

USC GOULD SCHOOL OF LAW

The Law of the City

*Tip the world over on its side and everything loose will land in
Los Angeles. **Frank Lloyd Wright***

Fall 2014
Two Class Meetings Weekly

Instructor:	Jane Usher (resume attached)
Grading:	Numerical
Unit Value:	3
Participation:	Required and graded
Exam:	Option of an in-class exam, laptops with SofTest permitted; or a paper meeting the law school's writing requirement

I. Rationale:

Among the law school's prized attributes is its envied location in the heart of a bursting-at-the-seams metropolis, whose culture of reinvention serves as a window onto our future. The cutting edge posture of Los Angeles does not stop at the doors of Hollywood. Its courtrooms are also frontrunners, tackling the distinctive legal issues that challenge every major city. This course examines the most significant and topical of those uniquely urban legal questions.

II. Course Description:

We have become a nation of urban dwellers. The American city is home to more than eighty percent of the country's population, occupying a scant three percent of the land. Life in close proximity to one another has pushed central legal questions about the rights and responsibilities of our citizens into the hands of local government. City and county leaders occupy ground zero on topics ranging from protecting the environment to lawful policing, from the First Amendment rights of billboard operators to the legal limitations on marijuana use, from the creation of public ethics and transparency in municipal affairs to the application of criminal law to the homeless. We must add to this ever-changing mix the thorny issues of lawful growth and development.

This class recognizes that civic issues that present initially as policy choices regularly devolve into complex litigation. Our courts are full partners, and often the final arbiters, in establishing the laws that govern urban life. Over the course of the semester, we will take the current legal temperature of the City of Los Angeles. We will review and discuss the laws and the lawsuits that shape daily life in the city. We will supplement our understanding by hearing directly from the lawmakers and litigators, who will share their strategic objectives and successes. We will emerge with a sharper appreciation of not only how and where each legal issue arose, but also its present resolution and prospects for the City's future.

July 2014

III. Course Aims and Outcomes:

This class is for the upper division law student. It is intended to provide a formative opportunity for synthesizing legal principles and fundamentals that may have been taught in separate courses during the student's previous semesters – constitutional law, environmental law, transactions, criminal law, administrative law, land use, civil procedure, evidence. This class is also intended to showcase the legal work that confronts lawyers working in the public realm. It seeks to crystallize the career choice of government law for our students.

By the end of this course, students will have achieved a new competency in the legal issues that make news every day in our City. They will have also enhanced their ability to issue-spot, a skill in significant demand in the practice of law. They will have encountered a variety of substantive legal topics and litigation approaches, each suggesting how a lawyer might best pick and choose the issues to raise when mounting a legal challenge. The issue-spotting skill will be practiced in our analysis of the cases as well as in the students' preparation for questioning our guests, whose legal choices will be the subject of collegial student scrutiny.

IV. Format and Procedures:

This class will proceed in an interactive lecture format. For each substantive topic, the students will be provided with required readings, which will include selections from the applicable statutory law, the cases, and notable media coverage. We will begin each topic with a discussion of the required readings. The students will be asked to probe such questions as: Were mistakes made? Did the judge or jury get it right? Were there better legal arguments available to the parties or better ways of proceeding to achieve the desired outcomes? What might you have done differently? For topics that span several class sessions, one session will consist of a panel of the actual policy makers and litigators. The students will divide into working groups, each with responsibility for one substantive topic and its panel. The students will also be asked to submit a weekly one-page journal entry containing their reaction to the materials, presenters, and class discussion. The final exam will test the students' grasp of the matters covered in the course. If a final paper is chosen, it will provide an opportunity to further examine an issue studied in class or to research and discuss a legal issue facing the City that was not studied by the class.

V. Grading Procedures:

Numerical grades will be given. Attendance and class participation will be graded within law school parameters. The final grade will be based on class participation (25%), weekly journal entries (25%), the panel assignment (25%) and the final exam/paper (25%).

VI. Course Schedule:

This tentative schedule assumes twice weekly meetings. It will change to accommodate our actual pace, guest presenters, student needs, and breaking cases of special significance.

Week One: The Laws that Govern the City of Los Angeles

Federal Constitution, Federal Statutes

State Constitution, State Statutes

City Charter, Municipal Code, Ordinances, Regulations, ZIMAS

Weeks Two and Three: **The Law of Medical Marijuana**

Federal Law, Presidential Directives

State Law

Los Angeles Ordinances

Hill, Alternative Medicinal Cannabis, 420 Caregivers, and Riverside Litigation

Ballot Measures

Enforcement Prosecutions/Litigation

Comparison with Other Jurisdictions

Weeks Four and Five: **The Law of Billboards**

Federal and State Law, *Metromedia* Case

Los Angeles Ordinances

Metro Lights Litigation

World Wide Rush Litigation

Summit Media Litigation

Comparison with Other Jurisdictions

Weeks Six and Seven: **The Law of Policing**

A Refresher: Rodney King, the Christopher and Warren Commissions, Charter Reform

Gates Litigation

Rampart and the Consent Decree

LA County jail proceedings: Who's in Charge? City and County Comparison

Select Cases: Gang Injunctions and "Use of Force"

Select Police Employment Litigation – Why Tennie Pierce Matters

Weeks Eight and Nine: **The Law of Public Spaces**

City Criminal Laws

Jones and Lavan Litigation and Our Sidewalks

Desertrain: Living in One's Vehicle

Occupy LA Prosecutions/Litigation and City Park Ordinances

Down on the Boardwalk: *Venice* Litigation

Weeks Ten and Eleven: **The Law of Development**

Farmer's Field Transaction, SB 292, Mediations

The Wilshire Grand, a new direction in development?

Grade Crossings and the *Expo Line* Litigation

Lincoln Place, Etz Chaim and West Chandler Boulevard Litigation

Earthquake! The Hollywood Community Plan and Millennium Project

Weeks Twelve and Thirteen: **The Laws of Public Records and Public Corruption**

The California Public Records Act

Case studies from the DWP

The City of Bell may be closer than you think: public corruption matters

Week Fourteen: **Completion of Earlier Topics and Concluding Thoughts**