guest lecture on public housing (Hour 1)</p> <p>Introduction to domestic violence (Hour 2)</p>	<p>Chris Gulotta, director of the Cumberland County Housing Authority, will provide an overview of available programs and current legal issues</p> <p>Nature of domestic violence and legal responses: Historical and social context, Battered Women's Movement, Civil Protective order and the criminal justice system's response</p>
<p><b>READING:</b></p>	<p>Excerpts from articles and statute to be distributed.  <u>Bradley v. State</u>, 1 Miss. 156, Walker 156  <u>R.G. v. T.D.</u>, 672 A.2d 341 (Pa. Super. Ct. 1996) (def. (5))  <u>D.H. v. B.O.</u> 734 A.2d 409 (Pa. Super. Ct. 1999) (relationship/def. (5))  <u>Miller ex rel, Walker v. Walker</u>, 665 A.2d 1252 (Pa. Super. Ct. 1995) (def. 1/children)  <u>Chronister ex rel. Morrison v. Brenneman</u>, 742 A.2d 190 (Pa. Super. Ct. 1999)  <u>Burke ex rel. Burke v. Bauman</u>, 814 A.2d 206 (Pa. Super. Ct. 2002) (def. 2)</p>		

Week 12 March 29	Muller-Peterson	Domestic Violence	Panel Presentation followed by a discussion-- The panel will be made up of a victim of domestic violence, a shelter worker, a police chief, and a prosecutor
<b>READING</b>	Review materials from Week 11		
Week 13 April 5	Muller-Peterson	Custody Client Interview	Custody overview, relocation, and third party rights  Interview and advise our client
<b>READING</b>	<u>Cardamone v. Elshoof</u> , 659 A.2d 575 (Pa. Super. Ct. 1995) (overview) <u>Gruber v. Gruber</u> , 583 A.2d 434 (Pa. Super. Ct. 1990) (relocation) <u>Graham v. Graham</u> , 794 A.2d 912 (Pa. Super. Ct. 2002) 23 Pa. C.S.A. 5313 (grandparents) <u>Charles v. Stehlik</u> , 744 A.2d 1255 (Pa. 2000) (standing-- non-parents) <u>Ken R. ex rel. C.R. v. Arthur</u> , 682 A.2d 1267 (Pa. 1996) (standing—non-parents)		

Week 14 April 12	Muller-Peterson		
<b>READING:</b>	Excerpts from Unfair Trade Practices and Consumer Protection Law, Commercial Code and Auto Industry Trade Practices Regulations  Hypothetical and cases to be posted on Angel NOTE: There may be a change in the cases selected for this session. Be sure to look on Angel for the cases.		
Week 15 April 20	Marritz Muller-Peterson Norton	Public Interest Career issues Reading To be distributed	Meet in classroom to do course evaluations. Then go to Professor Peterson's house for discussion of assignment, food, and drink.

