

Accounting for Lawyers

Credits: 2

Prerequisites: None

In this course students learn why financial accounting is a system for measuring and communicating the outcomes of business activities to parties outside the firm. The purposes of this course are to: (1) provide students with a basic understanding of the concepts and principles (i.e., the jargon) underlying financial accounting practices; (2) make students comfortable with financial data (in particular, opening a 10K or annual report); (3) enable students to have a conversation with accountants; and (4) provide students with the technical tools and references to analyze how a particular transaction affects a firm's financial statements.

Administrative Law

Credits: 3

Prerequisites: None

This course is an introduction to the law of the administrative state – to the constitutional, statutory and judge-made rules governing what agencies may do, the procedures they must follow, and how they can be held to account. Topics include mechanisms for control of agencies by the legislative and executive branches; the constitutional basis for, and limits on, governance by agencies; the availability and effects of judicial review over agency action; and the features of agency rulemaking and adjudication.

Advanced Criminal Procedure

Credits: 3

Prerequisites: None

This course examines the constitutional, statutory, and rule-based issues that arise in the formal processing of a criminal case. Subjects include the decision to charge, prosecutorial discretion, grand jury and preliminary hearing, joinder and severance, bail and pretrial release, discovery, plea bargaining and guilty pleas, speedy trial, jury composition and selection, pre-trial publicity, confrontation, cross-examination, and the privilege against self-incrimination.

Advanced Federal Income Taxation

Credits: 3

Prerequisites: Basic Federal Income Taxation

This is a continuation of the treatment of general taxation principles applicable to investment and business operations that begins in the Basic Income Tax course. The general theme of this course is tax planning and tax avoidance, with particular reference to form and substance in federal income tax law. Specific topics include a thorough examination of issues involving real estate and financial transactions, including deferred payment transactions, installment sales, gift and sale leaseback arrangements, transfer pricing, and limitations on losses and deductions

under the interests, at risk and passive activity loss limitation rules, and the income taxation of trusts and estates. A central concern of the course will be taxation and the time value of money, involving interest in its many guises including imputed and recharacterized interest.

Advanced Torts

Credits: 2

Prerequisites: None

Advanced torts goes beyond the areas of intentional torts, negligence, strict liability activities, and products liability covered in the first year course by introducing students to claims and defenses based on misrepresentation, defamation, invasion of privacy, misuse of legal procedure and various business and economic torts. The course will integrate the substantive doctrine with practice implications based on legal, political, and social theory.

Advocacy I

Credits: 4

Prerequisites: Evidence (may also be taken concurrently)

Advocacy I is designed to cultivate three skills: (1) public speaking; (2) factual persuasion; and (3) compliance with rules emanating from multiple sources. The skills you learn will be equally applicable to those contemplating a career as an advisor as to those who intend to work as an advocate.

The class meets weekly with the entire class for a lecture and demonstration in the Law School courtroom. The students then meet in small group section meetings at the Cumberland County Courthouse. During the section meeting, each student presents a trial exercise before – and receives constructive feedback from – a practicing lawyer or sitting judge. The goal of the faculty is to collaborate with you to ensure that at the conclusion of the course, everyone will be able to conduct a case from the initial interview of the client through a final verdict at trial in any jurisdiction in the country. In addition to imparting substantive advocacy skills, the faculty's mission is to instill or restore confidence in your public speaking abilities.

Advocacy I introduces the fundamental skills of both pretrial and trial advocacy that are applicable to civil and criminal trials. The course addresses the following pretrial skills: initiating the lawsuit; responding to the complaint; propounding written discovery requests; taking and defending depositions; and motions practice. Through the required written court filings, students will learn and execute the universal protocol for preparing any written document that fully complies with the three levels of rules of any jurisdiction.

The course also addresses the following trial skills: jury selection; opening statement; direct examination of lay witnesses, including introduction of exhibits and dealing with failures of recollection; cross examination of lay witnesses, including impeachment by omission and impeachment by contradiction; direct and cross examination of expert witnesses; and closing argument. In addition to teaching the individual trial skills, we emphasize how to find the most

persuasive overarching factual theory and theme of the case that must be advanced by every portion of the trial.

Advocacy II

Credits: 3

Prerequisites: Advocacy I

This course requires each student to conduct an entire civil case, from the initial interview of the client through a full-scale jury trial on the merits. Each trial is conducted by four students, two representing each party. Grading is on a credit/no credit basis.

The course also meets weekly for advanced training on depositions, motions for summary judgment, finding the trial story, presentation of electronic evidence using Trial Director software, and cross examination.

Each team of students will:

1. Enter into a written fee agreement with each client.
2. File appropriate pleadings.
3. Submit a discovery plan.
4. Propound interrogatories, a request for production of documents and a request for admissions.
5. Depose all three witnesses who will be called at trial by the opposing party.
6. File at least one pre-trial motion. Students may file and argue additional pre-trial motions whenever appropriate.
7. Submit proposed jury instructions and a proposed verdict form.
8. Enter into settlement negotiations.
9. Attend a pre-trial conference.
10. Scan and annotate exhibits using Trial Director Software.
11. Try the case to verdict before an actual jury.

Antitrust

Credits: 3

Prerequisites: None

This course is principally an examination of antitrust law and policy in the U.S. as evolved through prosecutions by the U.S. Department of Justice and the Federal Trade Commission. There is brief coverage of: (a) European Union and Canadian competition laws plus evolving proposals for supranational norms; and (b) leading market regulatory schemes such as those affecting marketing of foods, drugs, textiles, toxic substances, securities, and consumer products. In the antitrust area, commercial conduct alleged to violate price fixing, market allocation, tying, exclusive dealing, asset acquisition, and price discrimination norms are considered at length with some attention to state antitrust law.

Arbitration Law

Credits: 3

Prerequisites: None

This course provides an introduction to the domestic law and practice of arbitration. It assesses the statutory and decisional law basis for arbitration, especially the provisions of the Federal Arbitration Act. It investigates the central doctrinal issues in the field: the enforceability of unilaterally-imposed arbitration agreements, the arbitrability of statutory rights — in particular, civil rights matters, and the use of contract to establish the law of arbitration between the arbitrating parties. Emphasis is placed upon practical problems that have emerged in the practice of arbitration law: the selection of arbitrators, the use of discovery and evidence-gathering in arbitral proceedings, and the content of arbitration agreements. The course also addresses the new uses of arbitration in consumer, health, and employment fields.

Banking Regulation

Credits: 2

Prerequisites: None

This course will focus on banks as financial intermediaries and compare them to both the securities and insurance industries. The dual banking system of state and federal regulation will be explored as to bank formation, supervision and regulation. The course will explore the ownership and control issues affecting banks and the supervision and regulation of bank holding companies and their subsidiaries engaged in nontraditional banking activities. The causes of the financial crisis of 2007-2009, together with the reaction of financial institutions, the states, the U.S. Congress and the regulators to the crisis, will also be examined. The course will include an assessment of the deposit insurance system and the problems associated with troubled and failed banks. The course will emphasize the potential administrative enforcement, civil and criminal exposure of both regulated entities and individuals involved within those industries.

Bankruptcy

Credits: 3

Prerequisites: None

This course examines the rights, duties, and remedies of both debtor and creditor. The course covers the collection process, enforcement of money judgments, and insolvency proceedings. Federal bankruptcy law is emphasized.

Basic Federal Income Taxation

Credits: 3

Prerequisites: None

The focus of the course is the U.S. federal income tax law and the tax policy considerations that inform the design of the tax. A principle goal of the course is to teach students to deal with a

detailed and complex statute and with its interpretation by courts, government administrators, and taxpayers. This course presents an overview of key doctrines underlying the federal income tax applicable to individuals and businesses and an introduction to tax thinking. The materials focus on the following problem areas: income, the determination of allowable deductions for both business and personal activities, timing of income and deductions, determination of gain or loss from the disposition of property or otherwise, depreciation, the special scheme for capital gains and losses, and special application of the law to areas of family law and bankruptcy.

Business Entities I: Unincorporated Business Entities

Credits: 3

Prerequisites: None

This course surveys the law of unincorporated business entities. The first part of the course covers the key doctrines in the common law of agency, building on concepts introduced in the Contracts and Torts courses. The second component of the course is an introduction to partnership law, which covers the creation, operation, and dissolution of the entity that traditionally has been the basic unincorporated business entity in the U.S. legal system, the general partnership. The third and final component of the course is an examination of the “new” form of unincorporated business entity, the limited liability company, and the recent developments in the law that have made possible the creation and proliferation of this new kind of business entity.

Business Entities II: Corporations

Credits: 3

Prerequisites: Business Entities I

This course provides an introduction to the basic principles of corporate law. The primary emphasis of the course is the body of state law that regulates the activities and internal affairs of business corporations. We will study traditional state law principles of corporate governance, including the fiduciary duties of loyalty and care, the business judgment rule, and shareholder derivative suits. In addition to state corporate law, we will study some federal laws that regulate the activities of corporations, focusing on the disclosure requirements and antifraud provisions of the federal securities laws. The course has two complementary objectives: (1) to provide a strong foundation in corporate law for students who intend to enter practice without taking further courses in corporate and securities law; and (2) to prepare students who plan to take Securities Regulation, and other advanced courses in anticipation of a career in corporate law.

Business Planning for Small Business Enterprises

Credits: 3

Prerequisites: Basic Federal Income Taxation; Corporations strongly recommended

Selected practical problems involving the planning of business transactions, with emphasis upon the small business enterprise, are examined. Topics include: organization of close corporations, partnerships and LLCs; employee compensation; sexual harassment and discrimination issues; executive hiring negotiations; and raising capital through the sale of securities. This course is strongly suggested for anyone who plans to represent businesses.

Children's Advocacy Clinic

Credits: 4

Prerequisites: Juvenile Law; Faculty approval required

This course will provide instruction to students in the legal representation of children in various civil matters, including dependency, adoption, and custody actions. Students will be managing a caseload of clients. Students will meet directly with their clients, and correspond with agencies and opposing counsel. Students will appear at all court appearances with a supervising attorney. The supervising attorney will meet with students individually on a regular basis for case reviews. The classroom component of the course will focus on various substantive and skills issues, including lectures on child interviewing skills and lectures from physicians on the medical aspects of child abuse, etc. Students may also choose to focus their work on legislative and policy issues related to children's advocacy by drafting legislation and policies on local, state, and national levels.

Civil Liberties Litigation

Credits: 3

Prerequisites: None

An essential component of any scheme of constitutional protection is the legal system's willingness to award a meaningful remedy to persons injured by the government's deprivation of individual liberty. Traditional courses in constitutional law, which analyze the boundaries of rights guaranteed by the United States Constitution but ignore the circumstances under which a remedy will or will not be afforded for transgression of those rights, fail to identify the true protections afforded by the Constitution. This course instead begins with the premise that constitutional rights have been violated and focuses upon the availability of remedies for such violations. While the United States Constitution establishes individual rights protected against incursion by the government, the charter does not generally provide remedies for breach of those rights. Consequently, Congress and the courts have borne the responsibility of creating and demarcating remedies for deprivations of constitutional rights. In other words, where a constitutional right has been invaded by the government or its officials, the government itself furnishes the remedy. The extent of our government's willingness to afford redress for its own misconduct is the rightful measure of the individual rights guaranteed by the Constitution.

In the process of examining the substantive civil liberties litigation issues, the course will analyze advanced concepts of case analysis, constitutional law, and pretrial and trial strategy.

Civil Procedure

Credits: 4

Prerequisites: None

Civil Procedure concerns the rules and principles that govern the litigation of a civil case. The course addresses systemic issues related to how and where a lawsuit is filed, including: personal and subject matter jurisdiction; venue; the notice required once a lawsuit has been filed; and which substantive law-state or federal-should apply in federal court. The course also familiarizes the student with the stages of a lawsuit, including: pleading; structuring the lawsuit; discovery; termination of a lawsuit without trial; trial; and actions that may be taken after a jury verdict or bench trial. Although reference is made to state laws, the course concentrates on the Federal Rules of Civil Procedure.

Client Counseling

Credits: 2

Prerequisites: None

This course introduces students to the dynamics of a productive attorney-client relationship, the goals of interviewing and counseling, and structures and techniques that can be used to achieve those goals. The focus is on developing students' skills in interviewing and counseling. Instruction consists of assigned readings, problem-solving exercises, group discussion, and practice through simulations.

Commercial Litigation

Credits: 2

Prerequisites: None

The purpose of this course is to provide students with an overview of modern commercial litigation. We do this by following a single commercial case (tried in D. Del. in 2008) from pre-complaint investigation through trial. Using the actual case materials, we examine all the major strategic and tactical decisions, from both the plaintiff's and defendant's perspective, in all phases of the case, including the complaint, motion to dismiss, fact discovery, expert reports, summary judgment, settlement discussions, jury focus groups, Daubert motions, final pretrial conference, and trial.

Communications Law

Credits: 2

Prerequisites: None

This course will explore current issues in communications law including First Amendment constraints on the regulation of the content of telephone calls and television advertising, cable

TV monopolies, and telecommunications regulations and deregulation. Course materials explore regulatory, constitutional, and antitrust law principles as they apply to broadcast, cable, and telecommunications activities.

Community Law Clinic in Carlisle

Credits: 4

Prerequisites: Students represent live clients in Family Law or Disability Law cases depending on student's area of interest. Disability Law or Administrative Law can serve as the pre-requisite or co-requisite for the course. Faculty approval is required.

This is a civil litigation clinic that focuses in the areas of family and disability law. Students will participate in civil hearings and traditional courtroom litigation, along with various opportunities for mediation and negotiation. Students will be exposed to issues including divorce, support, custody, adoption, protection from abuse, guardianships, social security and supplemental security income claims, special education, American with Disabilities claims, civil rights actions, and health care directives. Cases will be selected based on educational value to students and expertise of the clinical faculty. Students who select a family law emphasis in their clinic work will enroll in the Family Law course as a pre- or co-requisite. Students who select a disability law emphasis in their clinic work will enroll in the Disability Law course as a pre- or co-requisite. Preference may be given to students who have already taken either course.

Comparative International Law Seminar

Credits: 2

Prerequisites: None

This seminar is concerned with the development of the law, legal system, and legal institutions of what is popularly known as Russia but also correctly and officially known as the Russian Federation within the boundaries presently occupied and, historically, within the boundaries of the Russian Empire. By "law" we mean formal legislation, customary rules, relevant international legal rules, legal doctrine, and anything else regarded by the Russian State or by Russian jurists as comprising part of the "law." For our purposes "legal institutions" encompasses all law enforcement agencies or any other agencies of the State or empowered by the state which are concerned with the law in any manner whatsoever, including educational institutions.

Comparative International Tax Law

Credits: 3

Prerequisites: Basic Federal Income Taxation

This course treats the unique problems of the foreign income and operations of resident individuals and enterprises and Host country taxation of foreign persons and enterprises from the perspectives of different nations. Topics include the treatment of cross-border business and investment; sales, financing and e-commerce; the source of income; worldwide and territorial taxation; methods for the elimination of double taxation including foreign tax credits and

exemptions: controlled foreign corporations; tax avoidance, value added and other consumption taxes, and tax treaties. While stressing the law of the United States and the European Union, this course broadly examines the tax laws of both developed and emerging economies in order to gain a better understanding of the impact different tax systems have on international tax planning for individuals and businesses.

Congressional Investigations Seminar

Credits: 2

Prerequisites: None

This seminar examines the law and procedures governing congressional investigations through a series of case studies. Case study topics will include the Teapot Dome scandal, the 1929 stock market crash Pecora hearings, the House Un-American Activities and Senate McCarthy committees, Watergate, Iran-Contra, and Whitewater, as well as an examination of special investigative commissions which will include the Roberts Commission's investigation of the Pearl Harbor attack, the Warren Commission's investigation of President Kennedy's assassination, and the 9-11 Commission's investigation of the 9-11 terrorist attacks. These case studies will be the vehicles for studying the substantive law and legal procedures that govern the conduct of congressional investigations. After completing their case studies, students in the seminar write a paper and make a presentation to the class on a legal issue or area relating to congressional investigative practice and procedure. Seminar paper topics include congressional subpoena power and its limits, privileges available to witnesses, testimonial immunity grants, assertions of executive privilege, contempt sanctions, perjury and false statements sanctions, the role of counsel in congressional investigations, and Congress's oversight powers and responsibilities.

Constitutional Law I

Credits: 3

Prerequisites: None

The course examines the roles of the executive, legislative, and judicial branches in determining limits of national and state powers and protection of the individual and civil rights provided in the United States Constitution.

Constitutional Law II

Credits: 3

Prerequisites: Con Law I

This course studies the development of equal protection and due process law under the Fifth and Fourteenth Amendments. This includes an in depth examination of the state action doctrine, as well as various social issues with constitutional implications including abortion, the right to use contraception, the right to have sex in private with another consenting adult, and the right to marry. This course exposes students not only to the substantive law, but also to the methodology of constitutional interpretation.

The Constitutional Law of Religion

Credits: 3

Prerequisites: None

This course examines current constitutional doctrine concerning religion under the First Amendment to the Constitution. The focus will be on the essential cases and principles of the Free Exercise and Establishment Clauses of the First Amendment. These cases and principles are organized along three thematic lines: (1) the regulation of religious activity (free exercise and neutrality, governmental interests, legislative accommodation), (2) the funding of religious activity (establishment and neutrality, governmental support of religious institutions), and (3) the treatment of religion in government's culture shaping activities (public schools, school curriculum, religious speech). The course ends with a discussion of the definition of "religion" for purposes of federal constitutional law.

Construction Law

Credits: 2

Prerequisites: None

This course examines the peculiar legal problems encountered on construction projects. It covers contract, tort, and statutory law as adapted specifically to the construction industry. It analyzes the perspectives of an owner, developer, architect/engineer, contractor, subcontractor and bonding company, both in the context of private and public construction projects, commercial and residential. The principal areas of inquiry are contract structure, public bidding, theories of liability, payment and security mechanisms, claims related to time, disruption and extra work, and claims arising from construction defects. This course is designed to enable you to become familiar with construction law and the construction industry so that, whether you work in the public sector or private practice, you will be able to offer practical legal advice to construction professionals.

Contracts

Credits: 4

Prerequisites: None

Contracts is concerned with the formation of contracts. The traditional offer and acceptance are analyzed in light of problems presented by modern bargaining techniques. Voidability of contracts formed by fraud, mistake, illegality, and unconscionable advantage is also stressed. The performance of contracts and the parol evidence rule are discussed.

Copyrights

Credits: 3

Prerequisites: None

The course addresses the legal protection afforded to authors and artists under common law and statutory copyright. It considers the rights granted, procedure for their procurement, and

protection through litigation. The course also deals with international rights, conveyancing, and interface with the antitrust laws.

Corporate Tax

Credits: 3

Prerequisites: Basic Federal Income Taxation

This course covers the organization, operation, and dissolution of U.S. corporations, emphasizing the problems arising from the shareholder corporate relationship.

Criminal Law

Credits: 3

Prerequisites: None

This course deals with what is called substantive criminal law, i.e., crimes. Numerous crimes such as homicide, theft, and conspiracy are examined, and defenses such as self-defense and insanity are scrutinized. A primary focus of the course is the utilization and interpretation of criminal statutes. The course will be based on case studies of actual criminal cases.

Criminal Procedure

Credits: 3

Prerequisites: None

Criminal Procedure explores part of the interface between the criminal justice system and the United States Constitution. It introduces students to constitutional analysis by examining key provisions of the Fourth, Fifth, Sixth, and Fourteenth Amendments as they apply to police investigations, interrogation, and the circumstances under which indigent defendants are guaranteed the assistance of counsel.

Cross-Border Legal Practice Seminar

Credits: 2

Prerequisites: Professional Responsibility (may also be taken concurrently)

This seminar will focus on two different themes. It will explore what it means to be a lawyer in the United States in comparison with what it means to be a lawyer in other countries. Among other things, participants will discuss the lawyer's role in society and the type of conduct that is regulated. This course will also examine the cross-border practice regulation that has emerged in response to the increasingly common circumstance of lawyers who handle a matter in a country other than their own.

Disability Law

Credits: 3

Prerequisites: None

This course will address legal issues and concepts for people living with disabilities. It will cover issues surrounding civil rights discrimination, and public benefits ranging from employment, housing, income supplements, health, and education. Students will review legislation, case law, and rules, and will focus on the practical and social concerns of individuals living with disabilities.

Dispute System Design Seminar

Credits: 2

Prerequisites: None, however prior coursework in dispute system law and procedure is highly recommended as noted above.

This seminar is for students who: have closely examined at least one dispute resolution system (e.g., civil or criminal litigation, administrative adjudication, investment treaty arbitration, contractual tiered systems for the provision of negotiation, mediation and arbitration); seek to gain an empirically-grounded understanding of the lifecycle and dynamics of conflict, conflict resolution and the pursuit of justice; and will use such understanding to propose the creation or reform of a public, private or hybrid dispute resolution system. Students will conduct original legal and (if possible) empirical research, using the principles, theories, research and dispute system law and procedure studied in the seminar. The following are examples of courses that should be sufficient to prepare students for this seminar: Advocacy I (SKILS 950), The U.S. Law of Arbitration (SKILS 962), Negotiation/Mediation (SKILS 960), Federal Courts (SKILS 965), Administrative Law (GOVMT 952) or other courses that include substantial coverage of dispute system law and procedure.

Education Law

Credits: 2

Prerequisites: None

This course covers the basic premises of compulsory education; issues concerning exclusion of students; school control of student behavior and curriculum; teacher employment problems; and issues of funding, minority rights, and school liability.

Elder Law

Credits: 3

Prerequisites: None

This course presents a survey of the legal issues associated with aging, including introduction to national and global demographics on population aging; comparative policies on Social Security; quality of health care, including care under Medicare and Medicaid (and alternative forms of payment systems for health care and long term care); age discrimination in employment;

housing for older adults, including nursing homes, assisted living and continuing care facilities; advance health care decision making; and fiduciary duties of agents and family members.

Election Law

Credits: 2

Prerequisites: None

This course covers federal and state election law and will examine the constitutional basis for the regulation of elections, the development of the law in this area over the last 30 years, as well as criminal and civil enforcement of the law, the role of the Federal Election Commission, the formation and regulation of political action committees, as well as related federal tax law provisions impacting operation of political committees and advocacy organizations. The course will also examine the intersection of the election law with congressional ethics rules, lobbying regulations, and representation of political candidates and entities in election law matters.

Electronic Evidence Seminar

Credits: 3

Prerequisites: None

The seminar will cover the case law, procedural rules, evidence rules, and rules of professional conduct implicated by the unique attributes of information created and/or stored electronically, as well as the filing and courtroom presentation of documents in electronic format. There are three components to the course. The first part concerns the discovery of ESI, and covers the nature, sources, and terminology of ESI; the different formats of ESI and the implications for preservation and production of ESI attributable to the different formats; the evolution of the rules and case law regarding discovery of ESI; and the obligations of counsel with respect to the preservation of ESI.

Employment Discrimination

Credits: 3

Prerequisites: None

This course will provide an overview of significant doctrinal issues in employment discrimination law, and will seek to develop students' skills through a rigorous examination of statutory law, regulations, and court decisions. It will introduce students to the fundamental legal theories underlying the substantive coverage of the most significant federal equal employment opportunity laws, and legal issues regarding their application.

Employment Law Survey

Credits: 3

Prerequisites: None

This course presents a broad survey of both the common law rules and major statutes that govern the relationship between employers and employees. Students will learn about the

evolution of the law governing the workplace, and about the interplay of state and federal laws and regulations commonly encountered by attorneys practicing employment law. The topics covered include the legal nature of the employment relationship, employment at-will and its limitations, compensation for workplace injuries, worker safety, wage and hour laws, employee privacy, noncompetition agreements, the protection of trade secrets, and the arbitration of employment related disputes. While the course will provide a broad overview of anti-discrimination law, the substantial body of legal issues on that subject will not be addressed in detail. The course will not address Labor Law or Employee Benefits.

Energy Law and Policy

Credits: 3

Prerequisites: None

This course is the introductory course in the regulation of energy in the United States. It also considers some of the international impact of U.S. energy policy. The course examines each significant form of energy (oil, natural gas, nuclear power, electricity, coal, and renewables) in terms of the manner in which each form is regulated by various government institutions. To understand the various forms of regulation, we will also consider a substantial amount of economic, political and socio/psychological information. Each segment of the course will be presented in terms of specific problems that participating students will help analyze and solve. At each stage of the course, we will consider the current policies and attempt to develop regulatory goals and positions that will improve those policies.

Environmental Law

Credits: 3

Prerequisites: None

This course introduces some of the most important concepts, issues, and statutes in environmental law. After discussing the economic and ethical bases for environmental law and briefly reviewing the relevant principles of constitutional and common law, students examine a representative selection of federal statutes, including the National Environmental Policy Act, the Endangered Species Act, "Superfund," and the Clean Air Act.

Estate Planning

Credits: 3

Prerequisites: Trusts and Estates and Basic Federal Income Taxation

This course studies the concepts and techniques required to develop estate plans. Topics include the initial client interview, drafting of wills and trusts, powers of attorney, living wills, disability planning, and income taxation of trusts and estates. The psychological and ethical aspects of estate planning will be covered. The course will also survey the federal gift, estate, and generation skipping taxes. The course is intended to be an introduction to estate planning, valuable to both the person intending to specialize in the field and the general practitioner.

Evidence

Credits: 3

Prerequisites: None

The purpose of this course is to learn and understand how lawyers and judges understand and address the attempted introduction of evidence into court. Students will learn the Federal Rule of Evidence, their theoretical basis, statutory interpretation, how to analyze and argue their application from a litigator's perspective, and how to present and respond to objections to proof. The materials covered relate to the courtroom demonstration of facts at issue in civil and criminal actions. The course will use the problem method with students applying the rules and cases in role plays with both doctrine and practice being emphasized in the fact patterns posed by the problems. In doing so, the course will address how lawyers think about and sharpen one's perception of the allowable forms of proof, in addition to becoming aware of the language of the courtroom. Topics covered include relevance, hearsay, competency, lay and expert witnesses, judicial notice, privilege, authentication, the best evidence rule, and the direct and cross-examination of witnesses.

Externship Placement — Semester in Harrisburg Program

Credits: 8

Prerequisites: Student must have completed and earned at least a C in Professional Responsibility before participating in the externship.

The Semester in Harrisburg Program is an 8-credit, semester long internship that provides experiential learning relating to legislative and administrative law practice and the formulation of public policy at the state government level. Enrollment is open to students in their third year of law school, and the 8-credit internship is graded credit/no credit. Internship placements must be approved by the program directors and are in the state legislature, in state government agencies and offices, and with nonprofit groups that focus on state government affairs and administrative agencies. The purpose of the program is to provide students advanced training and research opportunities in a specialized area of law of interest to them and to serve as an intensive "capstone semester" for coursework already completed at the law school.

Students must register for the 1-credit contemporaneous guided reflection course (FPHBG 996) during the semester that they participate in the Semester in Harrisburg Program. This course will require a twenty-page research paper and will be graded as credit/no credit.

Students in the program must enroll in State and Local Government Law when offered the same semester as the internship semester. In any semester in which State and Local Government Law course is not offered, students in the program must enroll in a required relevant elective course approved by the program directors, and selected from an approved list of courses in the law school curriculum, and relevant to the placement organization.

Externship Placement – Washington, D.C.

Credits: 10

Prerequisites: Student must have completed and earned at least a C in Professional Responsibility before participating in the externship.

The Washington semester externship will provide students with the opportunity to spend a semester in Washington, D.C. earning 10 hours of academic credit for approximately 32 hours of supervised work per week. Students will work in one of several selected and approved governmental or nonprofit entities. The externship will enable students to pursue advanced training and research opportunities in a particular field beyond our curricular offerings. The areas of law will include federal criminal law, international law, federal civil regulatory agency practice and procedure, and public and private nonprofit law. Students will have the opportunity to analyze sophisticated areas of law in a real world context. In the classroom component students will analyze the legal obligations and professional responsibilities of both government lawyers and private counsel.

Students must register for Federal Regulatory and Legislative Practice Seminar the same semester as the Washington D.C. Externship Placement. The seminar will utilize a separation of powers analysis to examine federal regulatory and legislative practice. Topics covered will include congressional investigations, federal regulatory agency jurisdiction and procedure, and areas of federal criminal law that are most relevant to legal practice in Washington, D.C. The seminar's primary focus will be those areas of Washington legal practice in which administrative and regulatory law, federal criminal law, politics, and public relations intersect to create special problems and challenges for attorneys in government and private practice. A "case study" approach will be used to analyze these topics from both perspectives, examining the legal obligations and professional responsibilities of both government lawyers and private counsel. Highlights of the course include analysis of the Watergate, ABSCA, Iran-Contra, Whitewater, and Clinton-Lewinsky scandals.

Family Law

Credits: 3

Prerequisites: None

This course studies legal problems pertaining to the organization, operation, and dissolution of the family. It addresses statutes and cases on a federal and state level. It includes material on privacy; alternative families; marriage, divorce, and annulment; property distribution at divorce, alimony, child and spousal support, termination of parental rights, adoption and care of the child, and custody of children.

Federal Courts

Credits: 3

Prerequisites: None

This course involves elements of constitutional law and civil procedure, addressing the

relationship of federal courts to administrative agencies, state courts and private and ad hoc dispute resolution forums (e.g., arbitration, mediation, 9/11 Victims Compensation Fund). Building on the foundational knowledge of federal subject matter jurisdiction addressed in Civil Procedure, this course examines in greater detail advanced problems in standing, mootness, and ripeness. Building on the foundational knowledge of separation of powers and federalism addressed in Constitutional Law, this course examines the power of Congress to allocate judicial power among federal courts, federal agencies, and States. The heart of the course, however, consists of advanced topics including the power of federal courts to create common law, limitations (and complications) in suits against the federal and state governments and their officials, problems arising when administrative agencies or state courts are addressing matters related to the subject of a pending case in federal court, and limitations on federal appellate jurisdiction. This course should prove especially useful to students who anticipate clerking for a federal or state judge, or who plan to litigate before federal or state courts, administrative agencies, arbitral forums, or other private or ad hoc dispute resolution entities.

Federal Criminal Practice

Credits: 2

Prerequisites: None

This course is an in-depth examination of all stages of a federal criminal prosecution, commencing with the decision to charge, and continuing through trial and sentencing. Subjects will include the Bail Reform Act of 1984, investigative techniques, motions to suppress, immunity, privileges, trial techniques, and the Federal Sentencing Guidelines. Strategic decisions involving pre-trial proceedings, trials, and sentencing will be addressed via presentations by experienced judges, practitioners, and other participants in the process. The goal of the course is to provide students with practical advice and insightful tips regarding every aspect of federal criminal litigation.

Federal Regulatory and Legislative Practice Seminar – (Washington, DC only)

Credits: 2

Prerequisites: None

The seminar will utilize a separation of powers analysis to examine federal regulatory and legislative practice. Topics covered will include congressional investigations, federal regulatory agency jurisdiction and procedure, and areas of federal criminal law that are most relevant to legal practice in Washington, DC. The seminar's primary focus will be those areas of Washington legal practice in which administrative and regulatory law, federal criminal law, politics, and public relations intersect to create special problems and challenges for attorneys in government and private practice. A "case study" approach will be used to analyze these topics from both perspectives, examining the legal obligations and professional responsibilities of both government lawyers and private counsel. Highlights of the course include analysis of the Watergate, ABSCA, Iran-Contra, Whitewater, and Clinton-Lewinsky scandals.

Federal Securities Regulation

Credits: 3

Prerequisites: None

This course is intended to provide an introductory overview of the federal securities laws. The primary focus of the course will be the Securities Act of 1933 (the “Securities Act”) and the Securities Exchange Act of 1934 (the “Exchange Act”). We will examine the principal provisions of those acts and the implementing regulations of the United States Securities and Exchange Commission (the “SEC”). We will also review judicial decisions that interpret and apply the federal securities laws and examine how the SEC administers and enforces those laws. Finally, we will study the recently enacted corporate and accounting reform legislation, the Sarbanes-Oxley Act of 2002 and the Dodd-Frank Act of 2010. The first part of the course will focus on the registration requirement that applies to public offerings of securities under the Securities Act, the registration and “due diligence” process, and the various exemptions from the registration requirement that may be available to an issuer. The second part of the course will focus on the antifraud provisions of the federal securities laws, Exchange Act reporting and disclosure requirements, lawsuits by private plaintiffs, and the SEC’s enforcement powers.

First Amendment — Free Speech

Credits: 3

Prerequisites: None

This course examines the history, values and function of free expression, advocacy of illegal action, expression that provokes a hostile audience reaction, defamation, commercial advertising, obscenity, hate speech and pornography, expression in public places, symbolic speech, campaign finance laws, and speech in restricted environments.

Gender and Sexual Orientation Law

Credits: 3

Prerequisites: None

This course will focus on how the law treats issues concerning gender and sexuality. The doctrinal themes that will be explored include constitutional notions of privacy/liberty, equality and expression as applied to categories based on gender, sexuality and/or sexual orientation. For example, topics might include the right to sexual privacy (including access to birth control and abortion); discrimination on the basis of gender and sexual orientation (including sodomy laws and same sex marriage); evolving theories of sexuality (including the rights of transgendered persons and intersexuals; transsexuals, and the gay gene); identity speech and the First Amendment (including the gay prom case and sexual harassment cases); military exclusions; and the privatization of family law and family formation. The course will examine the relationship between gender and sexuality, based on a multi-disciplinary approach informed by history, medicine, science and broader social and political theories.

Health Care Industry Regulation

Credits: 2

Prerequisites: None

This course focuses on federal and state regulation of the major players in the health care industry – hospitals, nursing homes, physicians, health insurers, and managed care organizations. It covers liability of hospitals and managed care organizations for negligence, the duty to treat as applied to hospitals and managed care networks, the regulation of private health insurers, Medicare and Medicaid, false claims statutes, federal fraud and abuse regulation, and more. The course will expose students to issues and regulations that government and corporate health care lawyers regularly address.

Health Care Law & Policy

Credits: 3

Prerequisites: None

This is a survey course focused primarily on how the law influences the delivery and financing of health care in the United States. The course will examine an array of legal and policy issues related to our health care system, including: the legal structure of the patient-physician relationship; professional licensure and competence; health care privacy, decision-making, and autonomy; the legal and corporate structure of health care enterprises; regulatory and market-based approaches to improving the quality of health care delivery; payment and financing systems including the Medicare and Medicaid programs, insurance, charitable care, managed care, ERISA, and private payment; and enforcement mechanisms, including federal and state civil and criminal statutes and regulations aimed to combat health care fraud and abuse. The course also will focus on the challenges facing the U.S. health care delivery system and proposals for systemic reform, including an in-depth examination of the Patient Protection and Affordable Care Act (PPACA) and its potential impacts on health care access, delivery, cost, and quality.

Immigration Law

Credits: 3

Prerequisites: None

This course is intended to provide students with a general knowledge of immigration law, including such critical subjects as the constitutional powers of the federal government over immigration matters, admission and exclusion, entry, deportation, and political asylum.

Independent Study

Credits: 1-3

Prerequisites: None

In the Independent Study course the student, under the supervision of a full-time member of the faculty, will be permitted to do research and write a paper of a substantial nature on a significant subject.

Insurance Regulation

Credits: 3

Prerequisites: None

Since its inception, insurance has evolved from a purely private contractual arrangement to a highly regulated industry. This course will explore how legal and regulatory principles have changed to address this ever more complex industry. We will also explore the public policy underpinning the development of our complex insurance regulatory system. Specific topics covered will include the creation and growth of the regulatory process, the state versus federal debate over the regulation of insurance, the powers of state insurance commissioners (both legal and practical), and how the regulatory process imposes specific restrictions and requirements on certain areas of insurance and certain types of insurance products. We will also explore how public policy pressures are currently affecting insurance law and regulation (e.g., legal and legislative reactions to the insurance industry's handling of major catastrophes, such as hurricane Katrina, the attempts by both the states and the federal government to create residual markets to cover losses which the private market is unwilling to take on, and the effect of the current health care reform debate on the health insurance landscape).

International Criminal Law

Credits: 3

Prerequisites: None

This course will examine the scope of international criminal law, the definition of international crimes, principles of jurisdiction, procedures for international criminal prosecutions, and examples of international criminal law.

International Human Rights

Credits: 3

Prerequisites: None

This course examines the different international conventions guaranteeing fundamental human rights including the United Nations Charter, the Universal Declaration of Human Rights, the European Convention on Human Rights, the African Charter on Human and People's Rights, and the American Convention on Human Rights. The course will consider some of the newer emerging "meta" rights such as the Right to the Truth and examine the different courts and mechanisms responsible for enforcing these rights.

International Justice Program—Externship

Credits: 10

Prerequisites: International Criminal Law or International Human Rights

The International Justice Externship Program will provide students with the opportunity to spend a semester at The Hague in the Netherlands earning 10 hours of academic credit for

approximately 30 hours of supervised work. Students will work in the Office of the Special Prosecutor at The Hague. The externship will enable students to pursue advanced practical training and research opportunities in international criminal law beyond our curricular offerings. Students will have the opportunity to analyze sophisticated areas of international law in a real world context. Each student participating in The Hague semester is required to enroll in a concurrent two-credit seminar. The seminar component will address international trial investigative techniques, tribunal jurisdiction and procedure, and areas of international civil and criminal law that are most relevant to legal practice before international tribunals. Highlights of the course may include analysis of the prosecutions of Slobodan Milosevic, former President, Federal Republic of Yugoslavia, Milan Lukic, former head of a paramilitary group called the White Eagles, and Jovica Stanisic, the former head of the State Security Service in the Federal Republic of Yugoslavia.

International Law

Credits: 3

Prerequisites: None

This course introduces students to key concepts and doctrines of international law. It examines the sources of international law such as custom and treaty, the bases of international jurisdiction, issues of statehood, recognition and succession, nationality, international agreements, and U.S. participation in the international legal system. The course provides students with the basics needed for both public and private international law practice.

International Tax

Credits: 2

Prerequisites: Basic Federal Income Tax

This course addresses the provisions of the Internal Revenue Code that govern the U.S. operations of foreign persons (i.e., inbound transactions) and the foreign operations of U.S. persons (i.e., outbound transactions). The course will be divided into four parts: Part I provides a general introduction and introduces the impact of tax treaties; Part II focuses on the taxation of inbound transactions; Part III focuses on outbound transactions; and Part IV focuses on cross-border mergers, acquisitions, and joint ventures. The course considers both the rules set out in the Internal Revenue Code governing these transactions and the modification of these rules under the U.S. Model Income Tax Treaty. To provide a comparative approach to the issues, the chapters briefly address the manner in which South Africa, which recently modernized its international tax system, taxes the particular transaction under consideration.

Introduction to Intellectual Property

Credits: 3

Prerequisites: None

This course will survey the protection of proprietary rights in inventions, writings, creative expression, trade secrets, and other intangible intellectual products by federal patent, copyright, trademark and unfair competition law, and by state trade secrecy and unfair

competition law. A central theme will be the challenges to traditional legal paradigms posed by new technologies and the shift to an information-based economy. The course is intended for all students who anticipate having corporate clients and seek a basic understanding of the laws applicable to key assets of most businesses, as well as for students interested in becoming intellectual property specialists. This course does not replace (and is not a prerequisite for) Copyrights, Patent Law, Trademarks, or any other intellectual property course.

Juvenile Law

Credits: 3

Prerequisites: None

This course is a broad survey course which examines the various ways children become involved in the legal system, the legal position of the child in society, and the extent to which the child may be legally controlled by parent(s) or state. Subject matters include child abuse and neglect, foster care, the right of the child to control reproductive decision-making and medical treatment. The course also examines the delinquency jurisdiction of juvenile court, the constitutional protections afforded the child accused of criminal activity, adjudications of delinquency, punishment or placement of the child in the dispositional phase of juvenile proceedings, and treatment of the child as an adult offender.

Labor Law

Credits: 3

Prerequisites: None

This course is an extended study of the federal National Labor Relations Act focusing on the right to form and join labor organizations, strikes, boycotts and picketing, collective bargaining, and the enforcement of collective bargaining agreements.

Law and Medicine

Credits: 3

Prerequisites: None

This course focuses on law concerning the physician-patient relationship as well as bioethical issues that arise in that relationship. It covers confidentiality, medical malpractice, informed consent, the duty to treat, refusing life-sustaining medical treatment, physician-assisted suicide, experimental medical treatment, and more. It will expose students to issues that arise in representing physicians and patients on matters relating to patient care.

Law Firm Management

Credits: 2

Prerequisites: Professional Responsibility

This course will cover a broad range of business topics related to the operation of a law firm. In addition to current trends in the legal market, these topics will include choice of a particular legal entity, ethical constraints peculiar to law firms, principles underlying potential liability for

malpractice and conflicts of interest, strategic choices, and issues related to the primary service functions of a legal business—finance, human resources, marketing and information technology.

Lawyering and Ethics for the Business Attorney Seminar

Credits: 2

Prerequisites: Professional Responsibility and Corporations

This seminar provides students with an opportunity to analyze and discuss ethical and legal issues relating to representation of business entities. Issues covered include (1) who is the client for the lawyer who represents a business entity; (2) what special rules govern confidentiality and information sharing in the representation of a business entity; (3) how should a lawyer respond to evidence of client fraud or other illegal activities; (4) what are the potential liabilities for furnishing legal advice or providing legal opinions for business transactions that are later found to have been fraudulent or illegal; (5) when is a business entity required or permitted to reimburse employees for legal expenses relating to their employment activities; and (6) what special obligations and responsibilities are imposed on "in-house" attorneys who are full-time employees of a business entity.

Lawyering in a Global World: Context and Competencies

Credits: 3 (Contexts) and 2 (Competencies)

Prerequisites: None

This course assumes that the reason why the overwhelming majority of students come to law school is because they would like to become a lawyer. This course is designed to help students learn about the history and traditions of the legal profession and about the 21st Century practice settings and contexts in which lawyers work. This course will provide an opportunity for students, early in their careers, to explore differences in work settings and substantive areas of practice. It will also give students an opportunity to explore the behaviors, knowledge, and skill sets characteristic of successful lawyers in general and in particular settings, and the challenges that lawyers face.

The first semester of this course introduces students to the global context in which lawyers must now operate and some of the transnational and international principles with which all lawyers must be familiar. The course will include a number of sessions with practicing lawyers so that students have the opportunity to learn about different practice settings and substantive areas of practice. As part of the course requirements, students will be asked to interview several lawyers to learn more about their practice settings and the skill sets that would be valuable in that setting.

The second half of the course focuses on the "competencies" students will need – beyond substantive legal knowledge – in order to be an effective and valued lawyer. Drawing upon some of the latest research, this course will introduce students to the skills that lawyers and

clients say that effective lawyers need, including teamwork skills, project management, cultural competency, and familiarity with certain basic business concepts.

Legal Argument and Factual Persuasion

Credits: 3

Prerequisites: None

Given that people most often consult lawyers where there is not a crystal clear answer, the lawyer's job is to develop and present arguments as to how the law applies to the client's facts in a way that favors the client. This course is dedicated to systematically teaching you the unique method by which lawyers create arguments, rather than teaching you "the law of" any particular subject. Because the course is designed to teach you the methodology of arguing on behalf of a client, all instruction will be by means of problems in which you serve as the lawyer for a client at various stages of the attorney-client relationship.

Legal Problems of Indigents

Credits: 2

Prerequisites: None

This course is an introduction to law relevant to assisting people in poverty including law addressing public benefits, housing, consumer issues, custody, domestic violence, and private rights of action. It will also address realities of existence for people in poverty and consider historical and policy perspectives. Finally, the course will focus on some practical skills, and students will participate in mock hearings and/or mock interviews.

Legislative & Regulatory Advocacy Clinic

This clinic will focus on legal analysis and problem solving in one of the most active and controversial public policy areas – health care.

While policy details and substantive law will be an important part of the clinic, its primary goal is provide students a hands-on experience with the legislative and regulatory processes by which health policy is made and implemented at both the federal and state level and to prepare them to effectively advocate a particular policy position in those settings. Using the Pennsylvania legislature as a prime focus, clinical students will gain experience in how to draft legislation, comment on proposed regulations, work with the state's legislative leadership, legislative committees, and executive branch agencies, represent interest groups in advancing healthcare public policy agendas, influence public opinion on contemporaneous healthcare policy issues, effectively deal with opponents, and earn the support of officials and staff from across the political spectrum.

Clinical students will develop a practical understanding of the rules governing the legislative and regulatory processes, the costs, benefits, and trade-offs of particular healthcare policy decisions, and the political and legal dynamics of legislation and agency rulemaking and will apply these tools to current policy debates in health care law and policy, including, among

other things, contemporaneous policy issues concerning the Patient Protection and Affordable Care Act, the Pennsylvania Medicaid program, and the federal Food, Drug, and Cosmetic Act.

Mediation and Negotiation

Credits: 3

Prerequisites: None

This course combines the law and ethics of negotiation, mediation and settlement with economic and psychological bargaining theory and regular hands-on practice in representing clients in negotiation and mediation. Bargaining theory (including distributive and integrative bargaining), relevant socio-psychological research, negotiation and mediation ethics, the law of settlement, and the basics of contract drafting are all introduced. Instruction consists of assigned reading, a series of simulations and exercises (including drafting a resulting contract), written negotiation planning and self-evaluation, feedback, and group discussion. The course also may involve participation in a full-day Saturday program, and students should be prepared to experiment with various means to maximize their facility in using videoconferencing and other technologies to negotiate and represent clients in mediation.

Medical-Legal Partnership Clinic

Beginning in fall 2016, students in the Medical-Legal Partnership (MLP) Clinic will provide holistic representation to patients of the Penn State Hershey Medical Center in legal matters affecting their health. These may include public benefits, immigration, housing, education and other matters. Students who take part in the MLP Clinic take the lead role in all aspects of these cases. While the Clinic's initial focus will be individual representation, over time the clinic may undertake broader policy related projects that arise from the clinic's casework. All cases and projects will involve interdisciplinary collaboration with medical providers.

Nonprofit Organizations

Credits: 3

Prerequisites: None

This course presents an overview of laws and policies that affect the nonprofit sector, a vital component of national and international economies. Students will examine alternative legal structures (including how to form a nonprofit corporation under U.S. law), federal and selected state tax laws, fiduciary duties of governing boards, charitable gifting rules, restrictions on private inurement, and the important roles played by nonprofits nationally and globally. The course will permit students to examine specific legal issues relating to selected nonprofit organizations such as religious organizations, private schools, hospitals and long-term care facilities, social clubs, trade and professional organizations or political organizations. Students may engage in comparative examination of practices and foreign laws of nongovernmental organizations (NGOs).

Partnership Taxation

Credits: 2

Prerequisites: Basic Federal Income Taxation

This course explores the tax implications of formation, operation and liquidation of many business organizations that are not publicly held, such as partnerships and limited liability companies, which are treated as pass-through entities for tax purposes. The growth in the use of such organizations in recent years has meant that partnership taxation is of much greater importance in legal practice today than it was in the past.

Patent Law

Credits: 3

Prerequisites: None

This course is an examination of the legal requirements for obtaining patent protection for an invention. The statutory foundations of United States patent law are examined through an analysis of patent prosecution practice and patent litigation. The course also considers United States patent practice in the context of international intellectual property law.

Payment Systems

Credits: 2

Prerequisites: Uniform Commercial Code course (may be taken concurrently)

In the modern economy commercial parties use a variety of payment mechanisms. This course provides an overview of different payment systems (including checks, credit and debit cards, wire transfers, and letters of credit), the credit system, and the devices that enhance credit worthiness (including guaranties and letters of credit). Classroom discussion is devoted almost exclusively to developing analyses of written problems contained in the course text.

Pennsylvania Criminal Law Practice

Credits: 2

Prerequisites: None

This course is a step-by-step analysis of the procedure, planning, tactics, and strategy in defending and prosecuting a criminal case in Pennsylvania from pre-arrest through appeal. Special emphasis is placed on all aspects of the procedure and law relating to the suppression of evidence.

Pennsylvania Practice

Credits: 2

Prerequisites: None

This class will acquaint the students with civil procedure at the state trial court level. Using Pennsylvania as the model, the course traces a civil case from service of process to trial and includes discussion of venue, pleadings, discovery, and dispositive motions. The course also

deals with other important aspects of civil practice including statutes of limitation, comparative negligence, compulsory arbitration, and settlement.

Post-Conviction Process

Credits: 3

Prerequisites: None

This course is a criminal law course that examines guilty pleas and sentencing alternatives, post-conviction remedies, parole, probation, commutation, and pardon. The course will also examine the law of corrections and prisoners' rights.

Probate Practice

Credits: 2

Prerequisites: Trusts and Estates

This course deals primarily with the handling of estates following death. Emphasis is thus placed on accounts and distribution, the responsibilities of estate administrators and personal representatives, inheritance tax problems, and will contests. Other topics include avoidance of probate and the drafting of wills.

Problem Solving I: The Lawyer and Client

Credits: 2

Prerequisites: None

Lawyers advise and advocate for their clients. In Problem Solving I, students work through a series of problems to practice skills that lawyers use to begin and maintain relationships with clients. The clients may be individuals, corporations, or government. Working with practicing lawyers and law school faculty, students interview a client to determine the facts of the case and to understand the client's goals. Students work collaboratively to discover the relevant law, to assess the client's options and to communicate the legal strategy to the client. Students also observe an actual legal proceeding.

Problem Solving II: The Lawyer as Writer

Credits: 2

Prerequisites: Problem Solving I

One of the lawyer's most fundamental and important jobs is to objectively assess a client's problem and on that basis advise the client how to proceed. In Problem Solving II, students address a series of realistic client problems. Students evaluate each problem objectively by using effective research techniques and accurate and in-depth legal analysis. Students communicate their analysis in a document called a "memorandum of law," the lawyer's primary tool for communicating objective legal analysis. Because research, analysis, and writing skills improve only with practice, students will work through a variety of types of client problems, receiving individualized feedback from their professor throughout the process.

Problem Solving III: The Lawyer as Persuader

Credits: 2

Prerequisites: Problem Solving I and Problem Solving II

Lawyers must be able to advocate effectively both orally and in writing. In Problem Solving III, students learn how to advocate powerfully by using research and writing tools to craft arguments that are strong, honest, and respectful of their adversaries and the court. Students communicate their arguments both in written “briefs” and in oral arguments to the court. Students practice the skills of effective advocacy by addressing a variety of client problems, and they receive individualized instruction throughout the process.

Professional Responsibility

Credits: 3

Prerequisites: None

Through the use of hypothetical situations, this course attempts to generate student sensitivity to ethical problems faced by lawyers in various kinds of practice. The ABA Model Rules of Professional Conduct and the older Code of Professional Responsibility are the basic tools, but discussion centers as well on case law, ABA opinions and standards, statutes, and the dictates of conscience. Discipline and professional malpractice are also treated.

Property

Credits: 4

Prerequisites: None

This course introduces the basic concepts and principles in the law of property. Topics include: acquisition and allocation of property rights; restrictions on owners' rights to use, limit access to, and sell or dispose of their property; and the relationships among multiple owners of rights in the same property. The emphasis is on real property, although the course also addresses intellectual property and other types of personal property.

Protection of Individual Rights under State Constitutions Seminar

Credits: 2

Prerequisites: None

With the perception that the federal judiciary is increasingly hostile to constitutional claims, individuals have turned to state constitutions as an independent source of rights in civil and criminal litigation. This course will analyze the theory and methodology under which state constitutions may be construed to afford greater individual rights than those guaranteed by the United States Constitution. This course requires students to draft a brief before the state's highest court arguing either for or against broader treatment of a right under a single state's constitution. Students also will argue the appeal before the court.

The brief and argument will be evaluated principally on the extent to which students utilize all the analytical methods that are raised in class over the course of the semester.

Race, Racism, and American Law Seminar

Credits: 2

Prerequisites: None

The purpose of this seminar is to facilitate discussion and understanding of the role law has played in both the subordination and promotion of the rights of people of color in America. Subjects for discussion will include: how law helped create the social construct of race, race and the American criminal justice system, affirmative action policies, and the quest for effective schools. This course examines critical race theory which posits that we all harbor at least subconscious racial bias, and that due to our racist past as a nation, racial inequality has been locked into American institutions. Students are required to research and write a paper on a professor approved topic that is at the intersection of race and law.

Remedies

Credits: 3

Prerequisites: None

Remedies is a practice-oriented course focusing on both substantive and procedural issues associated with the outcome sought in cases involving tort, contract, property, and constitutional law. Topics covered will include interlocutory and permanent injunctive relief, specific performance, equitable defenses, contract damages, torts damages, punitive damages, unjust enrichment, declaratory relief, and attorneys' fees. The course uses a combination of the problem and case methods, with students assuming roles as attorneys and judges in advocating and deciding what remedy, in any, should be granted.

Sales

Credits: 3

Prerequisites: None

Article Two of the Uniform Commercial Code is an integrated body of statutory law that prescribes the rights and obligations of parties involved in transactions in goods. Although we will review general principles of contract law and contrast them with the approach adopted in Article Two, this course emphasizes the special techniques of statutory construction utilized in interpreting a code as opposed to an isolated statute. Classroom discussion is devoted almost exclusively to developing analyses of written problems distributed to the students in advance of the class. The problems require students to fashion arguments based on the statutory language. The problems also require students to develop an understanding of the legal and commercial context based on the assigned readings, and then to interpret the statutory language in light of this context. The course topics are: code methodology (including the history and jurisprudence of Article Two), contract formation and interpretation, performance obligations, breach and remedies.

Secured Transactions

Credits: 3

Prerequisites: None

This course deals with the creation, enforcement, and priorities of personal property security interests under Article 9 of the Uniform Commercial Code and related statutes. It addresses: (1) encumbrances on consumer, commercial, and industrial goods; (2) inventory and receivables financing for manufacturers, distributors, and dealers; and (3) personal property agricultural financing. Relevant provisions of other Articles of the UCC and other state and federal statutes are integrated into the course as required.

State and Local Government Law

Credits: 3

Prerequisites: None

Important issues in governmental organization and management are surveyed. Emphasis is placed on intergovernmental relations, the legislative process, personnel issues, financing, and contracting. The course will conclude with a consideration of recent trends toward metropolitan regionalism.

State and Local Taxation

Credits: 2

Prerequisites: None, although some background in accounting or taxation is suggested

Beginning with historical and constitutional aspects, students will analyze recent developments in state and local taxation and their impact on client representation. The focus is corporate and other business taxes and also sales, use, individual income and property taxes.

Strategic Legal Research

Credits: 3

Prerequisites: Legal Analysis, Research and Writing I and II

This course is designed to provide students with an advanced understanding of ways lawyers use primary and secondary legal research sources and finding tools to successfully represent their clients. An emphasis is placed on the development of effective legal research strategies that take into account choice of format (e.g., the relative advantages and disadvantages of print and electronic sources), cost/benefit analysis of format choice, evolving approaches by law firms and private practitioners to billable research hours, use of computerized tools to organize research results, and presentation of research results to case supervisors. Course content will be presented in a hybrid format consisting of two hours per week of in-class meetings with the remaining credit to be completed by coursework outside scheduled class time through online and written assignments.

Tax Policy Seminar

Credits: 2

Prerequisites: Basic Federal Income Tax

This seminar examines fundamental issues in tax policy, focusing on trends and current legislative proposals. Specific subjects includes the economic and political underpinnings of the various tax systems, the tax legislative process, the use of tax structure and incentives to implement social and economic objectives, the legal methodology of controlling tax abuse, and similar subjects.

Torts

Credits: 4

Prerequisites: None

Torts focuses on the rights and responsibilities individuals and institutions owe to one another to avoid or otherwise compensate for the injuries they cause to persons and to property. The course addresses the principles, procedures, analytical techniques, and doctrines in our civil justice system that courts use in deciding when a victim of such injuries is entitled to have the injurer pay for the loss. Topics discussed will include intentional torts, negligence, strict liability activities, and products liability. In doing so, we will address the changing attitudes in society and our legal system concerning the types of interests that are deserving of protection, and how the various rationales for compensation relate to societal goals.

Trademarks

Credits: 2

Prerequisites: None

The law of trademarks is central to the concept of fair dealing in the commercial environment. The history of common law and statutory trademarks is explored as well as registration, conveyancing and foreign rights. The course deals with the duty of the merchant to compete honestly and remedies for failure to do so.

White Collar Crime

Credits: 3

Prerequisites: None

This course provides an introductory overview of the investigation, prosecution, and defense of white collar criminal cases. The course will be divided into four parts. The first part of the course will focus on the definition of white collar crime and theories of corporate criminal liability. The second part of the course will cover the principal substantive white collar criminal offenses, including conspiracy, mail and wire fraud, bank fraud, and securities fraud. In the third part of the course we will study the principal "process offenses" that occur in white collar crime cases, including false statements and false claims, perjury and false declarations, obstruction of justice, and public corruption. The fourth and final part of the course will focus on the investigation and prosecution of white collar crimes, including the special problems presented by parallel civil and criminal proceedings and the basic principles of sentencing law in white

collar criminal cases. The objectives of the course are to introduce the principal white collar offenses, to provide an understanding of the legal process through which white collar crimes are investigated and prosecuted, and to impart a familiarity and comfort level with the special "rules of the game" that apply to lawyers (both prosecutors and defense counsel) in white collar criminal cases.

Wills, Trusts and Estates

Credits: 3

Prerequisites: None

This course examines the disposition of property at death by intestate succession and by will. The execution, revocation, construction, and contest of wills, as well as limits on the power to dispose of property by will, are studied. This course also examines the creation, purposes and termination of trusts, including informal trusts, and the interrelationship between trusts and wills.

Writing & Editing for Lawyers

Credits: 2

Prerequisites: None

Legal writing must be accurate, brief, clear, and sometimes persuasive. Students in this course learn how to manipulate sentences to achieve these goals. They also learn how to edit systematically and correctly. The course reviews rules of grammar, punctuation, sentence structure, usage, voice, tone, style, and organization in the context of legal writing. Students will learn how to *craft* sentences that are accurate, brief, clear, precise, and sometimes persuasive.

Writing Workshop

Credits: 2

Prerequisites: Faculty approval required.

As is true with any skill, excellence in legal writing can be achieved only through practice. This course provides students with the unique opportunity to work one-on-one with the professor in preparing a series of memoranda and briefs. By engaging in the process of directed writing and editing, students will learn to write clearly, succinctly, precisely, and sometimes persuasively. They will learn how to organize analysis of elements and factors tests as well as issues of statutory interpretation and pure questions of law. Interested students can also practice taking the Performance Test, a component the Bar Examination in many states.

Students will be required to submit a statement of interest to the professor before enrollment in the course is approved.

Last updated May 5, 2015.