



Course Descriptions
Summer/Fall Semester 2024

FIRST YEAR COURSES

Becoming Lawyers

This series is designed to help first-year students identify professional goals and build critical academic and professional skills.

Civil Procedure

This course offers the first-year law student an introduction to civil procedure. Emphasis is placed on the interrelationship between theories of jurisdiction and notions of federalism. The course also focuses on approaches to such matters as service of process, joinder, preliminary motions, multiple claims and parties, amendments, discovery, directed verdicts, summary judgment, res judicata, and collateral estoppel.

Contracts

This course is an introduction to the law of contracts, dealing with consideration, offer and acceptance, techniques for policing the bargaining process, and an introduction to remedies. Although the course is essentially an introduction to the common law of contracts, there will be some attention to statutory materials, including the Uniform Commercial Code.

Legal Research & Writing

This course is designed to teach the fundamentals of legal writing and to acquaint the student with various research techniques utilizing the resources of the law library and computerized legal databases. Students are assigned to an instructor, and each instructor will be assisted by several third-year senior fellows. Students will be placed into small sections, which will meet on a regular basis. Over the course of two semesters, students will learn the techniques of legal problem-solving and learn to research and draft legal memoranda and briefs through a series of progressively more complex writing assignments. The course is graded and ordinarily culminates with the drafting of an appellate brief and an oral argument before an appellate moot court. The course lasts the entire year and carries 2 credits in the fall and 2 credits in the spring. This course may be repeated 2 times for credit.

Torts

This course deals with problems of non-contractual wrongs for which private compensation is sought under the common law. Topics include intentional wrongdoing, negligent wrongdoing, instances in which society imposes strict liability, accidents, and the ways in which the legal system shifts their social costs or attempts deterrence.

UPPER-CLASS COURSES

Admiralty I

This course will survey substantive matters, including carriage of goods by sea; charter parties; personal injury and death; collision; towage, pilotage and salvage. Admiralty I is not a prerequisite for the course in Admiralty II; however, both Admiralty I and II are required for JD students prior to enrollment in any other Admiralty courses that are regularly offered. Advanced Admiralty courses may not be taken by JD students simultaneously with either Admiralty I or II.

Admiralty: Collision Law & Limitation of Liability

This course presents the general principles of maritime collision law, including causation, legal presumptions, the effect of statutory violations, apportionment of fault, damages, special evidentiary rules and an overview of navigation Rules of the Road and their interpretation. This course then provides an in-depth study of limitation of liability from a practical point of view. After study of the theory of limitation of liability, the assertion of this right will be considered in detail, as well as the content of the limitation fund and how it is distributed. JD students must have taken Admiralty I and II. Enrollment in the course is limited to 35 students. This course is taught by Jake Rodriguez and Michael Harowski, who are partners in the Wilson Elser firm.

Admiralty: Marine Insurance I

An advanced admiralty course that focuses on the legal problems involved in insurance against physical loss or damage to maritime property (builder's risk and hull), against maritime liabilities (protection and indemnity), and for damage to cargo. JD students must have taken Admiralty I and II. JD students must write the exam, but LLM candidates may write an advanced level paper if they so choose. This course will be taught by Brandon Thibodeaux, an associate with Frilot LLC.

Admiralty: Marine Pollution

This course will cover U.S. legislation, administrative regulations, state legislation, and case law in the area of marine pollution. This course counts as credit for both the Environmental and Maritime certificates. The course will be taught by Joshua Force with the firm of Sher Garner Cahill Richter Klein & Hilbert, L.L.C.

Admiralty: Personal Injury & Death

An advanced course in admiralty law concentrating on rights and liabilities arising out of the personal injury and death of seamen, longshoremen, harbor-workers, and third parties under both federal and state law. J.D. students must have taken Admiralty I and II. The course is taught by Stevan Dittman, Of Counsel with the firm of Gainsburgh, Benjamin, David, Meunier & Warshauer, L.L.C.

Admiralty: Towage & Offshore Services

Tugboats, barges, offshore support vessels, and offshore petroleum and renewable energy installations like offshore wind farms provide crucial services in today's global economy, all

of which impact towage and offshore services in the admiralty context. This course examines the history, development, and current state of laws – some familiar, some quite specialized – that apply in the context of towage and offshore services. Both casualties and contracts are studied. The course focus is on U.S. law, but the laws of other countries like the U.K. are compared and contrasted when relevant, and internationally recognized contract forms are analyzed. Admiralty I and II are prerequisites. This course is taught by David B. Sharpe who is a Partner at Lugenbuhl, Wheaton, Peck, Rankin & Hubbard.

Advanced Civil Procedure: Complex Litigation

This is an advanced civil procedure course focusing on a number of important aspects of civil procedure which are only superficially considered in the first year. It is useful for anyone interested in litigation or practice involving multi-party transactions such as antitrust, securities, product liability, mass torts, consumer litigation and employment rights. The procedures considered include joinder of parties and structure of lawsuits in complicated multi-party suits; duplicative litigation and use of stay orders, injunctions, consolidation, and transfer to the Multi District Panel; res judicata; class actions; discovery and trial in complex cases; settlement, and attorneys' fees.

Antitrust

This course will examine the basic antitrust statutes, Sections 1 and 2 of the Sherman Act, Sections 3 and 7 of the Clayton Act, Section 5 of the Federal Trade Commission Act, and the Robinson Patman Act. The course will focus on the objectives of antitrust law, the concepts of market power and market definition, monopolization, horizontal and vertical restraints, mergers, the use of the per se rule and the rule of reason, price discrimination, and commercial bribery. Professor Feldman plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Business Enterprises

This four-credit course will cover the legal architecture of certain business enterprises (including partnerships, corporations, and limited liability companies), how business enterprises are financed, how control and managerial authority are allocated within a business enterprise, and the scope of the fiduciary duties owed to a business enterprise and its owners in routine and fundamental transactions. This course will also cover aspects of federal securities law affecting the governance of business enterprises, including anti-fraud rules and insider trading.

Civil Law Property II

This course covers institutions of property law not covered in the first-year Civil Law Property course. It includes analysis of the notion, function, and structure of real rights in civil law jurisdictions; actions for the protection of the ownership and possession of movables and immovables; boundary actions; dismemberments of ownership, such as personal servitudes (usufruct, habitation, rights of use), predial servitudes, and building restrictions in subdivision developments.

Civil Law Security Rights

This is a course in credit transactions under the civil law of Louisiana. Topics include

suretyship and secured transactions as to movables and immovables. Article 9 of the Louisiana version of the Uniform Commercial Code is considered, together with mortgages on immovables, and codal and statutory privileges. Problems of ranking or priorities are studied. This course is taught by Max Nathan, Jr., a partner in the firm of Sessions, Fishman & Nathan, LLP. Professor Nathan plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Civil Law Torts

This course will focus primarily on Louisiana's unique tort law, utilizing the Louisiana Civil Code, current Louisiana cases and statutes. Some of these concepts will be compared to common law torts. Subjects likely to be covered during the semester are duty-risk, intentional torts, damages, defenses, wrongful death, contribution and indemnification, vicarious liability, absolute liability, strict liability, products liability, liability of owners/lessors and occupiers of land, and professional malpractice (medical and legal) and prescription.

Commercial Law: Secured Transactions

This course deals in depth with the creation and perfection of security interests in personal property, priority of claims, and remedies upon debtors' default under Article 9 of the Uniform Commercial Code. In addition to full coverage of Article 9, the potential risks of the secured creditor under the Federal Bankruptcy Code are considered. Substantial consideration is given to the policies and commercial equities which underlie doctrine in this area of law.

Community Property

This course is a comparative study of marital property regimes that involve the distinction between the separate and community property of spouses. The course examines the law of the eight community property states and Wisconsin, which has a version of community property based on the Uniform Marital Property Act.

Constitutional Criminal Procedure: Adjudication

The course will examine constitutional procedural and litigation issues from the commencement of a criminal case through conviction (or acquittal), appeal, and post-conviction relief options. Students will be asked to think critically about the goals of criminal procedure and about whether our legal system effectively serves those goals. The course primarily addresses Sixth Amendment issues.

Constitutional Criminal Procedure: Investigation

This is a constitutional law course focusing on those aspects of the Bill of Rights that apply to the rights of suspects and defendants in the investigative phases of the criminal justice system. Specifically, we will be studying United States Supreme Court case law interpreting the Fourth, Fifth and Sixth Amendments. The course is recommended for the Juvenile Law Clinic and the Criminal Litigation Clinic.

Constitutional Law: Freedom of Speech & Press

This course focuses on the Supreme Court's opinions on freedoms of speech and press issues

in First Amendment jurisprudence. The topics of study may include: advocacy of illegal action, defamation, commercial speech, obscenity, offensive speech, hate speech, symbolic speech, regulation of the public forum, prior restraint, and other topics.

Corporate Finance

This course provides both an introduction to financial economics – e.g., how companies are valued, how investment decisions are made – and advanced coverage of corporation and contract law related to the financing of modern business enterprises. The course will survey the rights and protections that exist for financial stakeholders in the corporate enterprise, including debtholders, preferred shareholders, holders of warrants and rights. Business Enterprises is a pre-requisite or permission of instructor required. Mergers & Acquisitions is also highly recommended.

Employment Discrimination

This course concentrates on analyzing the statutory, constitutional, administrative, and judicial responses to discrimination on the basis of race, age, sex, religion, national origin, alienage and sexual orientation by private and public employers.

Energy Law I

This course will begin with an overview of global energy systems and introduce global energy value chains for the dominant energy paradigms and their reach into the real economy. It will then introduce the legal regime governing the extraction of raw materials needed for energy value chains. It will do so by focusing on the exploration, development and production of oil and gas resources in the U.S. covering core aspects of the oil and gas lease (property), joint operating agreements (contracts), and conservation (environmental regulation) and will place the U.S. experience in an international context. The next portion of the course will introduce the regulation of electricity generation, transmission, and distribution. It will focus in particular on the challenges for energy regulation by an increased focus on renewables in the U.S. energy mix. It will again place these developments in a global perspective. The course will use simulations as a means to introduce the many complexities of energy law in a realistic fashion.

Environmental Law: Pollution Control

This course introduces the basic pollution control statutes, the Clean Water Act, the Clean Air Act and hazardous waste laws. It examines and contrasts their objectives, their regulatory schemes and their relative successes. Special emphasis is given to comparing and critiquing the major regulatory approaches to pollution control: command and control regulation according to health-based or technology-based standards and economic incentive schemes, as well as statutory interpretation. The Professor plans to invoke the rule penalizing students for lack of preparation and/or excessive absenteeism.

Environmental Law: Water Resources & Policy

This course will cover the role and influence of the legal system on the use, allocation, and stewardship of water resources in the United States and Louisiana. Since the field of water resources management is rapidly evolving to accommodate storm protection, ecosystem restoration and sea level rise an understanding of the policies that underlay our current laws and the factors that are influencing current policy and law-making will be an important part

of the course's focus. Course materials will include law cases and related materials which must be read before class. The course will be lecture-oriented with occasional guest lecturers with specific experience in development of water resources law and policy. Students will be asked to participate in one group project in which they will be asked to develop, present and defend a position paper on some aspect of the water resources management challenges arising in coastal Louisiana. This exercise will comprise 10% of each student's grade.

Evidence

The focus of this course is on the law and policy considerations surrounding the proof of facts (and law) in judicial proceedings. We will be studying the Federal Rules of Evidence, as most states have adopted these rules wholesale or in large part. We will cover issues of relevance and of reliability, the two main concerns of the Rules. Professors Hoeffel and Laroche plan to invoke the rule penalizing students for lack of preparation and/or excessive absenteeism.

Immigration Law

The course examines the immigration and naturalization processes of the United States with a focus on practical application, procedures, and statutory construction. Topics will include citizenship and naturalization, the admission and removal of immigrants and nonimmigrants, and the issues of undocumented immigration and national security. We will also address the intersection of immigration with other practice areas including employment, criminal, and family law.

Income Taxation

This is a general course covering the fundamentals of federal income taxation of individuals. Primary areas of attention include: the nature of income and exclusions from gross income; deductions; the choice of the taxable person; tax accounting methods; the taxable year and the time of income realization; and the law of capital gains and losses.

Intellectual Property

This survey course introduces students to the basic state and federal laws relating to inventions and cultural works. The class will cover topics that include patents, trademarks, copyright, right of publicity, and trade secrets. The course will look at the moral, cultural, economic and theoretical underpinnings to our current controversies in intellectual property law. This course is a prerequisite for nearly every advanced course in Intellectual Property.

Law of Democracy

This constitutional law course concerns voting rights and elections, topics not covered in upper-level classes on the Fourteenth Amendment and First Amendment. We will address a variety of topics related to the proper legal functioning of our democratic system, including the law of voter participation, reapportionment and redistricting, rights of political parties, campaign finance, racial discrimination and the Voting Rights Act, racial redistricting, and direct democracy.

Law of the Sea

This course reviews the public order of the oceans, i.e., the basic principles of international law, both customary and treaty-based, that apply to maritime spaces, such as the territorial sea, the high seas, continental shelf, seabed, and ocean floor. The course analyzes the allocation of jurisdictional powers among individual states and the international community at large over the various maritime zones involved; the use and management of ocean resources, such as regional and global fisheries regimes and seabed mining; marine environmental protection and pollution control; military uses of the ocean; and freedom of navigation. Special consideration will be given to enforcement issues related to drug trafficking and violations of marine environmental protection or fisheries regulations.

Legal Profession

This course introduces students to the roles of lawyers in society, the nature and structure of the legal profession, the rules of ethics, and to fundamental concerns and dilemmas of lawyers engaged in the practice of law. The course seeks to make students aware of their ethical responsibilities, both as members of society and members of the legal profession. This course must be taken prior to graduation.

Legal Reasoning, Research and Writing for LLM Students

This three-credit course is an introduction to the legal methodologies of practicing attorneys in the United States. Because the course is limited to foreign students seeking their LLM, it emphasizes the development of legal reasoning and writing skills in an adversarial legal system, while simultaneously acquainting students with the legal resources readily available to attorneys in the United States, such as Westlaw, and Lexis. The first half of the course is devoted to short writing projects, e.g., motions, and memoranda, as might be created and used by a U.S. law firm. The second portion of the course, which immediately follows the first, is devoted to the creation of a brief on a current issue. In addition, the students are required to orally argue at least three times. Professor Larson plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Legal Research, Advanced

Building on the research techniques presented in Legal Research and Writing, Advanced Legal Research focuses on the effective use of electronic and print legal research tools and examines existing electronic sources for both legal and non-legal information of interest to lawyers. After reviewing research concepts taught during Tulane's first year Research and Writing course, this advanced course will provide coverage of selected additional research subjects, including statutory research, legislative history, administrative and regulatory research, practice aids, research strategies, and various specialized areas, including an introduction to treaty research and international/foreign research sources. The course also offers advanced training on comprehensive proprietary online research systems such as Westlaw and LexisNexis and introduces specialized proprietary online systems such as Bloomberg Law and BNA. It will focus on using the Internet to locate legal and non-legal resources, covering such topics as search engines, legal portal sites, websites for federal and state law, government information, and no/low-cost information sources (commercial and noncommercial). This course will not be subject to the curve. Professor Duggan plans to invoke the rule penalizing students for lack of preparation and/or excessive absenteeism.

Military Law

This course will be an overview of military and military-related law as practiced in the United States. The course will be divided into three thematic blocks: the military justice system as it applies to service members, the military legal system as it interacts with veterans, civilians, and civilian institutions, and the military legal system as it acts internationally.

Modern European Legal History

This course traces the history of private law in Europe from approximately 1750 to 1950. It will begin with the pre-codified law and custom found in the European *ius commune*, the legal situation during the Ancient Régime of France, revolutionary age leading out to the first great codifications, and proceed to the rise of the historical school and Romanist legal science in Germany, the national debates over codification in Germany, the nature and background of the German Civil Code, the Austrian, Swiss, Spanish and Italian codification experience, and the diffusion of European codifications in countries of Latin America and Asia. Readings will be assigned for discussion and participation in class. Professor Palmer plans to invoke a rule penalizing students for failure to be prepared and/or excessive absenteeism.

Obligations II

This is a continuation course building upon the general principles developed in Obligations I. Its focus is a detailed study of sale and (to a lesser extent) lease, the most important nominate contracts in the Civil Code. Where appropriate, comparisons are made between the UCC and the French and Louisiana Civil Codes.

Oil & Gas Law

This course covers the law relating to oil and gas exploration, development, and production. The class will largely focus on issues related to oil and gas leases but will also cover the nature and classification of other mineral rights and related issues. The course will include common law doctrines as well as certain Louisiana law concepts.

Privacy in the Digital Age

This course explores the intersection of law, technology, and fundamental rights in the digital era. Students analyze landmark cases and legislative frameworks to understand challenges such as online defamation, invasion of privacy, and the clash between free speech and reputation protection. They learn to navigate the complexities of safeguarding personal privacy and reputation in the evolving landscape of social media, data breaches, and online surveillance. Students gain insights into emerging issues and legal responses to the digital revolution through critical analysis, ethical considerations, and practical strategies. They develop the knowledge and skills necessary to advocate for privacy rights and contribute to the evolving law governing online communication and reputation management.

Public International Law

This is the basic introductory course in international law and as such focuses initially on how international law is made and applied as well as the various theoretical justifications for and explanation of international law and international institutions. The course then explores other issues such as the proper subjects of international law— states, international

organizations, individuals, etc.; allocation of legal authority among states; the forums for and the methods of international dispute resolutions, etc. Special attention is paid to the use of force in international relations and the UN-based collective security system. Using the United States as an example, the course will also explore the interrelationship of domestic law and international law—the domestic effect of treaties and customary international law, the role of federalism in the adoption and enforcement of international obligations, and the role of municipal courts in the enforcement of international obligations.

Trusts & Estates

This course examines the law governing the transmission of property at the owner's death. Topics emphasized are intestate succession, the substantive and formal requirements for the validity of wills, interpretation of wills, the creation of private trusts, and the nature of the beneficiary's interest in a trust.

Mini-Courses and Workshops

Climate Change: Underlying Drivers & Potential Solutions

In Climate Change: Underlying Drivers and Potential Solutions, students will explore major sources of greenhouse gas (GHG) emissions, understand drivers to reduce GHG emissions (including voluntary and mandatory mechanisms), assess the effectiveness of various GHG reduction efforts, evaluate available GHG reduction technologies, and review various U.S. government initiatives to accelerate GHG reduction efforts. At the conclusion of the course, students should have a thorough grounding in climate change and be able to understand the causes of climate change, potential solutions, and the economic and legal drivers of climate change causes and solutions.

Climate Change & the Law

This one-credit course aims to provide an overview of the legal implications and consequences of one of humankind's most pressing existential challenges – climate change – and thereby to expose Tulane Law students to a fundamental theme of modern life that will increasingly influence, if not shape their future professional activities. The course consists of ten substantive sessions, eight of which address distinct topical issues and will be taught by different members of the Tulane law faculty as well as by two or three guest lecturers, specialists on the topics concerned – either on-site, in person or by Zoom. Both introductory and concluding classes will be taught collectively by Tulane's in-house faculty. There will be a one-hour written exam at the end of the course.

International Anti-Corruption & Other Global Compliance Issues

This course will cover the basics of international anti-corruption laws such as the U.S. Foreign Corrupt Practices Act, the U.K. Bribery Act, international conventions against corruption, and similar anti-bribery laws of other countries. These anti-corruption laws generally prohibit direct and indirect corrupt payments to foreign officials. Enforcement has increased significantly in the last few years and will continue to be a major factor to any organization operating globally. The course will use recent SEC and DOJ investigations (such as the case against former U.S. congressman from New Orleans, William Jefferson) to illustrate the basics of these anti-corruption laws. The course will also cover other areas in

the international trade regulatory regime such as export controls, anti-boycott, anti-money laundering, and fraud prevention. Other areas addressed by the course include the scope of international anti-corruption laws, identifying a government official, identifying red flags in business partners, conducting due diligence, exceptions to the laws, assessing third party risk, and other areas that play an integral role in counseling clients doing business abroad. We will review the elements of a comprehensive corporate compliance program and mechanisms used to implement compliance procedures and internal controls in an organization. The course will also address the cultural challenges presented by certain countries and industries. Students will be expected to participate in case studies and exercises designed to apply legal principals to situations that arise in the practice of law.

International Sports & Human Rights Law

The intersection of sports with human rights law is a complex and multifaceted realm, encompassing individual physical exercise, competitive games, global competitions, and mega sporting events such as the Olympic Games and the FIFA World Cup. Despite sports' historical autonomy and the court's traditional deference to sport's governing bodies, national and international human rights regimes are increasingly paying attention to abuses taking place in the sports field. Sport relies on a rules-based system in all its facets, including athletes, fans, workers, volunteers, and local communities, as well as governments, businesses large and small, the media, and sports bodies. This seminar examines and unpacks human rights standards and legal commitments to show the diverse actors involved in sports business and/or governance and their human rights responsibilities and obligations. Sports operate within a meticulously structured system, involving athletes, fans, workers, volunteers, communities, governments, businesses, media, and sports bodies, all bound by rules. The course will address issues such as the human rights of athletes, the basic right to participate in sports and physical activity, remedies for victims of human rights abuses tied to major global sporting events; discrimination against women, LGBTQI+ people, and persons with disabilities in sport; campaigns against racism and apartheid in sports; the existence of disciplinary systems in the sports movement and the growing number of situations and cases of potential or actual clashes between the running of competitions and human rights standards (e.g. individuals rights in the context of anti-doping, corruption, and match-fixing). In particular, the course will discuss cases decided by human rights courts, such as the European and Inter-American Courts of Human Rights (ECHR and IACtHR), and specialized sports arbitration mechanisms, notably the Court of Arbitration for Sport (CAS).

Introduction to International Tax

The course will introduce key concepts including international tax policy and the taxation of inbound and outbound business operations, cross-border financing, foreign currency transactions, cash repatriation and acquisitions and divestitures. The course will leverage real-life examples to illustrate the taxation of common cross-border business transactions and provide students with an appreciation of the critical role tax plays in structuring multinational business operations. Course grades will be based on individual written assignments designed to assess students' ability to identify and effectively communicate basic international tax concepts.

Space Law: International Treaties & Jurisdiction

This course focuses on the question of what rules apply in outer space and examines the five current international treaties that govern outer space: the Outer Space Treaty, the Rescue Agreement, the Liability Convention, the Registration Convention, and the Moon Agreement. Comparisons to issues of jurisdiction in admiralty law will be made throughout the course, though no prior knowledge of admiralty law is required. This course is taught by Jeanne Amy from the Department of Justice's Aviation, Space, and Admiralty Division.

Upper-Class Seminars

Constitutional Theory Seminar

Decisions of the Supreme Court such as *Brown v. Board of Education* and *Roe v. Wade* have inspired extensive debate among academic scholars as to the role of the Supreme Court in our system of government and the proper way to interpret the Constitution. This seminar will provide an in-depth examination of the most important issues in constitutional theory. The main topics to be addressed will be the idea of constitutionalism in the U.S., the justification of judicial review in a representative democracy, and the various theories of constitutional interpretation proposed by scholars. The readings for the course will be extensive, and will represent the wide diversity of opinion present in contemporary theoretical debates.

Criminal Ethics Advocacy Seminar

This seminar allows students to learn and engage with the rules of professional conduct and the law as it relates to the differing roles of the prosecutor and the criminal defense lawyer. Students will gain knowledge of constitutional rights and principles that affect the conduct of counsel and the intersection of that law with the rules that govern lawyers. On a fundamental level, students will gain an understanding of the historical and public policy considerations underlying the law and rules governing the conduct of prosecutors and defense lawyers.

Environmental Law: Historic Preservation Law Seminar

This seminar will present a national, state and local perspective on historic preservation in a broad sense, including protection of the urban environment and of archaeological, cultural and other historic resources. It will examine laws dealing directly and indirectly with preservation, and the institutions that implement them. The city of New Orleans provides rich material for this examination. Students will be required to research selected topics and to present their findings orally to the class and in a substantial final paper. Grade will be based on research paper, oral presentation of paper topic, class participation and attendance. Professor Shields plans to invoke a rule requiring students to be prepared and to attend class. This seminar may be taken to satisfy the upper-class writing requirement with permission of the Professor and meeting all of the requirements; the course does not automatically satisfy the upper-level writing requirement.

Feminist Legal Theory Seminar

Feminist legal theory can pose a significant epistemological challenge to traditional schools of jurisprudence, questioning some of the very premises of what constitutes justice and

equality in a liberal democracy. At the same time, it seeks to explore how gender shapes the law and how the law shapes gender. This course will examine the principle tenets, methodologies, and controversies in feminist legal theory including the meaning of equality, the intersection of race and law, the public/private divide, concepts of objectivity and neutrality, and how law reproduces hierarchies while also having the ability to participate in significant social change. We will look at how feminist theory has used, incorporated, modified and critiqued other schools of jurisprudence and theoretical paradigms including Marxism, critical legal studies, critical race theory, and postmodernism. We will also analyze debates between feminist theorists regarding essentialism, women's sexual agency, and how feminist theory itself is a product of a particular society. The goal of the course is to think broadly and critically regarding the interaction of law, society, and gender while exploring the potential and limitations of our legal system. This seminar may be taken to satisfy the upper-class writing requirement.

Law and Time Seminar

What is the relationship of how disciplines think about time and how law understands time? Why are copyrights for the life of the author plus seventy years? Why are statute of limitations 2, 3, 4 years? Time rewards. Time punishes. Time acts as a barrier for redress. Time signals an equitable solution. Lawyers are paid by their time. Think of industrial time, biological time, and legal time. What does law's relationship to time tell us about the laws themselves? How do we understand time and the law? This seminar will investigate the concept of time across disciplines, and then students will choose a part of the law to investigate and apply concepts of time, whether the area of law is overtly about time or an example of law that is missing a time component.

Legal History of Reproductive Justice Seminar

This course examines the legal history of reproductive justice in the United States from the colonial era to the present. It traces ideas about gender, family, sexuality, bodily autonomy, and consent as they have developed over time, using the theory of "preservation through transformation" to analyze change and continuity. The class will situate the development of various reproductive justice doctrines in political, social, and economic context and examine the impact of shifting ideologies about sex and gender on these doctrines. The course will take an interdisciplinary approach, examining the intersections of reproductive justice with, inter alia, race, class, labor, immigration, environmental justice, and international law. This is a reading-heavy course that requires significant preparation and class participation. Assignments will include weekly discussion questions and a final paper.

Mixed Jurisdiction Seminar

This seminar will focus principally upon the so-called 'classical' Mixed Jurisdictions of which there are about 15 or so in the world. Prominent among these are South Africa, Scotland, Quebec, Puerto Rico, Israel, The Philippines and Louisiana. There is debate about the countries belonging to this group and our research interest may extend beyond this circle in order to deal with classification issues. Each student in the seminar will select a topic dealing with some aspect of the Mixed Jurisdictions and write a research paper that will be presented and discussed in class. A paper topic may relate to any micro or macro aspect of such systems and should make use of the comparative method. Before topics are chosen, the opening

classes will discuss the defining characteristics and traits of the mixed jurisdictions and students will be introduced to the literature on the subject. The principal text in the course will be V.V. Palmer (ed), *Mixed Jurisdictions Worldwide: The Third Legal Family* (2001). Professor Palmer plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Professional Responsibility Seminar

This course will explore the role of lawyers' ethics in the American legal system and the conceptual models that currently frame the ethical rules and regulate lawyer behavior. It also will explore those areas in which ethical regulation deviates from practice, and further examine through the use of practical in-class exercises how ethical rules can be developed to improve advocacy and truth-finding in the legal process. The grade will be based on a non-anonymous paper. Professor Stanley plans to invoke a rule penalizing students for lack of preparation or excessive absences. Note: This course does not satisfy the requirement to take Legal Profession. This seminar may be taken to satisfy the upper-class writing requirement with permission of the Professor and meeting all of the requirements; the course does not automatically satisfy the upper-level writing requirement.

Race and International Law Seminar

The Race and International Law Seminar provides a forum for studying race and racial hierarchies in international law, and the use of international law to produce, reproduce, and justify those hierarchies. Throughout the semester, the seminar will discuss the theoretical underpinnings of early postcolonial critiques and what connections they have to critical race theory approaches to international law.

World Trade Organization Seminar (WTO)

This seminar explores the fundamentals of international trade practice in the World Trade Organization (WTO). After reviewing the economic foundations for international trade and the historical underpinnings of the WTO system, our primary focus will be on the texts of the WTO agreements and the international legal practice surrounding the WTO dispute settlement system. This course is taught by Edward T. Hayes, a partner at Leake & Andersson, LLP. This seminar may be taken to satisfy the upper-class writing requirement with permission of the Professor and meeting all of the requirements; the course does not automatically satisfy the upper-level writing requirement.

Experiential Courses

Clinics

Civil Rights & Federal Practice Clinic

This course is the civil advocacy component in which students, under supervision, represent clients primarily in the areas of fair housing, equal employment opportunity, and civil rights/liberties. Students may draft motions, pleadings, discovery requests, and briefs; conduct depositions; argue motions; negotiate settlements and/or try cases in state and federal court. Student attorneys have professional responsibility for clients and handle all aspects of cases from the initial client interview through fact investigation and discovery,

then to trial, adjudication, or settlement. The Clinic must be taken in conjunction with Federal Pretrial Practice Seminar. Students are selected on the basis of an application and personal interview. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded credits in the spring.

Federal Pretrial Practice Seminar

This seminar is the co-requisite course for the Civil Rights and Federal Practice Clinic and examines the practice, procedure, and ethics of pre-trial advocacy in the area of civil litigation. Topics include client interviewing, case planning, drafting pleadings and discovery requests, taking and defending depositions, motion practice, expert witnesses, and jury selection.

Criminal Justice Clinic

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Environmental Law Clinic

The Tulane Environmental Law Clinic (TELC) provides legal services to local, regional, and national groups, as well as individuals, on a wide range of environmental and public participation issues. Under the supervision of the Clinic's staff attorneys, students in the Clinic take the lead in representing clients in pleadings and oral arguments before local governmental bodies, state and federal agencies, and state and federal courts. Among the issues TELC student attorneys address are issues faced by fence line environmental justice communities impacted by facilities which pollute their land, air and water and pose risks from accidental releases; Atchafalaya Basin residents and fishermen who seek to preserve their way of life and the wetlands they rely on; clients concerned with preserving fish and wildlife, including threatened and endangered species; and regional and national groups addressing local environmental issues which reverberate nationwide. TELC is open to 3Ls, 2Ls (during the spring semester only), and LLMs with JD degrees from U.S. law schools. 2L and 3L students are required to enroll for two semesters; LLMs are limited to one semester in TELC. Under student-practice rules, 3Ls and LLMs may sign pleadings and appear in court under the guidance of TELC's supervising attorneys. Professor Jordan plans to invoke a rule penalizing students for excessive absenteeism.

First Amendment Clinic

This clinical course is dedicated to protecting freedom of speech and press through direct client representation. Our students represent politically engaged citizens from all walks of life and political viewpoints across Louisiana and the Gulf Coast region. We also represent members of the press seeking public documents and access to government meetings, to support government accountability and transparency. The Clinic's goal is to train future lawyers in the skills necessary to represent real clients and handle challenging cases, through a First Amendment lens. We accept cases that provide our students with a wealth of experience in strategic legal thinking and nuanced arguments, as well as practical skills

necessary to good lawyering. Student attorneys conduct fact investigation and legal research, write legal pleadings, and argue cases in court, under close supervision of Clinic faculty. Students also participate in client counseling, and draft advocacy letters and policy papers in support of our clients' goals. Our diverse docket seeks to protect public discourse, combat censorship, and support a free press. Students are selected on the basis of an application and personal interview. Evidence and Legal Profession are required prerequisites. Trial Advocacy is a required pre or co-requisite. The Clinic must be taken in conjunction with First Amendment Clinic Seminar. The First Amendment Clinic is a full-year clinic only, with 6 credits awarded in the spring.

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Immigrant Rights Law Clinic

Students in the Immigrant Rights Law Clinic represent detainees, migrant workers, children and other immigrants with critical legal needs working through the U.S. Immigration system. Working alongside licensed attorneys, students work on behalf of clients and community groups in a variety of settings—immigration agencies and courts, state and federal courts, as well as workshops in detention centers and/or community centers. The Clinic must be taken in conjunction with Immigrant Rights Seminar. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded credits in the spring.

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The course is an experiential, yearlong law clinic integrating lawyering theory, skills and doctrine in the context of representing noncitizens, including detainees, migrant workers, and children. Students will be assigned to work in pairs and groups, under Professor Yanik (yearlong) and Prof. Hlass (Fall semester), completing work on behalf of clients and community groups in a variety of settings—immigration agencies and courts, state and federal courts, as well as workshops in detention centers and/or community centers. Students will learn the substantive immigration and federal practice law, as well as ethics and professionalism, as they develop lawyering skills including: critical interviewing, investigating facts, researching and analyzing relevant law, case planning, developing a theory of the case, creative problem-solving, strategic decision-making, collaborating, legal storytelling, critical lawyering and consequences of bias in legal systems, legal writing, oral advocacy, and motion practice.

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Legislative & Administrative Advocacy

Legislative and Administrative Advocacy examines how bills become law and how agency rules are promulgated. Each student will research and draft a proposed bill or agency regulation on behalf of a client group, present it in a mock hearing, and write a research paper. Grades are based in equal proportions on the draft of an instrument, mock hearing, and research paper; there is no examination. Class meetings will cover legislative and administrative enactment and promulgation procedures, research methodologies, drafting techniques, constitutional restrictions, and public access to information. This clinical course is open for enrollment by second- and third-year students. Professors Marcello and Wray plan to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Externships

Civil Rights & Federal Practice Clinic

This course is the civil advocacy component in which students, under supervision, represent clients primarily in the areas of fair housing, equal employment opportunity, and civil rights/liberties. Students may draft motions, pleadings, discovery requests, and briefs; conduct depositions; argue motions; negotiate settlements and/or try cases in state and federal court. Student attorneys have professional responsibility for clients and handle all aspects of cases from the initial client interview through fact investigation and discovery, then to trial, adjudication, or settlement. The Clinic must be taken in conjunction with Federal Pretrial Practice Seminar. Students are selected on the basis of an application and personal interview. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded credits in the spring.

Federal Pretrial Practice Seminar

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Simulation Courses

Advanced Appellate Advocacy

The course is designed to further develop the skills learned in Legal Research and Writing and to provide 2Ls and 3Ls with the opportunity to draft an appellate brief and present an oral argument. The course focuses on appellate theory, standard of review, advanced appellate brief writing, and the art of appellate oral argument. Students will be assigned to act as either Appellants or Appellees and will write a brief from a shortened record. While focusing on the Federal Rules of Appellate Procedure, the course will also survey certain differences in Louisiana state appellate practice. Students will also prepare, practice and deliver a full oral argument. This course will be co-taught by James Garner, a co-managing member of Sher Garner Cahill Richter Klein & Hilbert, L.L.C., and Stuart Kottle, an associate with Sher Garner Cahill Richter Klein & Hilbert, L.L.C. The course will also include a guest lecture from Justice Scott Crichton of the Louisiana Supreme Court.

Advanced Criminal Practice

This course explores topics encountered in an advanced criminal practice including negotiation and litigation of terms of pretrial release, grand jury subpoenas, plea and cooperation agreements, forfeiture, related civil actions, and oral and written advocacy through the lens of recent federal cases and cases in the news. Each topic is covered by an interactive lecture followed by a written assignment that is presented orally, qualifying for experiential learning credit. It is strongly recommended that students take Evidence, Legal Profession, CCP Adjudication, CCP Investigation, or have substantial work experience in the criminal legal system before enrolling in this class.

Advanced Persuasive Writing

This experiential course combines theory and practicality to cover advanced strategies in persuasive writing and build upon the instruction provided in Legal Research and Writing. The theoretical aspect of the course will focus on principles of persuasion drawn from several disciplines, such as classical rhetoric, cognitive psychology, linguistics, and literary

theory. Topics studied may include the rhetorical foundations of legal persuasion and credibility; the role of stock structures, visual imagery, and literary or cultural allusions in legal analysis and argument; leveraging storytelling and narrative coherence; and using document design and other visual techniques persuasively. The practical aspect of the course will involve the application of the covered principles to litigation-oriented documents. Students will analyze the persuasiveness of various examples of attorney communications, such as briefs, letters, and judicial opinions, and create their own versions of these documents that incorporate the principles we discuss. Thus, students will learn a number of strategies and techniques, and practice implementing them, to become more persuasive writers. The course will involve a combination of lecture, discussion, in-class exercises and workshops, and individual student-teacher conferences outside of class. Grades will be based on several writing and editing assignments of various length, as well as students' participation in class discussions and fulfillment of course requirements. There will be no final exam.

Civil Litigation: Strategy & Practical Skills

This experiential course will provide the student with a realistic understanding and appreciation of handling litigation matters in private or corporate practice and the type of work and situations they can expect to deal with on a daily basis. The course will provide a practical application of how to take a lawsuit from the initial client contact through trial and appeal. Students will discuss and prepare pleadings, including Complaints/Petitions, Discovery Requests and Responses, Motions, and Judgments, and will be provided with a practical understanding of what is expected of them by judges and how the rules of civil procedure are applied in the real world. The course will be taught by Robert L. Redfearn, Jr., a partner with Simon, Peragine, Smith & Redfearn, L.L.P. Because of the substantial overlap in content, students enrolled in Civil Litigation: Strategy & Practical Skills may not enroll in the Pre-trial Civil Litigation Winter Intersession.

Contract Drafting

This experiential course introduces students to the principles, processes, and techniques for drafting business contracts. Students will learn how transactional lawyers translate a business deal into contract provisions. Students will draft commercial agreements with a focus on managing risk, minimizing ambiguity, drafting with clarity, using contemporary commercial drafting techniques, and solving problems through effective drafting. Students will also learn to read, review, and analyze contracts to identify and address both legal and business risk issues. The course is presented through a combination of lecture, drafting and editing assignments, and in-class exercises. Students draft contract provisions and contracts from scratch and precedent agreements, analyze term sheets, and review and revise contracts. Grades will be based upon drafting and editing assignments, participation in in-class exercises, and good faith completion of ungraded assignments. There is no final exam.

Deposition Practice & Procedure

This is a skills course focused on depositions. While the course centers on basic and advanced skills in preparing for, taking, and defending depositions, its focus is broader. It begins by placing depositions in the context of formal pretrial discovery and ends with the use of depositions in pretrial motions, negotiation and at trial. Skills exercises will include

both oral and written advocacy skills relevant to this important portion of civil litigation. While most civil cases filed in federal or state court are resolved before final adjudication, all practicing attorneys will have to take depositions in order to learn what evidence they must meet at trial, or alternatively use case evaluation for settlement negotiations or mediation. The information obtained in a deposition will allow an attorney to intelligently evaluate the case and competently advise their clients. The course begins with the role of depositions in the larger discovery process, preparation, developing a theme, and the mechanics of the deposition process and procedure, including questioning techniques. More advanced topics will include the expert deposition, use of expert depositions to make effective Daubert challenges, taking and defending corporate depositions, and the use of depositions in pretrial practice including Daubert challenges and summary judgment motions.

M&A: Deal Making and Document Drafting

This course will provide students with an immersive learning experience by teaching them the essential skills need when performing the role of a corporate associate on a merger transaction. Students will be provided with an in depth look at how transactions are initiated, effectuated and completed. Practical skills that will be taught include how to draft and edit key transaction documents such as non-disclosure agreements, letters of intent, purchase and sale agreements and related disclosure schedules, due diligence memos and closing documentation. The course will include guest lecturers who are highly experienced M&A attorneys as well as experts in various subject matter areas related to M&A such as anti-trust and tax. Students will be assigned to work in groups for certain exercises. They will receive instruction how to draft contract clauses and feedback on their work throughout the course. Students will also participate in negotiating exercises (representing hypothetical buyers and sellers) where they will learn to advocate for their client's positions in a persuasive but non-confrontational fashion. In class lectures will primarily provide the students with practical information from the real world of M&A transactions.

Patent Prosecution

This course concentrates on U.S. patent laws, U.S. patent regulations, and procedures involved in obtaining patents from the U.S. Patent and Trademark Office. Students will learn how to write patent claims, patent applications, and responses to office actions from the USPTO. Some aspects of foreign and international law will be discussed. The grade will be based on several written assignments and a final exam. The course will be taught by Brett North, a patent attorney with the law firm of Roy Kiesel Ford Doody & Thurman, APLC. Professor North plans to invoke a rule penalizing students for lack of preparedness and/or excessive absenteeism.

Plea Bargaining: Theory & Practice

This mini-course introduces students to the mechanism(s) by which most criminal cases (around 95%) are actually resolved, (with a particular emphasis on the federal courts) and will provide future criminal defense lawyers and future prosecutors with some of the tools and strategies needed to achieve just and fair resolutions in those cases. For the last class, students will be put into pairs (prosecutor-defense attorney) and required to conduct plea negotiations in a hypothetical case, and ultimately reach a resolution that does not involve a trial

Transactional Lawyering: Business Planning

What do transactional lawyers do and how do they do it? The course focuses on the lawyer's role as an advisor to a privately-owned start-up company and its owners. We will explore how legal issues and business objectives overlap, the role played by the transactional lawyer in the transaction and soft skills such as client relations/communications and co-worker relationships. This course will examine the life cycle of a hypothetical company, focusing on sample transactions from three major stages of the company's life cycle: choice of entity, formation and obtaining capital; ongoing operations; and exiting or sale of the company. Much of the class work will involve working in teams simulating an actual transactional practice. Using hypothetical business scenarios and actual deal documents, students will represent the company, its owners, or third parties and will analyze, structure and negotiate selected deal components, and, on a limited basis, draft portions of the relevant deal documents. This capstone course is designed to broaden the student's knowledge in a number of substantive areas, help students learn to focus on a client's business objectives rather than just addressing legal issues, and to begin the process of bridging the gap between law school and practice. The course will be taught by John Herbert, outside general counsel of a Houston-based energy company and formerly a division general counsel of a Fortune 30 energy corporation. Business Enterprises is a prerequisite. Grades will be based on periodic written team and individual exercises, a personal journal, and a final written project. There will be no final exam.

Trial Advocacy: General Litigation

This course is intended to prepare and train students in advocacy skills for litigation. It is graded on a pass/D/fail basis, with top 10% of class receiving "honors" designation. The principal method of instruction is "Learning By Doing." The students participate in intensive role playing of simulated trial problems and receive feedback from faculty members. Subjects covered during the course are: opening statements; direct and cross examination; exhibits and demonstrative evidence; impeachment and rehabilitation; examination of expert witnesses; closing arguments; and trial notebook. Asynchronous lectures on the skill of the week are provided, and members of the faculty give demonstration performances. Each student performance is recorded at least once as part of the weekly faculty feedback and self-evaluation component. The faculty includes experienced trial lawyers and judges, who rotate through each section so that students will be exposed to a variety of views and ideas. Each student tries a trial at the conclusion of the course. The course has a limited enrollment. It is strongly recommended that you take Evidence prior to enrolling in Trial Advocacy, but co-enrollment is permitted.

Special Courses

Directed Research

Directed Research is a way for students to receive one, two, or three hours of credit for research papers completed under the supervision of a member of the full-time faculty. The faculty member must approve the topic and scope of the paper and determine the number of pages required for the credit granted. Students may receive a maximum of three credits during their entire degree program.

Summer and Advanced Summer Externships

Note: The application deadline for the Summer Externship Program is set forth under “Key Dates and Deadlines” above. Application forms are available on the TLS intranet site under “externships”.

The summer externship course is an experiential learning program providing legal education and skills development in real-life settings. The course is open to rising 2Ls and rising 3Ls. Students work and learn in courts, approved general counsel offices within corporations, public interest or nonprofit organizations, or government offices at the federal, state or local level. Students may participate in the summer externship at local, national, or international field placements. The Summer and Advanced Summer Externship courses allow students to gain professional skills and problem-solving expertise; study professionalism and lawyers' ethical requirements; examine lawyers' roles in the delivery of justice and ensuring justice for all; develop specific lawyering skills or learn a specific area of law; explore career interests in a variety of legal fields and build a professional network; and provide service to the community and to the public at large.

Three credits are awarded for the summer semester. These are non-classroom credits. The course is graded Pass-C-Fail. Students are required to work a minimum of 135 hours at their field placements, and to commit to at least 4 consecutive weeks between May 15, 2023 and July 28, 2023. Students in coordination with their field supervisors set their individual total summer work schedules, typically amounting to a total of 8–10 weeks. Students submit to the faculty supervisor one writing sample from the summer placement and several brief reflective pieces based on questions posed by the faculty supervisor. Students participate by phone, in person or online in small group or individual meetings with the faculty supervisor during the course of the externship. Students may enroll in the Summer or Advanced Summer Externship in conjunction with a Tulane summer session offered on campus or abroad.