

The Role of the Curriculum Committee in Promoting the Value of Variety

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An important message of the Carnegie Report is that the key dimensions of learning in law school—doctrinal-analytic, skills-based, and values-based—should be integrated, not developed in isolation. We view the call to integrate as a call to innovate: integration, as we understand Carnegie’s recommendations, contemplates new combinations of ideas, approaches, and materials that implicate a law school’s full community. Like learning itself, Carnegie-informed teaching and course design benefit from collaboration, through the participation of faculty who teach in contexts that span doctrinal, seminar, clinic, and writing-intensive work. Bringing these aspects of learning together necessarily involves challenges to received ways of thinking, that is, to our comfort level, and reimagining “appropriate” course content and form, not only within individual courses but also across the law school curriculum. And that endeavor requires planning, coordination, outreach, brainstorming, experimentation, a degree of risk-taking, and ongoing assessment. For this reason, we see the challenge of achieving integration as, at least initially, the province of the law school curriculum committee.

Ideally, law school courses should integrate doctrine, academic and lawyering skills, theoretical perspective, and consideration of professional identity. But there are realistic limits to what individual courses can incorporate in pursuing the goal of richness and variety. In addition to encouraging these kinds of features in individual courses, the curriculum committee needs to take a more proactive role in promoting an overall curriculum that keeps these objectives in the forefront. The goals of our presentation are to emphasize the important role of the curriculum committee in promoting both integration and innovation in learning objectives, methods, and materials in courses across the law school curriculum, and to identify criteria that a curriculum committee can use in helping shape a curriculum that is integrative and incorporates the value of variety.

In an interactive portion of the presentation, we will ask participants to consider a variety of overarching questions about the steps the committee should take to ensure that there is appropriate integration across the curriculum. Participants will be divided into small groups and assigned specific questions to address and report back on.

The materials that follow include: (1) ten overarching questions for group discussion; (2) a document sketching out a process for moving from individual course goals to mapping a curriculum committee process; and (3) excerpts from Professor Zalesne’s Contracts syllabus and Professor McArdle’s Land Use syllabus (providing examples of how an individual course that integrates multiple elements could look).

The goal for this session is to map a process by which a curriculum committee, in light of the ten overarching questions, can identify goals criteria for course offerings, and take steps to ensure that courses offered across the first-, second-, and third-year curriculum cover multiple goal categories.

Overarching Questions

- (1) What kinds of communication/collaboration among faculty and other members of the law school community would be required?
- (2) What is an appropriate balance between preserving faculty autonomy and achieving an institutional goal of promoting curriculum-wide integration/innovation?
- (3) What does setting curriculum-wide goals entail?
- (4) How much integration/variety should each course strive for?
- (5) Should the curriculum committee set criteria?
- (6) How can a committee ensure that all students will experience the benefits of an array of courses?
- (7) Does this process entail setting more course requirements, or designating categories of courses that all students must choose courses from?
- (8) How should a committee weigh a law school's distinct mission in this broader curricular-visioning process?
- (9) What role should alumni have in the process?
- (10) What other stakeholders should be consulted?

Mapping a Curriculum Committee Process

Revisiting course syllabi: Using the sample syllabi below, what are the teaching and learning objectives for each of these courses? What knowledge, skills, perspectives, and professional values will the courses help students develop?

(1) Contracts I

- a. Understanding basic contract law doctrines with attention to critical theoretical frameworks and lawyering issues;
- b. Developing law school academic skills (case briefing, note taking, outlining, and oral communication) and legal reasoning skills (working with facts, working with rules, issue spotting, legal and policy analysis); and
- c. Developing effective organization and time management.

(2) Land Use and Community Lawyering

- a. Understanding concepts in specific doctrinal areas relating to urban land use that also reinforce bar exam topic coverage (property, constitutional law, contracts, civil practice) in addition to exposure to state and local government law and administrative law;
- b. Gaining exposure to and opportunities to build practice-based skill in drafting, negotiation, and advocacy before local boards and agencies through role plays derived from actual land use cases in New York City;
- c. Developing a situated knowledge of the urban built environment and the dynamics of community formation, in part through a guided walk in a redeveloping New York City neighborhood; and
- d. Gaining exposure to an interdisciplinary approach to studying the community impact of land use policies in New York by using an urban studies lens.

Moving from the specific to the general/categorical, how can this articulation of individual course goals inform the committee process, and contribute to variety in courses across the curriculum?

What goal categories can be generated from individual course goals?

CONTRACTS I: MODEL COURSE SYLLABUS
Professor Deborah Zalesne

COURSE DESCRIPTION

On a daily and long term basis, individuals make promises and agreements with other individuals, groups, and various entities. American contract law attempts to address a range of questions regarding when the courts will enforce these promises or agreements. These questions include whether an enforceable agreement has been reached; what policies are at stake; what are the limits of enforcement; how do we interpret the meaning of the words or actions of the agreement; and what remedies are available when a contract is breached.

The development of contract law's "answers" to these questions reflects competing visions of community and underlying policy choices. We will explore these "answers" (contract law rules), the underlying principles and arguments advanced to support these rules, and a range of normative visions, often implicit, which shape contract doctrine and practice. In our study of contract law, we will also examine the role of market ideology, and perspectives on race, gender, class, sexuality, and culture that are imbedded in law "texts," and the legal decision making processes. We will also explore the various roles that lawyers play in creating, implementing or interpreting these agreements.

Contracts I will focus on three specific teaching and learning objectives:

- a. Understanding basic contract law doctrines with attention to critical theoretical frameworks and lawyering issues;
- b. Developing law school academic skills (case briefing, note taking, outlining, and oral communication) and legal reasoning skills (working with facts, working with rules, issue spotting, legal and policy analysis); and
- c. Developing effective organization and time management.

CONTRACTS I: MODEL COURSE SYLLABUS
Professor Deborah Zalesne

Textbook: Amy Kastely, Deborah Waire Post, and Nancy Ota
Contracting Law (4th edition 2006) ("Text")

DOCTRINAL FOCUS	READING ASSIGNMENT	SKILLS FOCUS AND THOUGHT QUESTIONS
I. The Study of Contract Law	Text pp 3-6 Workbook pp xi-xii, 6-7, 11	<u>Outlining</u> After class, using the syllabus, create a skeletal outline of the course. Compare this to the table of contents and your notes from today's class discussion, looking for any detail that the table of contents or class notes might add to the topics from the syllabus. This will be the start of your course outline, which you should fill in yourself throughout the semester as we complete our coverage of different doctrines.

<p>Three Principles of Contract Law:</p> <p>A. The Bargain Principle</p> <p>- <i>Kirksey v. Kirksey</i></p>	<p>Text pp 24-37</p> <p>RST § 1</p>	<p><u>Close Case Reading</u></p> <p>As you read <i>Kirksey</i>, identify anything that you have a question about, including, for example, vocabulary, language use, and references. This will be discussed in a Skills session.</p> <p><u>Theoretical Perspective</u></p> <p>The reading and class discussion will introduce the role of theoretical perspective in contract law and specifically the theoretical perspectives of Neo-Classical Economic Theory and Socioeconomic Theory.</p>
<p>Three Principles of Contract Law:</p> <p>B. The Reliance Principle</p> <p>- <i>Ricketts v. Scothorn</i></p>	<p>Text pp 37-43</p>	<p><u>Note Taking</u></p> <p>We will use <i>Ricketts</i> as the basis for an exercise on note taking. After class, I'll post on TWEN questions about <i>Ricketts</i> that you can discuss with your colleagues or study groups. You should be able to answer the questions from your class notes. If you can't, or if your answers differ from your colleagues', how will you resolve this? Once resolved, revise your notes and fill in any gaps accordingly. Next time, what will your process be for assuring the accuracy and completeness of your notes?</p>

<p>Three Principles of Contract Law:</p> <p>C. The Restitution Principle</p> <ul style="list-style-type: none"> - <i>Sceva v. True</i> - <i>Bailey v. West</i> - <i>Dews v. Halliburton Indus., Inc.</i> 	<p>Text pp 43-44, 46-61</p> <p>Workbook pp 17-20, 23-24</p>	<p><u>Issue Spotting</u></p> <p>Identify the three elements of a Restitution claim. Which facts from <i>Sceva</i> are relevant to each element? We will use this as the basis of an in-class exercise on issue spotting.</p> <p><u>Thinking about Outlining</u></p> <p>Consider what <i>Bailey</i> and <i>Dews</i> add to your understanding of the doctrine of Restitution. Consider the role the cases will ultimately play in your outline of Restitution.</p>
<p>Recap and Review</p>	<p>Practice Exam Question posted on TWEN</p> <p>Workbook p 25</p>	<p><u>Exam Writing and Issue Spotting</u></p> <p>Draft an answer to the hypothetical problem posted on TWEN. You may use your outline, but not your notes. Using a model answer that I will subsequently post on TWEN, add to your outline any doctrine, test-taking tips, and anything else that will address where you lost points in the hypothetical.</p>

LAND USE AND COMMUNITY LAWYERING SEMINAR

Professor Andrea McArdle

Course Objectives:

1. Understanding concepts in specific doctrinal areas relating to urban land use that also reinforce bar exam topic coverage (property, constitutional law, contracts, civil practice) in addition to exposure to state and local government law and administrative law;
2. Gaining exposure to and opportunities to build practice-based skill in drafting, negotiation, and advocacy before local boards and agencies through role plays derived from actual land use cases in New York City;
3. Developing a situated knowledge of the urban built environment and the dynamics of community formation, in part through a guided walk in a redeveloping New York City neighborhood; and
4. Gaining exposure to an interdisciplinary approach to studying the community impact of land use policies in New York by using an urban studies lens

Required texts:

Tom Angotti, *New York for Sale: Community Planning Confronts Global Real Estate* (MIT 2008)

Julie Sze, *Noxious New York: The Racial Politics of Urban Health and Environmental Justice* (MIT 2006)

Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York* (Oxford 2010)

New York City Uniform Land Use Review Procedure, New York City Charter, §197-c,

<http://www.nyc.gov/html/dcp/pdf/luproc/lur.pdf> (flow chart)

Additional readings to be distributed

Simulation activities:

During the semester, students will participate in role plays related to recently concluded and ongoing cases. These include a (re)negotiation of sections of a community benefits agreement from the Columbia University expansion, and planning for advocacy before a local board/agency.

Collaborative project:

All students will participate in a collaborative project, which will include a presentation and a writing component. Projects will be selected from a list that the class collectively develops of current land use projects and controversies.

Grading:

Your final grade in this course will be based on all of your work for the class over the course of the semester including:

--Planning and research memo related to renegotiation of community benefit agreement, including written assessment, and suggested revisions, of selected provisions of the community benefit agreement (4-6 pages) (30%)

--Short reflection essay on walk and related reading (3 pages) (20%)

--Class presentation related to group project (15%)

--Final (individual) writing related to group project (6-8 pages) (25%)

--Class participation and evidence of professionalism in approach to course assignments (10%).

A major portion of the seminar is taught through class discussion and in-class activities. *Attendance and participation will affect your final grade.*

Week 1: Introduction to course themes and methods; addressing community formation and community voice; introducing ULURP; canvassing possible group projects

Tues., 8/23:

Readings: selections on land use and community conflict at Ground Zero: Islamic Center/Park 51 (to be distributed)

Assignment: readings on urban renewal

Week 2: Urban renewal and its discontents: community responses, then and now

Tues., 8/30:

Readings: Zipp, pp. 73-113 (Stuyvesant Town), pp. 253-58, 268-83 (public housing); 354-71 (resistance); Seward Park Community Board guidelines for Seward Park Urban Renewal Area (to be distributed)

Assignment: readings on fiscal crisis, community gardens

Week 3: Fiscal crisis, disinvestment, self-help, and the birth of the community gardens movement

Tues., 9/6:

Readings: Angotti, pp. 75-79, 97-109; short selections on fiscal crisis (to be distributed); Elder, *Protecting New York City's Community Gardens*, 13 N.Y.U. Env't'l L. J. 769 (2006)

In-class: analysis of community garden regulations (NYC Departments of Housing, Preservation, and Development and Parks and Recreation rules governing community gardens and NYC Community Gardens Coalition (to be distributed)

Week 4: Accessing local knowledge, documenting change: East Village/Lower East Side walks (to be scheduled during and/or outside class time)

Tues., 9/13:

Readings: Readings on gentrification struggles; short readings on ways of seeing; observation and action (to be distributed)

Assignment: reflection on walk and reading (due Tuesday, 9/27)

Week 5: Eminent domain: Kelo, public use, and its aftermath

Tues., 9/20:

Readings: *Kelo v. City of New London*, 545 U.S. 469 (2005); *Matter of Goldstein* (Brooklyn Yards), 13 N.Y.3d 511 (2009) (main opinion and Smith dissent); New York Eminent Domain Procedure Law

Assignment: Complete reflection and read *Matter of Kaur* opinions (Columbia eminent domain)

Week 6: No class (Thursday schedule)

Tues., 9/27

Due: Reflection memo

Week 7: Eminent domain continued

Tues., 10/4:

Readings: *Matter of Kaur* (Court of Appeals and Appellate Division 1st Dep't opinions, 15 N.Y.3d 235 (2010), reversing 72 A.D. 3d 1(1st Dep't 2009))

Assignment: Readings on Community Benefits Agreements

Week 8: Community benefit agreements

Tues., 10/11:

Readings: Selections from New York City Bar Association, *The Role of Community Benefit Agreements in New York City's Land Use Process* and *Recommendations on the Task Force on Public Benefit Agreements* (PDFs to be distributed)

Week 9: Columbia expansion and community benefit agreements continued

Tues., 10/18:

Readings: West Harlem Community Benefits Agreement (to be distributed); Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 Cal. L. Rev. 1999 (2007) (excerpts to be assigned)

In-class: review of West Harlem (Columbia) CBA

Assignment: Prepare research and planning memo for renegotiation of community benefits agreement (due Tuesday, 10/25)

Week 10: Negotiation of CBA

Tues., 10/25:

In-class: renegotiation of CBA role play (roles to be assigned)

Assignment: readings on environmental justice

Due: Research and planning memo

Week 11: Environmental justice in New York City

Tues., 11/1:

Readings: Sze (excerpts to be assigned); Carmen Huertas-Noble, Jessica Rose & Brian Glick, *The Greening of Community Development: Dispatches from New York City*, 31 W. New Eng. L. Rev. 645 (2009); material on Gowanus Canal and Willets Point (to be distributed)

In-class: environmental advocacy strategies

Assignment: Readings on community planning and affordable housing

Week 12: Community-based planning, organizing, and affordable housing; begin group presentations

Tues., 11/8:

Readings: Angotti (pp.113-129; 153-177); Initiative For Neighborhood and City-Wide Organizing, *The Making of a Movement: How Organizing is Transforming Housing in New York City* (pdf to be distributed); *The Future of Affordable Housing*, 20 J. Affordable Housing & Comm. Develop. L. 215 (2011); selections from PlaNYC on housing,

<http://www.nyc.gov/html/planyc2030/html/home/home.shtml>

Assignment: Presentations on group projects

Week 13: Group presentations continued

Tues., 11/15:

Assignment: Presentations on group projects

Week 14: Group presentations continued

Tues., 11/22:

Assignment: Presentations on group projects

Week 15: Last class: reflection and celebration

Tues., 11/29:

Reading: Harvey, *Right to the City* (to be distributed); Angotti, pp. 225-246

Assignment: Final writing for group project submitted via TWEN (due Monday, 12/19)