LAW E525—Poverty Law
University of Washington School of Law

Spring Quarter 2017 | Tuesdays, 8:20 – 10:20 and Thursdays, 9:20-10:20 | Room 212-213

Instructor Huy C. Nguyen | cuu@uw.edu | Office hours Tuesdays & Thursdays 10:30 – 11:30, Room 349, or by appointment

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Course Description
Poverty Law is a 3-credit course that considers how law may perpetuate or alleviate poverty, through the lens of United States social welfare policy and poverty jurisprudence. The course will cover the history and development of social welfare law and legal aid in the United States, as well as milestones in constitutional poverty jurisprudence. Students will encounter a range of legal issues that affect the lives of people living in poverty, and consider advocacy strategies aimed at addressing economic inequality. Open to second- and third-year students.

Learning Outcomes: By the end of this course, you should

- Be familiar with different benefits programs for low income individuals, including the substantive law, procedure, as well as the sources of law and important secondary sources,
- Understand how the legal system can either perpetuate or alleviate poverty
- Be able to advocate and write about legal issues impacting low income individuals

Course Expectations
Participation: I ask you attend class regularly, having read the assigned materials, and prepared to participate in discussion. Because students have different learning styles, I evaluate your participation based on my observation of your engagement in the discussions, not merely on whether you are speaking in class regularly. However, I will periodically assign experts or in-class exercises to try to draw out some of you who are more reticent, to help ensure that your fellow students benefit from your thinking and to help you practice your public speaking skills.

Respectful Dialogue: As you probably know, poverty is a stigmatized status in the United States. It falls particularly hard on people who are already marginalized because of other aspects of their lives and identities, including their immigration status, race, gender and gender identity, sexual orientation, or having been victimized by sexual or domestic violence. The social and structural problems and legal issues that we discuss in class affect people who often are not a part of the law school classroom, or who are underrepresented here. Please bring an awareness of this to our discussions, especially when our classroom dialogue involves the exchange of opposing viewpoints or when we are grappling with difficult questions. I will endeavor to do the same.
**Computer Policy:** In addition to displaying sensitivity in our class discussions, I ask you to refrain from using your computers for anything other than note taking or a class-appropriate exercise. It is obvious when a student is using the computer for personal reasons. Please preserve our class time for learning.

**Grades:** Given the class size, this course may be graded according to the law school’s mandatory curve. Your grades will be determined as follows:

- **Participation and preparation**, including regular attendance, completion of reading assignments, preparation of any assigned classroom activities, and engagement in discussion: 20% of your grade
- **Writing Assignments**: 40% of your grade
- **Final Paper**: 40% of your grade

**Writing Assignments:**
You will be expected to complete five written assignments. Instructions and related documents for writing assignments will be provided one week prior to the due date. Writing assignments will have a 500 to 700 word limit. You are expected to complete all writing assignments, but only the last 3 writing assignments will be graded. The writing assignments are due before class at 9:20 a.m.:

- Writing assignment #1, due Thursday, April 13
- Writing assignment #2, due Thursday, April 20
- Writing assignment #3, due Thursday, April 27
- Writing assignment #4, due Thursday, May 4
- Writing assignment #5, due Thursday, May 18

**Final Paper:**
40% of your grade will be based on a 10 to 12 page final paper. The topic of the final paper must be related to a poverty law issue. The final paper must include legal analysis and may address related themes discussed in class. Paper topics are due on Thursday, May 4, 2017. The final paper is due at the end of the final exam schedule at 5:00 p.m. on Friday, May 26, 2017.

**Course Materials**
There is no textbook for this course. Assigned cases and other readings are cited below and are available online or on CANVAS, as noted. Occasionally I may add or eliminate readings, or may need to change the schedule to accommodate a guest speaker. I would not recommend reading more than two weeks in advance.
Week 1

3/28 Law, Poverty, and Legal Services for the Poor


- Legal Services Corporation v. Velazquez, 531 U.S. 533 (2001). Please read the majority opinion only


3/30 Welfare Legal Framework and Overview

King v. Smith, 392 U.S. 309 (1968)

Week 2

4/2 Welfare Legal Framework; Due Process

- Conant v. State, 197 Wash 21 (1938).


*read parts II & III(I)-Conclusion only.

4/6 Disability Rights/Reasonable Accommodations

• **Writing Assignment #1 on CANVAS on April 6**

**Week 3**
4/11 - 4/13 **Housing**
• **Foisy v. Wyman**, 83 Wash.2d 22, 515 P.2d 160 (1973)
• **Writing Assignment #2 on CANVAS on April 13**
• **Writing Assignment #1 due on April 13**


**Week 4**
4/18

**Mobile Homes**

Please browse *Tenant Rights under the Manufactured/Mobile Home Landlord-Tenant Act*, http://www.washingtonlawhelp.org/resource/tenants-rights-under-the-manufacturedmobile-h

**Homelessness**
*WA State Coalition for the Homeless v. Dep’t of Social and Health Serv’s*, 133 Wash.2d 894 (1997)

**Constitutional Limits on Welfare Policies**


4/20

Due Process and Notice Requirements


Please browse Chapter 388-458 WAC; NOTICES TO CLIENTS

Please browse Chapter 388-271 WAC; LIMITED ENGLISH PROFICIENT SERVICES

Please browse EligibilityA-Z Manual (EAZ), DSHS, Limited English Proficiency (LEP)

- Writing Assignment #3 on CANVAS on April 20
- Writing Assignment #2 due on April 20

Week 5

4/25 Medicaid and Medical Necessity


Pinneke v. Preisser, 623 F.2d 546 (8th Cir.1980).

Smith v. Rasmussen, 249 F.3d 755 (8th Cir. 2001).

Browse the following WACs:

WAC 182-501-0050: Health care general coverage,

WAC 182-501-0060: Health care coverage—Program benefit packages—Scope of service categories,

WAC 182-501-0065: Health care coverage—Description of service categories,

WAC 388-501-0070 Healthcare coverage -- Noncovered services,

WAC 182-501-0165: Medical and dental coverage—Fee-for-service (FFS) prior authorization—Determination process for payment,


Optional:


4/27

**Health Disparities**


**Early and Periodic Screening, Diagnosis and Treatment**

*Katie v. Bonta*, 481 F.3d 1150 (9th Cir. 2007) on CANVAS under Course Materials.


**Reproductive Rights**


- **Writing Assignment #3 due on April 27**

**Week 6**

5/2 **Immigrants and Poverty**

Broder et. al., *Overview of Immigrant Eligibility for Federal Programs*, National Immigration Law Center (December 2015), [https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/](https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/)
Graham v. Richardson, 403 U.S. 365 (1971)

- Writing Assignment #4 on CANVAS on May 2
- Final Paper topic due on May 4

Week 7
5/9 & 5/11
- Writing Assignment #5 on CANVAS on May 11
- Writing Assignment #4 due on May 11.

Week 8
5/16 & 5/18
- Writing Assignment #5 due on May 18.

The final paper due by 5:00 p.m. on Friday, May 26, 2017.