

Syllabus and General Class Information for Colloquium
University of Houston Law Center
Spring 2013
Professor Lonny Hoffman

Class Logistics

We meet in the Heritage Room. Class officially begins at 12:00 but you are welcome to get there around 11:45 or so if you want. Food will be ready then (yes, I feed you lunch, if you didn't know that). Around 12:10, I will introduce the speaker very briefly and then get out of the way. The speaker will talk for about 20 minutes (plus or minus 5 minutes, depending on the subject). They will try to give a brief summary of their argument and perhaps also raise questions that they think their paper provokes. At that point, we open things up to a question/answer discussion period. So, basically, what this means is that we go for about an hour (from 12:30ish to 1:30) for discussion.

For the discussion period, you usually just raise your hand and the presenter will call on you. In some rare instances, I might get involved in the process of helping the presenter with ordering questions. A number of my faculty colleagues will also be in the room with us. Also, when I think it makes sense, I invite others in the law school (and broader Houston) community to join us. I mention that these other people may be in the room so you know that it will not always be just students asking questions. Some weeks that will not be a big deal because will not be that many other people. Other weeks, the class may be quite full and it may be harder to get the speaker's attention.

In-Class Discussion (Your Questions/Comments)

This is one of my favorite things about the class. I feel as though it is one of the few times in a law school classroom setting that students are given the opportunity to be themselves, to be creative. Very often, it seems to me, we say something to this effect: *We really want you to think and act and talk like a lawyer, so you must do this and must say that.* I'm sure there are benefits to this kind of indoctrination, but there are also costs. In putting this class together, I consciously tried to emphasize that I value your independent thinking, quirky and different and colorful as it may be.

There is not any exact prescription for what kind of questions you should ask (or comments you should offer). Obviously, be respectful, but does not mean you cannot disagree or argue respectfully with the speaker, if they have said/written something with which you do not agree. A rich discussion probably often requires some kind of exchange in which the questioner is pushing the other one. In terms of my expectations, I like to see people engaged in the discussion. That's the main thing; and it should go without saying (but I'll say it anyway) that quality is what matters, not quantity. Do not ask multiple mediocre question (*What was your argument in Part I, I really can't recall?*). It is far better to ask one very good question that shows you have thought about the work and have something to say or ask that furthers the discussion along.

What You Need To Do Before Class

I will be sending the speaker papers to you two weeks in advance of the speaker's visit. You should read the papers carefully. After reading it, you will do one of two things. One possibility is that you will write a response/reaction paper. You have to do this for 5 of the 10 papers we will read this semester. On the weeks that you do not write a response/reaction paper, you will write a paragraph or so that tells me briefly what you thought of the paper and what interesting question(s) you think it provokes. This alternative submission does not need to be detailed: just enough to show me you read it. The bit about including what questions you think it raises is meant to jump start your thinking for class so you will write down the kind of questions/comments you might ask or bring up in class.

Response/Reaction Papers

Some basic information about the papers is in order first. The papers should be between 4-5 pages, double spaced. They are due before class begins (bring a hard copy to class with you).

As for the substance of the papers, like my views about in-class participation I think this sort of written work offers an opportunity that does not come along frequently enough in law school. We rarely give students the opportunity to be original in their writing and we usually just ask students to regurgitate something back to us: *Give us the relevant facts; Give us the holding. Summarize the relevant authorities.* With these response/reaction papers, I am inviting you to think creatively; to come up with original ideas and points and then to put them down in a short persuasive work. Think of these papers like a great book review. A great book review is worth reading because you learn something from reading it whether or not you go on to read the book. Indeed, it is not a bad idea to go read some book reviews from the New York Times or New York Review of Books before you begin writing your first response/reaction paper.

Here are some good rules of thumb to keep in mind as you write these papers.

1. Don't spend too long on the author's thesis. That is the kind of traditional regurgitation work that you are usually asked to do. I would rather see you do more original stuff and summarizing the other guy's work just is just not nearly as original or interesting.
2. Have your paper be about some original idea that you come up with after reading the author's paper. It can be about the author's subject/argument, or it can be about something totally different that you thought linked up in some way to the author's paper.
3. Be careful in coming up with your original thesis not to bite off too much. That is often a problem since you only have five pages, at most, to write. Do not try to talk about some idea that is so big that you cannot adequately address it. When you bite off too much, you run the risk of sacrificing the ability to delve deeply into what you want to say. The net effect, usually, is that you end up not being able to adequately describe or defend your argument.

4. If you are going to ask critical questions of the author's thesis, you might think about framing them along one of these lines (you certainly should not try to address many or all of these in the same paper):
 - A. Are there flaws in the argument or methodology that warrant discussion?
 - B. Are there unjustified or incompletely defended assumptions in the argument? Would changing any of these assumptions change the normative arguments advanced?
 - C. Are there issues that the author does not address that should have been considered or are there alternative accounts that may bear on the analysis that the author failed to take into account?
5. Be sure to turn in a clean copy: no typos, misspellings, etc.

The website, www.jotwell.com, is another good reference to get a sense of the kind of substantive content for which you should be aiming. Here you will find short pieces that discuss about law review articles that someone liked (hence its name, Jotwell: Journal of Things We Like A Lot). Our response/reaction papers are very similar to these Jotwell submissions in many ways. The one big caveat is that I believe Jotwell's senior editors greatly prefer that the submissions there not be very critical (at least not highly critical) of the works reviewed (it is, after all, the Journal of Things We Like a Lot (not Journal of Things We Thought Were Really Crappy). That said, there are a number of entries I have read that do more than just summarize. Still, keep in mind that a typical Jotwell submission does much more summarizing than I would like to see you do.

Finally, another—and perhaps even better—way to get a sense of what I'm looking for in the response papers is to read a few prior student papers. They are included in this packet. The reason that this is a better, but not perfect, way to get a sense of how to write these papers is that without reading the underlying law review article the student paper is addressing it is harder to see what these student papers are doing well. That limitation aside, seeing prior student work overall seems more a good and helpful thing than not so I provide them to you.

Grading

The five reaction/response papers will collectively count for 80% of a student's grade. Class participation counts for the remaining 20% of the total grade. The short paragraphs you do on the weeks that you do not turn in a reaction/response paper count toward class participation. Grading criteria for response/reaction papers will include (1) originality of thesis/argument; (2) persuasiveness and writing quality; (3) organization/flow of argument; and (4) overall quality of work submitted.

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Jan 24

Eric Posner (Chicago)

Jan 31

Darrell Miller (Cincinnati)

Feb 7

Cesar Garcia (Capital)

Feb 21

Karen Rothenberg (Maryland)

Feb 28

Peter Huang (Colorado)

Mar 7

Sergio Campos (Miami)

Mar 21

Angela Harris (U C Davis)

Mar 28

Stephanie Lindquist (Texas)

Apr 4

Josh Chafetz (Cornell)

Apr 11

Simona Grossi (Loyola Los Angeles)