

**Syllabus and General Class Information for Colloquium**  
**University of Houston Law Center**  
**Spring 2022**  
**Professor Lonny Hoffman**

**Note about Spring 2022**

For the Spring 2022 semester, the class will meet entirely online. Students may elect to take this course Pass/Fail.

**Course Description**

The Colloquium is an attempt to create a cooperative scholarly enterprise in which students and faculty from other schools work collaboratively. Each week, the invited faculty speaker presents a work in progress to the class. Prior to class, students read the paper and come prepared to discuss and critique it. Students benefit from being exposed to scholarly analytic treatment and discussion of a subject in ways that few other, if any, law school classes provide.

For Spring 2022, we have a terrific lineup of speakers (see list on last page). They range from established luminaries of the legal academy to a number of up and coming early-career stars. Although their topics will vary, all speakers will bring original and engaging perspectives.

We meet on Mondays from 12:00-2:00 pm and on Fridays from 10:00-11:00 am. Students will also schedule, as needed, regular individual meetings with the instructor to discuss their individual papers.

**Course Requirements/Grading**

Each week, students will submit brief summaries (two pages, double-spaced) of the presented papers. These short submissions should show me that (1) you read the paper carefully and (2) have begun to think of questions or issues that it raises that you might ask or bring up in class. They are due prior to the speaker's presentation and are worth, collectively, 50% of the final class grade.

In addition to the short summary papers, students will write three longer reaction papers, each of which should be no more than six pages, double-spaced). Students pick the three weeks that they want to write about. The first longer reaction paper is ungraded. The other two papers are worth 25% each (so, 50% collectively) toward the final class grade. 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. More on these longer reaction papers below.

**Class Participation/Discussion (Your Questions/Comments)**

This is one of my favorite things about the class; the dynamic is very positive and quite unlike what happens in most law school classrooms. Very often in law school, it seems to me, we say

something to this effect: *We really want you to think and act and talk like a lawyer, but to do so you must think this specific way, and talk that exact way.* I'm sure there are benefits to this kind of indoctrination training, but there are also costs. In teaching this class, I try to emphasize the value of independent thinking, however quirky and different and colorful 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 that does not mean you can't disagree with or challenge the speaker. 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. Try not to ask a bunch of anodyne questions (*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.

### **Response/Reaction Papers**

I'll start with some basic information about the longer response/reaction papers. The papers should be no more than six pages, double-spaced. They are due no later than two weeks after the speaker's visit. Since I will distribute papers at least two weeks before the presenter's visit, this will give you at least a month to work on your response/reaction paper.

As for the substance of the longer response/reaction papers, they offer 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 present those thoughts 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 analysis; summarizing someone else's work is just not nearly as original or interesting.
2. Have your paper be about some original idea that you come up with after having read the author's paper. It can be about the author's subject, but it could also be about something totally different that you thought linked up in some important way to the author's paper.
3. Be careful not to take on too much with your thesis. That's often a problem since you have no more than six pages to write. Don't try to talk about some idea that is so big that you cannot adequately address it. If you do that, you run the risk of not being able to delve deeply into what you really want to say; the net result is a less persuasive work.

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 (though you should not try to address many or all of these in the same paper):
  - Are there flaws in the argument or methodology that warrant discussion?
  - Are there unjustified or incompletely defended assumptions in the argument?
  - Would changing any of the author's assumptions change the prescriptive arguments advanced?
  - Are there issues that the author does not address, or perspectives the author did not consider, that should have been taken into account?
5. Finally, be sure to turn in a well-proofed copy: no typos, misspellings, etc. These are avoidable mistakes.

The website, [www.jotwell.com](http://www.jotwell.com), is another good source to consult as examples of the kind of what I am looking for. Finally, a last way to get a sense of what I'm looking for in the response papers is to read some prior student papers. They are available through a link on my home page (<http://www.law.uh.edu/faculty/main.asp?PID=179>). The obvious limitation here is that you are not reading the underlying work on which the student paper is based. That important caveat notwithstanding, seeing prior student work is likely to be very helpful to give you a sense about what I expect from you, so that's why I've made them available.

### **Attendance and Participation.**

For Spring 2022, we will have ten Monday speakers. You should, of course, try to attend for all of these talks, but in any event you are expected to attend at least eight of them. I may lower a final grade or take other appropriate disciplinary action (up to entering a failing grade) if it is determined that a student is absent from more than two of the Monday talks. I count a student as absent if they are not in class for at least 75% of the scheduled class session. Since we will be holding class virtually, the Zoom electronic record of all attendees is presumptive evidence of attendance/absence.

School rules allow me to improve a student's grade by as much as one-third of a letter grade based on class performance (e.g., from B to B+). Keep in mind that in-class performance is based on the overall quality, not quantity, of your participation.

My expectation as to virtual class attendance is that all students join with video. If you know in advance that there's some reasonable reason why you do not want (or cannot) join with video, I expect you'll notify me in advance. Of course, there may be technical glitches from time to time; I understand that. But if it does, I do expect that you'll do your best to correct the problem before our next class. If you need help with any technical issues, let me know or reach out to our IT team by emailing them at [lawcomputerhelp@central.uh.edu](mailto:lawcomputerhelp@central.uh.edu) or calling (713) 743-2260.

### **Recording of Class.**

All Monday classes will be recorded through Zoom. These recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. Failure to comply with requirements regarding

recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with DisABILITIES.

### **Academic Support**

There are lots of academic support options at UHLC. Three of the best, I think, are:

1. The Legal Writing Center (which can help on writing and studying generally). Go to: <http://www.law.uh.edu/lrw/legal-writing.asp>.
2. Talking with your professors and the teaching assistants assigned to your classes. That's what we are here for.
3. Joining a student organization. Can be both enriching for law school and a good source of academic support. For a list, go to <http://www.law.uh.edu/organizations/homepage.asp>. If you have trouble linking to a group, Kristan Withers, the Law Center's liaison for the student organizations, may be able to help. Her email is [kdwither@central.uh.edu](mailto:kdwither@central.uh.edu).

### **Other Support**

At the Law Center, in the broader university, and through the State Bar, there are a number of different sources of support if you need it.

1. Of course, you are always welcome to come see me. But, if you'd rather talk to someone else, Dean Monica Mensah in Student Services is another resource. She's been helping students for many years. Her office is located in the Office of Student Services, across from the student commons. Her email is [memensah@uh.edu](mailto:memensah@uh.edu); her phone is (713) 743-6247.
2. The university's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling (713) 743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. Their webpage can be accessed here: [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).
3. Finally, the State Bar has an amazing group called Texas Lawyers' Assistance Program (web address is <https://www.tlaphelps.org/>). TLAP "provides confidential help for lawyers, law students and judges who have problems with substance abuse and/or mental health issues." Students can call (24 hours a day/7 days a week) to get help with mental health and substance abuse issues. The number is (800) 343-8527.

### **Chosen Names and Preferred Pronouns**

In my classroom, you certainly have the right to be addressed by your preferred name and pronoun, and that includes any non-binary pronouns. Rosters do not list gender or pronouns so if you have specific preferences, please just let me know.

### **Accessibility and Accommodations.**

UHLC is committed to ensuring that all students enjoy equal access and full participation. If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is located in room 44A TU-II in the Office of Student Services suite, and she can be reached at [sary@central.uh.edu](mailto:sary@central.uh.edu) or (713) 743-7466. Requests for accommodation that involve graded assignments must be directed to Ms. Ary and should be made as soon as possible to allow adequate time to document and to process the request. If you observe religious or cultural holidays that will coincide with synchronous class sessions or conferences, please let me know as soon as possible, so that we may make arrangements.

### **Diversity and Inclusion.**

This is an inclusive learning space; all are welcome. If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Monica Mensah, Assistant Dean for Student Affairs Student Services, is an excellent resource (contact info above). You can also bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion Committee. You can contact the committee directly at [UHLCD&I@uh.edu](mailto:UHLCD&I@uh.edu).

### **Anti-Discrimination and Sexual Misconduct Policies.**

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System's Anti-Discrimination Policy, available at [https://uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d7.pdf](https://uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf), and Sexual Misconduct Policy, available at [https://uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d8.pdf](https://uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf)

Please be aware that under the sexual misconduct policy, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

## **Contact Information and Office Hours**

My office is BLB 124, which is in the faculty suites on the first floor of BLB. My office phone is (713) 743-5206; my email is [lhoffman@uh.edu](mailto:lhoffman@uh.edu). My assistant is Megan Bostick. Her phone is (713) 743-82984; her email is [mbostick@central.uh.edu](mailto:mbostick@central.uh.edu).

## **Spring 2022 Schedule of Speakers:**

<u>January 31</u>	Jack Balkin (Yale)
<u>February 7</u>	Reva Siegel (Yale)
<u>February 14</u>	Mark Tushnet (Harvard)
<u>February 21</u>	Etienne Toussaint (South Carolina)
<u>February 28</u>	Erik Encarnacion (Texas)
<u>March 7</u>	Emile Loza de Siles (Duquesne)
<u>March 21</u>	Veronica Root Martinez (Notre Dame)
<u>March 28</u>	Martha Fineman (Emory)
<u>April 4</u>	Mary Fan (Washington)
<u>April 11</u>	Jon Shields (Claremont McKenna College)