



Course Descriptions
Spring 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 Law Property

This course presents fundamental principles of the civil law as they relate to property. The course is designed to provide a complete understanding of the most powerful right a person can have over a thing in the civil law, namely the right of ownership. The course is divided into four parts: the basic principles of civil law systems, the classification of things, the concept of possession, and the right of ownership, including the acquisition of ownership and how ownership is protected.

Common Law Property

The course surveys the common law system of property rights. The focus is on voluntary and involuntary transfers of land including estates in land, landlord and tenant rights, eminent domain and servitudes, and other rights in the land of another.

Constitutional Law

This course is an introduction to problems arising under the Constitution of the United States, including the nature of the judicial function, the operation of the federal system, the separation of powers, and the protection of individual rights. Both the development of constitutional doctrines and current problems are considered.

Contracts II

The major focus is on the law of contracts for the sale of goods, as embodied in Article 2 of the Uniform Commercial Code. Particular emphasis is placed on remedies for breach of contract and warranties as to quality. Throughout, comparison is made to the similar concepts developed at common law.

Criminal Law

This course focuses on typical statutes proscribing criminal behavior as a means of studying legal concepts of responsibility and punishment. Selected topics include *mens rea*, mistake, attempt, conspiracy, accomplice liability, homicide, rape, insanity, and related constitutional doctrines.

Legal Research & Writing (Spring)

The spring semester of Legal Research and Writing builds upon the fundamentals of research and analysis introduced in the fall semester. Students work on time-sensitive writing assignments and draft a series of short email memos. Students also begin an in-depth study of persuasive writing, ultimately drafting an appellate brief and giving an oral argument before an appellate moot court.

Obligations

This is a basic course in Louisiana contract law with primary emphasis on the Louisiana Civil Code as revised in 1985, and comparisons to the common law. It explores, comparatively, the general concept of a legal obligation, and more particularly the principles of civil law contracts. Matters dealt with include capacity, consent and cause, formation of contracts, effects of contracts, and remedies for nonperformance.

UPPER-CLASS COURSES

Administrative Law

Administrative Law is the law that governs government and its relationship to the governed. This course covers a lot of ground, including delegation of legislative powers, appointment and termination of agency personnel, enforcement of regulations, and (briefly) due process. A particular focus is the law of judicial review of agency action and the procedural requirements of administrative rulemaking and adjudication. The Professor plans to invoke the rule penalizing students for lack of preparation and/or excessive absenteeism.

Admiralty Law II

This course deals with jurisdictional and procedural matters in admiralty law, including jurisdiction over maritime claims, considerations of federalism, *forum non conveniens*, choice of law, special procedures in admiralty cases, limitation of liability, and maritime liens. Admiralty II may be taken prior to Admiralty I. Both courses must be taken by JD students as prerequisites to any other regularly offered admiralty courses.

Admiralty: Carriage of Goods by Sea

This course involves the legal problems arising out of damage to cargoes transported between the United States and foreign ports and focusing on the Carriage of Goods by Sea and Harter Acts, as well as under the Rotterdam Rules. There is an emphasis placed on the actual practice of maritime law. Students must participate in an ungraded mock cargo negotiation. Admiralty I and II are prerequisites. The course is taught by Raymond Waid who is a Shareholder in the New Orleans office of Liskow & Lewis, APLC.

Admiralty: Marine Insurance II

Marine Insurance II is an advanced admiralty course that focuses on the legal problems arising out of marine insurance policies. The course examines hull, cargo, P&I, commercial marine property and liability policies including the liability of agents, brokers, and underwriters, the effect of the insolvency of an insurance company, excess and surplus lines coverage, the duty of defend, reinsurance, and current problems in the law of marine insurance coverage. Admiralty I and II are prerequisites. The course is taught by Richard Cozad who is a Partner at Schouest, Bamdas, Soshea & BenMaier P.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.

Admiralty: Vessel Documentation & Finance

Students in this course work with materials concerning the documentation of vessels and financing from initial decision to construct to permanent financing. A knowledge of maritime law, commercial law and security rights is recommended. The course is conceived of as a practical course, with emphasis on the financial decisions of vessel operators and financiers. Attention is also given to maritime insurance issues affecting financiers. Admiralty I and II are prerequisites. This course is taught by Neal Kling who is a Partner at Sher Garner Cahill Richter Klein & Hilbert, L.L.C.

Advanced Legal Research

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 non-commercial). This course will not be subject to the curve. The professor plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Animal Law

This survey course will provide an overview of the evolution of animal law and the breadth of issues encompassed by this rapidly developing field of law. At the same time, the course will afford the opportunity for in-depth deliberation of the salient issues in current animal law litigation, including in Louisiana. Because animal law necessarily implicates virtually every field of law, including constitutional law, property law, criminal law, and torts,

students must develop and apply their knowledge of these other fields in class discussions. Students will also be expected to understand and apply basic principles of administrative law introduced in the course.

Asylum Law and Policy

The course will examine U.S. asylum law in three parts. First, students will understand how the legal framework for today's asylum law has been built on treaty law, domestic implementing legislation, agency regulation, judicial interpretation, and subregulatory activity. Second, the course will examine the judicial interpretation phase that was for decades the principal way that U.S. asylum law developed, sometimes as a means of immigration control and sometimes as a means of innovation in refugee protection. Third, the course will examine the shift to procedural limitations and access to asylum that have become more decisive of the extent to which the United States fulfills both its protection and control imperatives. The course will focus on the dramatic policy shifts that have come with changes of Administrations, especially in an era of more pronounced exercises of executive authority than legislative. It will also focus on the allocation of authority among the executive, legislative, and judicial branches of government, with the aim of providing students with lessons that will have value in areas of practice or thought beyond immigration and asylum.

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.

Comparative Constitutional Law

This course provides a comparative survey of influential contemporary constitutions including those of the United Kingdom, France, Germany, and South Africa. Following an introduction to comparative methodology and the functions of comparative law, especially in the legislative and judicial spheres, the class focuses on a shortlist of specific topics. These include the legislative process, bicameralism, the separation of powers, electoral systems, federalism, judicial review, and the protection of human rights. The concept of transnational constitutionalism, the potential and pitfalls of constitutional legal transplants, and the drafting of new constitutions in post-conflict societies such as Iraq, Tunisia or Kenya will also be considered. Students are invited to engage with foreign approaches to these issues through the lens of US case law and constitutional doctrine. The course will be based on a study pack of selected legal materials from the systems under review. Knowledge of foreign languages is not required.

Comparative Private Law

This course will compare common and civil law approaches to the law of property, contracts, and torts. The common law originated in England and is judge made. The civil law developed

from Roman law and, in most jurisdictions today, it is codified. We will look at how England, the United States, France, and Germany deal with some concrete legal problems, and ask whether the differences are due to history, codification, culture or to the problems themselves. The topics chosen will be familiar to the students from their first year.

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 is one of the recommended courses for 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.

Elder Law

The course is specifically designed to provide students with a uniquely focused perspective from which to gain a deep understanding of the varied legal issues that arise at the intersection of law and aging. More specifically, "Elder Law" is the legal practice of counseling and representing older persons and their representatives about the legal aspects of health and long-term care planning, public benefits, surrogate decision-making, older persons' legal capacity, the conservation, disposition and administration of older persons' estates, and the implementation of their decisions concerning such matters. Additional issues covered include retirement planning, discrimination in employment, elder abuse, and assisted suicide. This course will inform the growing number of students who may work with or represent the elderly, family members of the elderly, legal service agencies or legislative advocacy groups.

Election Law

Election law is a fascinating topic not only in politically charged times; the rules surrounding elections determine the way constitutional principles play out in practice at any point in time and thus lie at the very heart of democracy. In combination with a few other key variables, such as the structure of the executive (presidential or parliamentary) and the vertical distribution of power (unitary or federal), election systems can shape the exercise and coherence of party influence over government, the stability of the executive, the breadth and legitimacy of representation, the capacity of a system to manage internal conflict, the extent

of public participation, and the overall responsiveness of government. Several factors – in particular overall system design, state funding and private campaign financing, districting, or general party influence – impact on elections. The course covers these and many other core issues in the context of different voting systems and their respective political and constitutional dynamics. Most of the course deals with the United States; the increasing influence of proportional representation and variants of majoritarian election systems both in the U.S. and around the world, however, also invites some comparison with approaches found in the United Kingdom, France, Germany and South Africa. Due to overlap in content students may not enroll in both the Election Law and the Law of Democracy course.

Employment Law

The employment relationship serves an important role in structuring the lives of most adults in the United States. Employment provides wages, and often, a slew of benefits including health care and retirement pensions. It also provides a sense of stability and routine and can even serve as the foundation of our identities. Legal disputes about the employment relationship occupy a significant segment of the legal market and consume a significant proportion of legal resources. This course offers students an overview of the important legal issues that are raised in the context of the employment relationship. It examines the law governing the employment relationship, including the establishment and termination of that relationship. The course will discuss employment issues, such as contractual employment agreements, wrongful discharge, regulation of wage and hour laws (FLSA), leave (e.g., FMLA), safety (OSHA and workers comp), unemployment insurance, privacy and freedom of speech, intellectual property issues (such as R&D ownership, trade secrets and non-competition clauses), the developing concept of unjust discharge, and regulations providing protection of retirement benefits. Throughout the course, students will be able to deepen their study of contract law, torts, and statutory and regulatory processes through the context of the law of the work. The course does not cover either Employment Discrimination or Labor Law, both of which are offered as separate courses.

Energy Regulation: Law & Policy

This course will begin with an overview of the global energy situation in terms of supply and demand as well as balanced projections for the coming decades both here and abroad. It then will proceed to examine the primary sources of energy along with the multi-faceted role of electricity as the central source of secondary energy in our economy. This portion of the course will cover in some detail how these energy sources are used and regulated from economic, reliability, and environmental perspectives. There will therefore be a review of legal and regulatory principles governing fossil fuel extraction and use, the coal industry, nuclear power, a range of renewable energy sources, and finally the regulation of electricity generation, transmission, and distribution. The course will conclude with a brief review of the growing role of conservation and climate change in energy markets here and to some extent abroad. There will be an essay-based final examination and class participation will certainly be encouraged.

Entertainment Law

This course will cover legal issues in representing clients within the entertainment industry, highlighting business and economic considerations. The focus will be on the nature of

relationships and transactions, including implications on intellectual property rights arising from contractual and other legal matters, which arise among various players from the music, film, visual and performing arts sectors. These players will include recording artists, songwriters, producers, managers/agents, record labels, publishers, filmmakers, screenwriters, graphics artists, studios, etc. Emphasis will be placed on analyzing the initial development and evolution of these dynamic relationships as they are intertwined within a pragmatic fact-pattern involving common issues arising from entertainment legal matters. Throughout the course, consideration will be given to various revenue streams flowing from intellectual property through channels of commerce, such as tangible record sales, digital sales, performance rights, and licensing, including synchronization licensing for music placements against film. The course is taught by Ashlye M. Keaton, Esq., who is the co-founder and supervising attorney for the ELLA Project.

Environmental Law: Natural Resources

This course is one of the two foundation courses in environmental law and presents a survey of programs that govern the use and protection of natural resource systems, including energy, mining, timber, grazing, transportation and water resource development. Special attention is given to the National Environmental Policy Act, and to management statutes for public lands, forests, parks, refuges, wilderness areas, and endangered species.

EU: Constitutional Law

This course covers the legal and political development of the European Union, highlighting the gradual functional and organizational changes that have taken place over the past five decades, and deals with its present-day constitutional structures including the Commission, the Council, Parliament, the European Court of Justice, and the European Central Bank. Specific emphasis will be placed on human rights protection and judicial review in the European context, the concept of a European constitution, the ongoing expansion process, and challenges connected to the introduction of a common European currency. The course also focuses on Brexit and the tensions between an increasingly influential and supranational Union and its 27 sovereign Member States. Students are invited to draw comparisons between the European Union and the United States throughout the course.

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.

Fair Housing Law & Litigation

With U.S. HUD suspending and reissuing a number of regulations governing proof standards and its affirmative duty to promote housing choice and opportunity, a study of fair housing law and litigation is particularly timely. This course will examine Title VIII of the Civil Rights Act of 1968, as amended in 1988; classes protected; transactions covered (rental, sales, lending, insurance); and the fair housing obligations of states, municipalities, and public and affordable housing programs. Students will be challenged to consider the strengths and weaknesses of litigation as a tool for creating an equal housing market and eradicating

residential segregation. This course will incorporate doctrine, theory, and practice and will be assessed using a mid-term exam and several writing assignments including a final paper.

Federal Courts

Federal courts occupy a strategic place at the crossroads of the foundational constitutional principles of separation of powers, federalism, and individual rights. This course examines the constitutional and statutory power of federal courts from that vantage point. Topics planned for the course include case-or- controversy and justiciability limitations on the federal judicial power (with an emphasis on standing doctrine), congressional power to control the jurisdiction of the Supreme Court and lower federal courts, the role of state courts in the enforcement of federal rights, state sovereign immunity under the Eleventh Amendment, and abstention doctrine.

Federal Criminal Law

This course explores major jurisdictional, procedural and substantive issues involved in the enforcement of federal criminal law. Included among the crimes on which the course focuses are mail and wire fraud, drug offenses, banking offenses and money laundering, perjury and obstruction of justice, and RICO. Professor Larson plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Foreign Affairs & National Security

The focus of the course will be on the U.S. constitutional structure and how that affects the role the United States plays in the international domain. We will inquire into how the Constitution enables and constrains the manner in which the United States government participates in lawmaking internationally and how that in turn affects private rights within the United States. An international lawyer working in this country will surely need to be familiar with constitutional and other legal constraints that govern our relationship with the outside world. And a domestic lawyer to be effective in this day of global interdependence will need to be familiar with the international process that continuously shapes the nature of the constitutional order in this country and our very understanding of the Constitution itself. Some of the areas that will be covered in the course are: foreign relations and the separation of powers doctrine; the scope of and limitation on the treaty power; presidential power to conclude international agreements outside Article II treaty power; constitutional and domestic status of customary international law; foreign sovereign immunity and the act of state doctrine; congressional and presidential war-making powers; constitutional rights and the war on terrorism; extraterritorial application of the U.S. Constitution and U.S. laws; and the power of states in relation to foreign affairs.

History of the Civil Law

This course deals with the civil law tradition from its origin to the codifications of the 19th century. We will consider the distinctive features of classical Roman law, how Roman law changed under the influence of medieval jurists after its rediscovery in the 12th century, how it was systematized by the natural law schools of the 16th and 17th century and reinterpreted in the 19th century. We will discuss codification in France and Germany and their success.

Immigration Detention and Removal Defense

This course will teach students the process and laws applying to detention and removal defense of immigrants. Topics will include the authority to detain and eligibility for release, classification of immigrants, grounds of inadmissibility and deportability and defenses against removal. The course is taught by Homero López, Jr., Director/Managing Attorney of Immigration Services and Legal Advocacy (ISLA) in New Orleans. Tulane and Loyola students are invited to register. The course site for Spring 2024 will be at Loyola Law School and the course will follow Loyola's academic calendar.

Income Taxation

Practicing lawyers, regardless of their area of expertise, need a basic understanding of federal income tax because this tax affects so much of modern American life. This course covers the fundamentals of federal income taxation of individuals. It provides a basic understanding of the structure and vocabulary of the tax statute and of the relationship of the statute to regulations, other administrative pronouncements, and case law. The course introduces students to key concepts and issues in individual federal taxation such as the taxable unit, rate structure, the definition of income, capital recovery, the difference between a deduction and a credit, and the treatment of capital gains. Through the use of the problem method, the course develops the critical skills necessary to read and analyze any statutory language.

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.

International Energy Transactions

International Energy Transactions is an important part of the required knowledge base of an "energy lawyer" given the global nature of energy value chains. There is no single body of law or a treaty on "energy law" or "international energy law". Instead, it is a combination of various rules of international, regional and national laws and of negotiated terms in form agreements between the parties. The course begins with an introduction of the main players in the field. It will cover the entire energy value chain and introduce students to legal and contractual issues relating to each segment. The course covers many forms of energy from oil and gas to renewable energy. It also provides an overview of typical national policies and policy drivers for various energy activities.

International Environmental Law

This course examines the basic international legal setting for the protection and management of the environment. It discusses how international law is made and applied, the role of international environmental regimes or institutions, transboundary liability and compensation, enforcement strategies and compliance control mechanisms. Major themes of the course include human rights and the environment, free trade and environmental

protection, the financing of global environmental protection measures, the protection of biodiversity, North-South issues generally, as well as various regulatory regimes for the protection of the global commons and internationally sensitive natural resources, including the Climate Change Convention. Public International Law is highly recommended. Professor Handl plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Internet Law

This is a survey course in Internet law. It provides an introduction to how privacy, contracts, intellectual property, intermediary liability, jurisdiction, trespass, free speech, taxation, antitrust, and other legal doctrines may apply to activity on the Internet. Topics covered may vary based on recent events, with a focus on e-commerce, social media, and platforms.

Labor Law

After a brief introduction to the history and evolution of the labor movement and labor legislation, the course covers in depth the legal framework dealing with union organization and collective bargaining. The material is considered from the beginning of the relationship between the employer and union, the organizational phase, through collective bargaining and enforcement of the contract once it is in place.

Laws of War

This course provides students with an overview of the laws of war which, for the purposes of this course, will include different areas of international law applicable to situations of armed conflict. It will largely cover: a) the jus ad bellum, or the law on the use of force; and b) the jus in bello, or international humanitarian law (IHL), also referred to as the law of armed conflict (LOAC). For the jus in bello, this includes: the classification of armed conflicts; duties and responsibilities of parties to an armed conflict; the principles of humanity/necessity, distinction, proportionality, and precautions; and other IHL rules. It will also look at contemporary issues in IHL such as cyber warfare and autonomous weapons, as well as gaps and challenges in IHL including, compliance and enforcement. In addition to the jus ad bellum and the jus in bello, the course will cover the interrelationships between IHL and international human rights law (IHRL), international criminal law (ICL), and the rules on state responsibility in war. Students who have taken International Humanitarian Law may not take Laws of War.

Legal Profession

This course introduces students to the roles of lawyers in society, the nature and structure of the legal profession, 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.

Mergers & Acquisitions

This is an advanced corporate law course covering federal law aspects of tender offers, mergers (including forward and reverse triangular), leveraged buyouts, asset purchases, and other acquisition techniques, as well as selected defensive tactics (poison pills, recapitalization, white knights, etc.), due diligence, and drafting merger and acquisition deal

documents. Business Enterprises is a pre-requisite or permission of instructor required.

Patent Law

Topics to be covered include: patentability requirements, infringement, defenses, remedies, litigation, appellate issues, administrative revocation, and special topics. A technical background is not required for this course. Intellectual Property is a co-requisite.

Real Estate Transactions & Finance

This course will cover issues of substantive and procedural law in their relationship to real estate transactions, and drafting, financing, and other problems encountered in sophisticated transactions.

Representing Physicians

This course will begin with an overview of general issues in healthcare law but will focus primarily on practical legal issues physicians face in the current healthcare world and how lawyers can be prepared to counsel the physicians facing those issues. This course will address issues as diverse as anti-trust and ERISA to medical staff and peer review, from the viewpoint of a practitioner who specializes in representing physicians. Tulane medical students will also attend several of the classes. The course is taught by Richard Levenstein, a Shareholder at Nason Yeager. There will also be several attorney and physician guest instructors.

Securities Regulation

This course provides a broad overview of U.S. Federal securities law, including statutes and regulations governing the underwriting and offering process, exemptions from registration, the operation of securities markets, and the activities of securities intermediaries, such as stock exchanges and broker-dealers. The course focuses on theoretical issues, such as the philosophy of regulating disclosure; the classification of professional and retail investors; the allocation of authority among the SEC, self-regulatory organizations and other federal and state regulators with respect to financial instruments; and the scope of and limitations on private securities litigation and the SEC's enforcement authority. Business Enterprises is a pre-requisite.

Sports Law: Antitrust & Labor

This course examines how the antitrust and labor laws apply to the unique relationships in the sports industry. The course focuses on the ways the antitrust and labor laws have shaped virtually every aspect of professional and amateur sports – ranging from salary caps and age restrictions to television deals and team relocations.

Successions, Donations & Trusts

A course in the Louisiana civil law governing the transfer of property by inheritance, testament or gift during life. Topics include rules of inheritance, rights of surviving spouses, acceptance and administration of successions; collation and partition; the making of wills, kinds of legacies, and forced heirship limitations on gratuitous dispositions. The course also considers the Louisiana Trust Code's provisions concerning the creation, modification, and termination of trusts; limitations on dispositive provisions; and the powers and

responsibilities of trustees.

Taxation: State and Local Tax

This course explores the state and local taxation of entities and individuals, focusing on multi-state taxation and overall tax planning strategies to minimize or eliminate multi-state tax liability. In this course, we will examine the concept of “nexus” (when a taxpayer or transaction is subject to the taxing jurisdiction of a state or locality), both as it has been understood historically, and in light of technological advances that have made remote business operations increasingly practical. We will also address the unique state and local tax issues created by the growth of “e-commerce” and the financial impact on state and local tax jurisdictions administering tax laws developed in the context of local business operations. Finally, we will discuss and analyze business activity taxes and sales and use taxation in detail, and will also cover very generally franchise, capital stock and gross receipts taxes, and property taxation, as time permits. Students will have an opportunity to practice handling or deciding a current significant SALT issue in a “moot court” exercise. The course will be taught by Jaye A. Calhoun, a member of the Business Tax Section of Kean Miller, L.L.P.

Taxation of Business Entities

The course covers federal income taxation of C corporations, S corporations, partnerships, and limited liability companies (“LLCs”) and the holders of ownership interests in such entities, including the federal income tax consequences of operations; contributions of capital to the entity; distributions by the entity; and acquisitions, dispositions, and rearrangements of the entity. The course also will address choice of entity considerations under the new tax law. Prerequisite or Corequisite: Federal Income Taxation.

Mini-Courses and Workshops

Admiralty: Charter Parties

In this course, the student will become familiar with the different types of charter parties utilized by the shipping industry for chartering both cargoes and vessels. The main focus of the course will be on the duties of the owners and charterers under time and voyage charter parties, and the legal basis for disputes under both U.S. and English law. Admiralty I and II are prerequisites. The course will be taught by Jason P. Waguespack (L’91) of the firm Galloway Johnson Tompkins Burr & Smith.

Admiralty: Freight Forwarders, Shipbrokers & NVOCCs

This course will examine the role of intermediaries with respect to the negotiation and conclusion, or “fixing” of contracts for the carriage of goods by sea. The course will specifically examine the procedure for negotiating contracts including charter parties, the applicable chartering terms, the relationship between the intermediaries and the merchants, charterers, carriers and owners, and the relevancy of agency law. The course will explore multimodal transportation and liability regimes in EU and US. The course will be taught by Andrei Kharchanka, Manager of Risk, Claims and Litigation for BBC Chartering GmbH of Leer, Germany. BBC specializes in project cargo and is the world’s largest operator of heavy lift multipurpose vessels.

Becoming Lawyers: Applied Legal Analysis

This course aims to promote the academic and professional success of 3L students transitioning into their post-graduation bar exam preparation. The course will focus on exam strategies and study skills; it will not explicitly teach content tested on the bar exam and is not designed or intended to be a substitute for a commercial bar review course. Following an initial lecture-based session, students are expected to be active participants in the course, which will require out of class assignments, in-class assignments, skills practice, mock exams, and other formative graded exercises. Students will receive hands-on studying and writing practice, peer evaluation, and individual feedback.

Competition Law in the Digital Economy

The course explores the impact of digitalization on the application of competition law. On the one hand, competition has been tremendously intensified by the reduction of transaction costs, greater transparency and geographic market expansion. On the other hand, unprecedented economies of scale, network effects and control over big data create considerable barriers to entry and increase market power. Moreover, algorithms and artificial intelligence allow for new methods of coordinating market conduct with other players. Therefore, it does not come as a surprise that new competition law cases have emerged, including but not limited to the GAFAM platforms (*Google-Alphabet, Apple, Facebook-Meta, Amazon and Microsoft*). While the focus of the course is on European Union (EU) competition law, developments in US antitrust law will be considered comparatively. It will be shown that competition law – when adequately applied – does not stand in the way of innovation but has become indispensable for keeping markets dynamic, fair and open.

Corporate Governance: Hot Topics in Corporate & Personal Governance

The course carries one semester hour of credit and meets for six two-hour sessions. It is graded on the “P, D, F” basis. It considers “hot topics” in corporate governance, such as “shareholder activism” and “proxy access”; a chapter from James Freund's book “Smell Test,” which examines lawyers caught in what could be career-ending ethical dilemmas involving business clients; and one or two Delaware cases in which governance failures contribute to business failures. Because a significant portion of the course is current events, which are not predictable, newspapers are part of the assigned reading. Please choose either *The New York Times* or *The Wall Street Journal*. Editorial content will not be assigned. The course syllabus may change with little or no notice. A student's background in corporation and securities law will be useful, but not prerequisite. We will review those subjects in an early class. The course is most appropriate for 3Ls, but 2Ls are also welcomed. This mini-course is taught by Louis Fishman and Maureen Gershanik, both Partners at Fishman Haygood L.L.P.

Corporate Law & Practical Aspects of Hostile Acquisitions

This is an advanced corporate law course focusing on state corporate law, corporate governance, the fiduciary duties of directors and the rights of stockholders in the context of hostile acquisitions. This course will emphasize the practical aspects of corporate law and will cover hostile acquisitions from a bidder's perspective (which will include takeover approaches, takeover negotiations, takeover techniques, and the structuring and pricing of offers), hostile acquisitions from a target's perspective (which will include advanced preparation, structural changes to reduce vulnerability, and responding to acquisition

offers), proxy contests and stockholder activism. Business Enterprises is a prerequisite for 2L students and a pre-requisite or co-requisite for 3L students. The course will be taught by Michael Maimone who is an experienced corporate attorney and litigator who practices primarily in Delaware and New York.

International and Comparative Climate Law

Emissions of greenhouse gases are known to cause widespread ecological, economic, and social consequences at a global scale. For over three decades, states have engaged in intense international negotiations and national efforts to address this issue, in particular by limiting and reducing greenhouse gas emissions. This course will consider what has been done, what is being done, and what could be done to address climate change through law and policy at the international, national, and local scales. The objectives are for students to gain knowledge and understanding of international and comparative climate law and, more broadly, of the ability of law and policy to address new issues.

Legal Scholarship Workshop

This “workshop” will feature presentations by five or six visiting authors of their works-in-progress. Students formally enrolled in the workshop will meet with one or more of the faculty conveners the week before each author’s presentation to discuss the paper. Students will prepare brief (one-page) response papers for each paper, which will be shared with the authors. In addition, students will be expected to attend two additional academic lectures or conference events at the law school or elsewhere on campus. The workshop is designed for students who are interested in developing skills in critically reading legal scholarship and for those with particular interest in issues related to regulation, law and economics, and immigration. The author presentations will be open to students who are not formally enrolled in the workshop. This course is graded on a Pass/D/Fail basis.

Political Investigations & Impeachment

This course looks at issues at the intersection of politics and law that arise in investigations of public officials, including in impeachment proceedings. Topics will include criminal investigations, congressional inquiries, the role of defense counsel, and standards and processes for impeachment and removal of a U.S. president and other high-level government officers. Both the legal framework and practical political considerations will be considered. This course will be taught by Ross Garber, chair of the Government Investigations and White Collar Crime Group of Shipman & Goodwin LLP (Washington, D.C.), whose practice concentrates on representing government officials in investigations and who has served as lead defense counsel to three U.S. governors facing impeachment. Evaluation will be based on class participation (25%) and one paper (75%).

Wind Law

Wind is a major source of renewable electricity in use around the world. This course will focus on legal and policy factors that arise with this technology, using case studies, legal materials, scientific data, and other sources from the U.S. The course provides an in-depth study of most aspects of wind law in the US, with a focus on selected states, including the history of wind energy, the major elements of the wind energy lease, permitting, land law issues, the contractual framework for the sale of wind energy, offshore wind projects,

government tax incentives, transmission issues and litigation.

Upper-class Seminars

Admiralty Law Seminar

The Seminar will have one or more common themes to be selected by the class with some suggestions from the professor. Two possible themes are: (1) the shipping industry's decarbonization efforts and (2) the problem of abandoned seafarers and mistreatment of seafarers, particularly in the fishing industry. Students attending the first class should have given some thought as to what they would like to see the Seminar cover. Admiralty I is a prerequisite. This seminar may be taken to satisfy the upper-class writing requirement.

Art & Culture Law Seminar

Art law began as a response to World War II, and for more than fifty years, beginning in the 1970s, issues related to theft, ownership, fraud, cultural treaties, and other responses to the massive dislocation of art dominated the discussions and law. That continues. But we also now have a second stream: the practical realities of artists within a social media culture, and how that impacts on legal questions that arise. This course will look at both traditional art history and contemporary issues. Students will have wide flexibility on seminar paper choices. We will be watching movies as part of our understanding of how culture perceives art law (there are a lot of movies). And we will be doing some field work as part of our goal of understanding current legal questions and issues of the artist today. No prerequisites. All backgrounds welcome.

Coastal & Wetlands Seminar

This seminar provides an examination of the factual, legal, and policy framework that has developed regarding issues of coastal land loss, with a focus primarily on the quickly disappearing wetlands in Louisiana, but also with an examination of similar land loss issues in other communities. The seminar will examine the background of the importance of wetlands, the crisis of coastal land loss, the causes of that loss, and the legal and policy responses in the search for remedies for wetland and coastal harm. The seminar will be co-taught by Christopher Dalbom (Senior Research Fellow and Assistant Director of the Institute on Water Resources Law and Policy at Tulane Law School) and Bessie Antin Daschbach and Tad Bartlett (both members of Jones, Swanson, Huddell & Garrison LLC).

Corporate Governance, Accountability & Control Seminar

This course will consider the mechanisms of control over the modern business corporation in American society. What are the roles played by directors, shareholders, regulators, and other groups? Who should owe fiduciary duties to the corporation, what are the content of those duties, and how should they be enforced? How should boards of directors manage the claims of various constituencies affected by corporations?

Criminal Legal System Seminar

This seminar provides students with the opportunity to write a research paper on a topic of their choosing about reforms that are concerned with improving racial and social justice in the criminal legal system. Students will focus on law and policy related to some current or

historical reform or potential reform proposed by legislatures, courts, prosecutors, defense counsel, police, sentencing authorities, public interest organizations, scholars, and/or community groups. Examples of possible reform fields include the reforms of progressive prosecutors, prison reforms, misdemeanor justice reforms, drug crime reforms, sentencing reforms (including but not limited to remedies for mass incarceration), bail reforms, death penalty reforms, juvenile justice reforms, reforms related to intersectionality and/or gender identity and the treatment of LGBTQIA2S+ people, substantive criminal law reforms, constitutional criminal procedure reforms, and free speech protections for arrested protesters who support particular reforms of the criminal legal system.

During the course of the semester, students will work on producing a 25-page research paper in the format of a law journal comment. Students will consult with the teacher for assistance in choosing a topic and prepare a topic memo, which will describe the proposed content of their paper and a preliminary list of sources they have discovered in their early research. Each student also will consult with the teacher to make selections of readings about their topic to be assigned to classmates so that they can prepare to participate in the 50-minute workshop-style class presentation and discussion led by each student. Each student also will create prompt questions about their readings for their classmates to answer on TWEN as part of their preparation. Students are encouraged to design their presentation to maximize the participation of classmates, by incorporating such discussion tools as power point slides, role play exercises, breakout group discussions of hypotheticals, and other creative elements. Each student is required to participate at least once in every classmate's discussion.

A rough draft of 15 pages will be due in the middle of the semester and the draft will receive written feedback from the teacher and another classmate. The course grade will be based on the quality of the writing and research in the final research paper, the submission of the rough draft, the workshop-style discussion presentation, the submission of the paper topic memo, the satisfaction of the requirement for participation in each classmate's discussion, regular attendance, and timely completion of all writing assignments, including the TWEN postings. There are no prerequisites for the seminar. Students who have taken the Criminal Justice Seminar are not eligible to enroll in the Criminal Legal System Seminar.

This seminar fulfills the Upperclass Writing Requirement. Professor Hancock plans to invoke an attendance requirement. 3 credits.

Critical Race Theory Seminar

This seminar will explore the relationship between critical understandings of the significance of race and legal interpretation. Of particular importance will be the examination of how societal values and customs, expressed in legal rules purporting to address racial issues, inhibit critical approaches to the concerns of justice for the disadvantaged groups. Students must take any one of the following courses as a co-requisite for this seminar: Constitutional Law: 14th Amendment, Gender Law & Public Policy, Law & Sexuality Seminar, or Constitutional Law, Legal History, and Race Relations Seminar. This seminar may be taken to satisfy the upper-class writing requirement.

Feminist Legal Theory

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.

Medical Malpractice Seminar

The seminar will provide students with an in-depth examination into the legal arena of medical malpractice with a concentration on the policies behind the various State statutes governing these claims. The course will address the caps on damages in each State, if the cap changed in each State, and which States have abolished a cap; the burden of proof; pertinent cases; large jury verdicts; States where a pre-litigation panel is required; collateral source; and other interesting aspects of medical malpractice claims which may be governed by various States. While there will be some focus on medical malpractice laws in Louisiana specifically, the seminar will mostly be a survey of medical malpractice in other States, with a small section dedicated to medical malpractice internationally, for comparison. The course will also provide a brief introduction of the history of medical malpractice lawsuits.

Experiential Courses

Clinics

Civil Rights & Federal Practice Clinic

The Civil Rights & Federal Practice Clinic represent clients asserting their rights to fair housing, equal employment opportunity, and other constitutional civil rights and liberties, including police brutality claims. Student attorneys draft motions, pleadings, discovery requests, and briefs; conduct depositions; and argue in court. The co-requisite Federal Pretrial Practice Seminar covers civil pre-trial advocacy and procedure, pre-trial practice skills from intake interview through jury selection.

Criminal Justice Clinic

The Criminal Justice Clinic represents criminal defendants in all phases of a criminal case: pretrial and trials, parole hearings before the parole board; state post-conviction relief, appeals to the Circuit Court of Appeal and the Louisiana Supreme Court; and federal habeas corpus petitions in the federal district court, Fifth Circuit Court of Appeal and United States

Supreme Court. In addition to representing clients on a wide variety of felony cases, the Clinic, along with students in the Domestic Violence Clinic, emphasized the representation of criminalized survivors of intimate partner violence as part of the Women's Prison Project, a program that seeks freedom for women unjustly incarcerated for killing an abusive partner or for involvement in crimes under coercive circumstance related to abuse. Additionally, students may engage in non-litigation advocacy impacting clinic clients.

Domestic Violence Clinic

The Domestic Violence Clinic provides legal services to victims of domestic abuse, relationship violence, stalking, or sexual assault. The Clinic, along with students in the Criminal Justice Clinic, also represents criminalized survivors of intimate partner violence as part of the Women's Prison Project, a program that seeks freedom for women unjustly incarcerated for killing an abusive partner or for involvement in crimes under coercive circumstances related to abuse. Legal services will address the variety of legal problems which may arise as a consequence of domestic violence, including emergency assistance in obtaining protective orders, and extending to representation in family law cases, including child custody and support; problems with housing, employment, or denial of access to financial resources such as bank accounts or other community property. The Domestic Violence Clinic is offered in the fall for three credits and in the spring for three credits. Enrollment is limited to twelve students. Students are selected on the basis of an application and personal interview. Students must meet all eligibility requirements of the Louisiana student practice rule. Prerequisites: Legal Profession and Evidence. Co-requisite: Litigation Skills for DV Clinic.

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. 3 credits each semester.

First Amendment Clinic

This clinical course is dedicated to protecting freedom of expression, increasing government transparency, and supporting the essential work of news gatherers. The work includes impact litigation and direct legal services. Student attorneys have professional responsibility

for clients and handle all aspects of their cases.

Immigrant Rights Clinic

Students in the Immigrant Rights 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.

Juvenile Litigation Clinic

This is the juvenile clinic in which 10 students represent indigent clients in juvenile delinquency cases, and children in need of care cases. Students work under the direction of the supervising attorney, but the students are primarily responsible for all client and witness interviews, pre-trial hearings, trials and appeals. The course must be taken in conjunction with the Juvenile Advocacy Seminar. The course lasts the entire year and carries 3 credits in the fall and 3 credits in the spring. Students are selected during the spring of their second year based upon written applications and personal interviews with the supervising attorney. Professor Katner plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Externships

Public Service, Public Interest, Judicial and Corporate & In-house Counsel Externships

The Externship courses provide legal education and skills development in real-life settings. Students work and learn in a variety of workplaces: public interest or nonprofit organizations; courts or government offices at the federal, state, or local level; and corporate counsel offices. The Externship courses allow students to gain expertise in professional skills and problem-solving; study professionalism and the 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. The Judicial and Public Service Externship courses are year-long; the Corporate & In-house Counsel Externship is offered in Spring and Fall semesters and the Public Interest Externship is only offered in Spring Semester. Three non-classroom credits are awarded for each semester of fieldwork.

The course is graded Pass-C-Fail. Students are required to work a minimum of 135 hours per semester at their field placements. One writing sample is submitted to the faculty supervisor each semester. In addition, students submit brief reflective pieces based on questions posed by their faculty supervisor. There is a 1-credit, graded co-requisite seminar in the fall semester of the yearlong course, and running concurrently during any one-semester externship course. There are also small group or individual meetings with the faculty supervisor throughout the course. The seminar class meeting times and locations appear in the course schedule. Students generally may not enroll in a clinic while enrolled in the Public Service, Public Interest, Judicial, and Corporate & In-house Counsel Externships. However, simultaneous enrollment is permitted in the Legislative & Administrative Advocacy Clinic.

Environmental Law Clinic students may not simultaneously be enrolled in Externships with a judge, EPA, the Louisiana Department of Environmental Quality, the Louisiana Department of Natural Resources, the District Attorney's Office for Orleans Parish or Jefferson Parish, a public defender's office, or a corporate counsel's office; they may, however, enroll in other third-year externships after obtaining prior approval from the Environmental Clinic.

Simulation Courses

Advanced Corporate Tax I

This course examines the tax law relevant to capital formation, dividends, redemptions, and liquidations. The exercises are designed to 1) improve students' ability to interpret a statute and apply it to the facts, 2) gain confidence in the application of major corporate tax doctrines, 3) improve writing skills, and 4) learn the tax law applicable to common corporate transactions. Several problems and a short writing assignment are designed to allow students to practice boiling down complex issues into a concise summary suitable for their deal team colleagues, clients, the IRS, or a judge. Grades are based on the daily problem assignments, a short (three to five page) writing assignment, and a short take-home exam.

Advanced Corporate Tax II

This course examines the tax law relevant to taxable acquisitions, spin-offs, reorganizations, the carryover of corporate attributes in connection with acquisitions, and anti-abuse provisions. The exercises are designed to 1) improve students' ability to interpret a statute and apply it to the facts, 2) gain confidence in the application of major corporate tax doctrines, 3) improve writing skills, and 4) learn the tax law applicable to common corporate transactions. Several problems and a short writing assignment are designed to allow the students to practice boiling down complex issues into a concise summary suitable for their deal team colleagues, clients, the IRS, or a judge. Grades are based on the daily problem assignments, a short (three to five page) writing assignment, and a short take-home exam.

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 and this course is not subject to the curve.

Commercial Law: Business Reorganizations and Bankruptcy Procedure

Through a lens examining the philosophy, principles, and policies underlying business reorganizations, this course will provide a practical look at the path a financially distressed

enterprise can take, from filing to confirmation of a plan of reorganization under chapter 11, conversion to chapter 7, or dismissal. The following topics, among others, will be covered: good-faith filing and venue; retention and compensation of professionals; the extent of the court's equitable powers; use, sale, and lease of the debtor's property; successor liability; post-petition financing; the absolute priority rule; involuntary imposition of a reorganization upon creditors and shareholders; claims allowance; and the role of debtors, professionals, creditors, officers, directors, and trustees in the context of corporate restructuring. Grades will be based on draft pleadings and mock arguments for hypothetical clients at each stage. This course will be taught by the Hon. Meredith Grabill (U.S. Bankruptcy Judge, U.S. Bankruptcy Court for the Eastern District of Louisiana) and Mark Mintz (Jones Walker LLP).

Contract Drafting

This 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 with an eye toward 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 sample contract provisions, draft contracts from scratch, 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. There will be two sections of Contract Drafting offered in the Spring 2024 term: one section for 3 credits taught by Leopold Sher, Co-Managing Member of Sher Garner Cahill Richter Klein & Hilbert, L.L.C, and

one section for 2 credits taught by Professor Tina Boudreaux. Students who have taken Business Drafting are not able to register for the Contract Drafting course. This course is not subject to the curve.

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 pre-trial 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.

Environmental Litigation

This is a theory and practice course covering the major components of an environmental case up to trial including: substantive and procedural law, investigations, claims/defenses, discovery and depositions, experts and science, and motions. Grading will be based on written and oral exercises, no examination. It is taught by William Goodell a sole practitioner specializing in environmental and toxic damage litigation.

Negotiation & Mediation Advocacy

The purpose of this course is to expose students to the process of negotiation as a pervasive lawyering activity; to increase awareness of the technical, interdisciplinary, and ethical dimensions of that process; to introduce the concept of the lawyer's role as problem-solver; to enable students to experiment with and consider thoughtfully the various theories, forms, and techniques of negotiation and mediation advocacy; and to provide students an opportunity to assess their own capabilities within those contexts. 75% of the course will focus on negotiation and 25% on mediation advocacy. (Please note that the mediation advocacy portion of the course is not training students to be mediators but rather to enhance their understanding of the lawyer's role in a mediation.) A number of negotiation exercises are completed outside of class at times that are mutually agreed upon by the negotiators. Flexibility by students in this regard is expected. Students will be graded on a "Pass/C/Fail" basis. There is no curve in this course. The professors plan to invoke a rule penalizing students for lack of preparedness and/or excessive absenteeism. Students who have taken Intercultural Negotiation & Mediation in Berlin may not take Negotiation & Mediation Advocacy due to course overlap.

Solo & Small Firm Practice

Solo and small firm practice is the most common organizational form in the legal profession today. This course will focus on the essential elements of forming and operating a small firm or solo law practice. Although many of the topics covered in this course could be translated into law practice skills in general, the course will give particular emphasis to those issues that are frequently encountered by solo and small firm practitioners, including setting up a law practice; developing business; hiring, managing, and effectively using support staff; financial planning, billing, and fee management; issues of ethics and professionalism; leveling the playing field through practice skills and management; and many others. Students will be graded on a P/C/F basis and will be assessed on quality of their involvement and participation in both individual and group exercises. Students will also be evaluated on the quality of their critiques of fellow students' performance. There will not be a final exam in this course. Attendance and participation are required. The course is primarily geared toward 3L students who will be given preference. 2L students may be accepted, with permission of the professor, provided they have taken or are enrolled in legal ethics.

Trial Advocacy

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.