



**Course Descriptions
Spring Semester 2022**

FIRST YEAR COURSES

Civil Law Property

This course presents fundamental principles of the civil law as they relate to property. The course is designed to providing 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 will first work on time-sensitive writing assignments and will draft a series of short e-mail memos. Students will then begin an in-depth study of persuasive writing. The course culminates with the drafting of an appellate brief and an oral argument before an appellate moot court.

Obligations

This is a basic course in Louisiana contract law with primary emphasis upon 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-LEVEL COURSES

Admiralty Law II

This course deals mostly with jurisdictional and procedural matters, 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

A course involving 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, and 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 Share-holder in the New Orleans office of Liskow & Lewis, APLC.

Admiralty: Marine Insurance II

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. 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. Grade will be based on an anonymous exam except graduate students, who may opt to write a paper. 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.

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: 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. 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, co-author of *Cases & Materials on Admiralty* (West 6th Ed. 2017) and a partner in the firm of 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 pre-requisites. This course is taught by Neal Kling of the firm of Sher Garner Cahill Richter Klein & Hilbert, L.L.C.

Advanced Corporate Tax

The course will use a transactional approach to examine the corporate tax law issues associated with business operations and acquisitions. Major topics include spin-offs, taxable acquisitions, reorganizations, consolidated returns, tax attributes, contributions, distributions, redemptions, and liquidations. Some partnership, international, and tax procedure issues will also be discussed. There will be assigned readings for each class (generally cases, rulings, articles, and brief passages from the treatises). Class will consist of a short lecture followed by a discussion of problems. Students will be evaluated on the basis of class participation (in the form of a half-page to full-page memorandum on an assigned issue with a brief oral explanation to the class), two short writing assignments, and a final writing assignment. This course will be taught by Joseph Henderson, Senior Vice President and General Tax Counsel, Entergy Corporation. Prerequisite: Federal Income Taxation. Prerequisite or Corequisite: Taxation of Business Entities or Corporate Tax or Partnership Tax.

Advance 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 noncommercial). 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.

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 Law Seminar: Citizen Access and Judicial Review Environmental Decisions Around the World

This one-credit seminar provides a unique view of two phenomena that have arisen at the same time around the globe: environmental protection and judicial review. We do this through a single book, Taking Back Eden, that describes cases from eight countries as different as the Philippines, Chile and Japan. The second part of the course consists of cases that you will identify, research and present orally to the class. There is no paper required. Grading will be PASS/C/FAIL. The seminar counts as the graduate seminar required for students seeking the LLM in Energy & Environmental Law. Accordingly, preference will be granted for students in the LLM program.

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. The First Amendment topic of freedom of religion is not covered in this course.

Cybercrimes and Cyberwars

It is a given that law will lag behind the technology of the society in which both are situated. In no field is that more true than cybercrime. As computers moved out of research laboratories and into the houses and pockets of billions of people, they also moved into the hands of persons willing to exploit their unique features for criminal purposes. The speed, anonymity, and networking capabilities of computers, when coupled with the borderless nature of the Internet, make computers the most potent tool for crime ever invented. This course will examine, on a very basic level, the technological structure and operation of computers, the Internet, and the "dark web." It will show how these can be used to commit a

wide variety of crimes. Among the offenses that will be studied in depth are: cyber hacking and cyber extortion/blackmail; sex trafficking, pornography, and child pornography; money laundering, and money laundering via cryptocurrencies; and cyber fraud and cyber theft, including theft of data. The substantive law that attempts to combat these offenses, both federal and state, will be reviewed, with particular emphasis on the need to further develop that law in light of its manifest inadequacies. Procedural issues unique to cybercrimes, including 4th Amendment issues, will also be considered. The course will conclude by looking at computers as weapons of war, which has been described as the “ultimate crime.” The principles of jus in bello will be reviewed in light of the crime of aggression, as adopted by the International Criminal Court (and defined by the Kampala Review Conference). These classes will focus on cyber aggression by states – which occurs on a daily basis in numerous forms – and its status as a crime under international law.

E-Discovery & Digital Evidence

Modern discovery increasingly concerns the production and retrieval of information that is electronically stored in computer systems, email, text messages, social media, cloud applications, and varying other methods. This course will focus on the new issues, rules, and practices involving the application of e-discovery, digital evidence, and computer forensics. It will explore not only the application of the federal rules of civil procedure and evidence to electronic discovery but also the appropriate handling and treatment of electronically stored information in the litigation process. The course is taught by the Hon. Karen Wells Roby (Chief Magistrate Judge, U.S. District Court for the Eastern District of Louisiana) and Lynn M. Luker (Of Counsel at Stanley, Reuter, Ross, Thornton & Alford).

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 Law, Regulation and 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. This course is co-taught between the Law School and the Business School. In the Spring 2022 semester, the course will be housed by the Business School and will follow the Business School academic calendar.

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.

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.

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.

Family Law: Civil and Common

This course is a study of the formation, rights and obligations in formal and informal family relationships, and the breakdown of marriage and its incidents such as nullity of marriage, divorce, division of property, support, and custody. The course will treat the family law of both the civil law and common law jurisdictions of the United States.

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.

Gender Law & Policy

Using gender as a paradigm for thinking about law, this course examines sex-based discrimination from a variety of perspectives in substantive areas of law that influence the lives of women and men. It covers issues of formal equality in employment, equal opportunity in education, substantive equality through affirmative action and pay equity, pregnancy, parenting, sexual orientation, sexual harassment, family law, domestic violence, pornography, prostitution, rape, and reproductive choice among others. Professor Matambanadzo plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Government Contract Law in the 21st Century

This is a two-hour weekly class survey course in lecture and/or seminar format of the many issues involved in federal contract law, not contract law in general. Federal procurements boast of a multi-hundred billion dollar marketplace annually. State run procurements often are modeled after the federal sector and add to this value. Bid protests, contract changes, special clauses in the Federal Acquisition Regulation, False Claim Act, contract terminations, and claims are covered. Class attendance and participation (10%) are required. Normally, a take-home exam option is used for final grading (90%). The course is taught by Stan Millan, Special Counsel at Jones Walker LLP. Tulane and Loyola students are invited to register. The course site for Spring 2022 will be at Loyola Law School and the course will follow Loyola's academic calendar.

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 2022 will be at Loyola Law School and the course will follow Loyola's academic calendar.

Income Tax

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.

International Energy Investment Protection

International investment protection is particularly important for energy activities. This is true for all segments of the energy value chain from upstream to downstream energy. It is a national and an international issue. Looking at various treaties and agreements as well as real disputes from around the world, this course covers all the main elements of energy investment protection. The objective of the course is to introduce the students to various investment protection methods. The classes examine both treaty and contract-based investment protection. It will also cover both investment treaties and Host Government Contracts and Intergovernmental Agreements used for upstream, pipeline and downstream investments. In addition to the theoretical and more abstract parts, the course will also use several case studies as learning material. The students will be exposed to real contracts and real treaties.

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. Professor Friedman plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

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. Prerequisite: Intellectual Property.

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.

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 required.

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.

Sustainable Energy Law & Policy

This course focuses on environmental sustainability in the energy sector from a legal perspective. Given that we all share the common problem, and try to come up with the best possible solution to answer the challenge of combatting climate change, understanding different tools adopted in different jurisdictions is central in developing — and improving — the policies and implementing measures given the diversity of experiences across the globe. Therefore, the course adopts a comparative approach to examine different regulatory alternatives that can be introduced to reduce the harmful greenhouse gas emissions in particular in the energy supply side in order to enable a more sustainable energy future. While the emphasis will be placed on the power sector given its overall contribution to the greenhouse gas emissions, building, transport and other end-use sectors are also examined to a lesser extent.

Tax: State & 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.

Trust & Estates, Common Law

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; the nature of the beneficiary's interest in a trust.

Wrongful Convictions

This course is a combination of substantive law, advanced criminal procedure and study of the legal system in social context. Wrongful convictions are a fact when the legal system goes wrong, they are not a doctrine. The course is intended to give students an overview of the major identified evidentiary causes of wrongful conviction (eyewitness identifications, confessions, forensics, perjury), the caselaw that governs its admission and the response of the courts to the improved understanding of those causes; (2) the social and legal context of these causes and possible prevention of wrongful convictions; and (3) an understanding of the legal mechanisms through which wrongful convictions are raised and litigated in the courts. This includes the procedures (habeas corpus, state post-conviction, DNA testing) and the caselaw of the right to counsel, Due Process and the Eighth Amendment ban on cruel and unusual punishment. We will study cases and laws from across the country, with some international context, but we will also deliberately examine local examples (Louisiana and Mississippi) in most of the topic areas we cover. The course will feature some guest speakers, including someone who spent decades wrongly convicted before being exonerated by the courts.

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 undertime 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.

Comparative Law in Action

Comparative Law in Action highlights the fact that large areas of national law are influenced (and sometimes even driven) by developments outside our country's borders, and that 'local' legal practice will often require lawyers to engage with foreign and/or international law, or to apply comparative legal techniques in their daily work. The focus is very much on the practical application of foreign/comparative/international law in areas such as contract law, torts, constitutional law, human rights protection, public international law, environmental

law, development, employment law, criminal law, or economic regulation. The course is based on a background hypothetical involving a U.S. company seeking to expand its operations, in terms of production, distribution and administration, to various foreign markets across the globe and/or import to and sell foreign goods in the U.S. Week by week, different legal questions and difficulties arise. These will touch on contractual issues, product liability, employment law, environmental regulation, taxation, health and safety (consumer protection) and conflicts of law. International treaties such as TRIPS might also come into play. The instructor will set out the (new) facts and discuss core aspects of the relevant area of law in each session. Students will then be asked to research the issues raised in the hypothetical (individually or in groups) and to present in the next class their substantive findings as well as any practical difficulties they encountered in the course of their work (language barriers, access to foreign legal materials or any non-legal trade-offs between the advantages and problems that foreign jurisdictions might offer or pose in a particular field). Assignments will always require the production of a concise legal memorandum that sets out the issues/possible solutions and suggests a way forward for the client company. Students should expect a few surprises (such as sudden changes of the situation 24 hours prior to the deadline for completion of a memorandum) and be prepared to present their work in a professional format (both orally and in writing). Successful completion of the course will require submission of the entire portfolio of assignments. Assessment is based on a final exam.

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 who is a Partner at Fishman Haygood L.L.P, with a likely appearance by David Bonderman who is the founder and Managing Partner of TPG Group, one of the world's largest private equity firms. Other distinguished guests are expected from time to time.

Corporate Law and the 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.

European Union Competition (Antitrust) Law

The purpose of the course is to explore a critical area of European Union Business Law: antitrust/competition law. The course begins with two introductory classes: one on the structure of the European Union; the other the various theories that underpin contemporary antitrust law in Europe and the United States. The origins of antitrust law begin in the late 19th century and the substantive law presentation begins with *Standard Oil of New Jersey v. United States* (1911). The course then moves across the pond to explore the two relevant treaty EU articles: TFEU 101 and 102. The first governs multi-firm conduct; the second single firm conduct. Finally, attention will be turned to one area of competition law, resale price maintenance, in comparative perspective; the diverging paths of the EU and the US will be analyzed. This course is taught by Lloyd Bonfield, a Professor of Law Emeritus at New York Law School, and Marc Firestone, the President of External Affairs and General Counsel at Philip Morris International.

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.

Negotiating International Agreements: the Case of Climate Change

[Description forthcoming]

Political Investigations and Impeachments

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%).

Real Estate Contracts: Housing

This course will examine the negotiation of a number of real estate contracts and the skills and methods of lawyers who handle transactions. The contracts include a purchase and sale agreement of a four-plex, a construction loan commitment for an apartment complex, an LLC agreement between a developer and his/her investors for the purchase and conversion of an industrial building to condominiums, an LLC agreement for low-income housing, and a management agreement between a developer and an operator for a senior living facility. The course materials will include a case study for each transaction and a form of term sheet, with a mark-up of the changes proposed by the party that receives the initial draft. The course will note the rules of law that motivate and constrain the contents of particular agreements.

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 mini-course will address issues as diverse as antitrust 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.

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.

Animal Law Seminar

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. This course is taught by Machel Hall, the President of the Board of Directors for Louisiana SPCA.

Art & Culture 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.

Civil Law Seminar

This Seminar covers selected civil law institutions with emphasis on the laws of property, obligations, community property, and successions. It also covers the subjects of civilian methodology, techniques of codification, and the modern history of the civil law. The Seminar is designed to sum up student experience in the civilian tradition. Louisiana law is studied in comparison with the common law of sister states and the laws of European countries. Doctrinal study is applied to the resolution of legal issues in contemporary practice. There is no final examination. Students are graded in light of class participation and their ability to produce an original research paper on a civil law topic. Students are required to have taken at least one civil law course (e.g., Civil Law Property I or II, Obligations I or II).

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).

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.

Contemporary Issues in Legal Ethics

This course is designed around the fundamental premise that the subject of professional responsibility and its intersection with an individual's personal moral and ethical code is the single most relevant consideration to a future career as a member of the bar. The course will explore ethical problems and dilemmas that modern lawyers face from day one of practice. It is critical that lawyers be alert to spotting these issues when they arise and be educated in the methods of resolving them and prepared to handle them. Rather than a straightforward discussion of the Model Rules, the course will be an in-depth examination of contemporary issues that affect modern legal practice, including the development of a professional identity in an adversarial system, ethical issues in alternative dispute resolution, the use (and misuse and failure to use) social media and other technology, and the ethical implications of innovation in the law. The course will be co-taught by the Hon. Scott Crichton, Associate Justice of the Supreme Court of Louisiana; James Garner, a co-managing member of Sher Garner Cahill Richter Klein & Hilbert, L.L.C.; and Sarah Rubin Cohen. This course does not satisfy the Legal Profession requirement, and Legal Profession is a co-requisite for this course.

Criminal Justice Seminar

The objective of this course is 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 must gain an understanding of the historical and public policy considerations underlying the law and rules governing the conduct of prosecutors and defense lawyers. This will require the careful study of substantive law, rules of professional conduct, and standards for the prosecution and the defense functions.

Large-Scale Energy Projects Seminar

The core purpose of this seminar is to examine legal and contractual questions relating to large-scale energy projects here and abroad. The seminar is built around three large-scale energy projects that raise a number of legal and contractual issues: A cross-border pipeline in Europe; the decommissioning of a large nuclear power plant; and cross-border oil and gas investment in Africa. Each project is based on real projects that have taken place in the past. These projects will in all cases arise a range of complex issues which requires energy industry legal advice, whether the counsel is directed to regulatory authorities, private enterprises, non-governmental organizations, or other industry players. Topics that will be examined during the course of the seminar include: the application of state, local, and national laws as appropriate; the application and impact of international law, including the UN Law of the Sea Convention and bilateral and multilateral investment treaties; and the role of contractual terms most commonly used in the energy industry sectors and projects that will be the focus of the seminar. Students will prepare legal memoranda on a variety of legal and contractual issues relating to the projects examined in the class.

Law, Finance & Technology Seminar

This seminar explores the legal issues raised by the integration of emerging technologies in finance and the regulatory regimes applied to fintech platforms. The class will explore

several major themes and current trends governing the complex interrelationship between law and technology. Grades will be determined on the basis of participation in weekly discussions (20%), an inclass presentation of research in progress (10%), two peer response papers (20% total), and a research paper (50%).

Legal Writing for a Lay Audience

Lawyers routinely communicate with audiences who are not trained in law, including clients and prospective clients and other target audiences through public advocacy, media commentary, and marketing. This rigorous writing course will introduce students to the fundamentals of effective, accessible writing about legal topics for such audiences (writing that can also ultimately help better legal memoranda and briefs). Students will research, write, and share both short and longer essays and other written work on legal topics geared mostly toward a general audience; students will also learn to present such work to prospective clients in client presentations and broadcast interviews. By the end of the seminar, each student will produce a long-form magazine article about a law-related subject ready to submit to a bar magazine in the jurisdiction of his or her choice. This seminar does not qualify for the upper-level writing requirement.

Promises, Challenges, Compromises of Progressive Prosecution

This class identifies longstanding problems in the criminal legal system and the possibilities (and challenges) of criminal justice reform through the work of progressive prosecution. We will spend the first third of the course identifying problems in the criminal legal system and the limited ability of the Courts to address these problems, including addressing race discrimination, innocence and mass incarceration. The second part of the semester will focus on how to identify specific challenges within a system, including gathering and analysis of data. In the third part of the course, students will identify a specific problem that is not susceptible to correction through litigation alone, draft a policy for a prosecutor's office to address that problem, and complete the class with a presentation and paper.

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.

Tax: Research in Taxation

Tax research consists of the examination of tax questions through the following process: (1) identification of pertinent issues; (2) determination of proper authorities; (3) evaluation of the strength of the authorities; and (4) application of these authorities to the specific fact situation. Through the use of a series of assigned research projects, students will be given an opportunity to survey significant areas of the Internal Revenue Code, gain an awareness of developing tax issues, and develop a capability in tax research. Based on the cases presented, the student will be asked to analyze the facts, identify the tax issues, locate appropriate authorities, evaluate those authorities, develop conclusions and recommendations, and communicate the findings in the form of an opinion letter, a protest,

or a memorandum. A final research paper on a tax topic chosen by each student will be combined with the assigned research projects and credit for class attendance to determine the final grade. Each weekly class session is dedicated to tax research techniques and a survey lecture of the general area of tax law covered by the specific case then under consideration. The course is a Business School course, cross-listed with the Law School. Income Tax is a prerequisite.

Trademark & Advertising Law

This course picks up where IP Survey left off. Advanced topics in trademark are covered, along with key concepts related to the use of those trademarks in advertising law, particularly in the social media context. Topics the seminar will discuss include foreign trademarks, false advertising, deception, omissions and disclosures in advertising, brand protection, social media and advertising, influencers and brands, companies and branding, employees and trademarks, and many others. This is a hands-on learning course (we will be looking at practical aspects of trademarks in the real world, both in registration, policing and cancellation). You will also be choosing a seminar paper on an advanced trademark topic. IP survey is required for all participants (no waiver).

Experiential Courses

Clinics

Civil Rights and 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. To be taken in conjunction with Federal Pretrial Practice Seminar. Students are selected on the basis of an application and personal interview. Full year only, 3 credits in the fall and 3 credits in the spring.

Criminal Justice Clinic

This course is the criminal litigation and advocacy component in which students, under supervision, represents indigent criminal defendants in all phases of a criminal case: pretrial motions and trials; parole hearings; state post-conviction relief; appeals to the LA Fourth Circuit Court of Appeal and the LA Supreme Court; and federal habeas corpus petitions in the federal district court, Fifth Circuit Court of Appeal, and United States Supreme Court. Additionally, students engage in non-litigation advocacy on behalf of clinic clients such as testifying before the state legislature, meeting with community organizations, and partaking in community legal education. This course is geared towards those considering careers in criminal law, either as prosecutors or defense attorneys. To be taken in conjunction with Criminal Practice Seminar. Students are selected on the basis of an application and personal interview. Full year only, 3 credits in the fall and 3 credits in the spring. A rule penalizing students for lack of preparation and/or excessive absenteeism will be invoked.

Domestic Violence Clinic

The Domestic Violence Clinic provides legal services to victims of domestic abuse, relationship violence, stalking, or sexual assault. 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.

Immigrants' Rights Clinic

Students in the Immigrants' 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.

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 and the Public Interest Externship courses are one-semester courses. 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.

Labs

IP Lab in Patent and Trademark

The two IP Labs in Patent and Trademark allow students to obtain practical, real-world experience representing clients in patent and trademark matters on a pro bono basis before the U.S. Patent and Trademark Office. Students under supervision help screen and interview clients, conduct patentability or registerability searches, counsel the client regarding the results, and, if appropriate, draft and file patent or trademark applications, responses, and other documents necessary to the application. 2Ls and 3Ls may apply for this limited enrollment course by completing an experiential application ("ONEAPP"). Students applying for the IP Lab in patents must have the technical background described at pp. 4-10 in the General Requirements Bulletin on the USPTO website, available at: https://www.uspto.gov/sites/default/files/documents/OED_GRB.pdf. The Trademark Lab will meet at the downtown offices of Carver Darden on Friday afternoons.

Simulation Courses

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.

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 basis 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 2022 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.

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 completely 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. Mr. Goodell is principal of the Goodell Law Firm, was formerly the Louisiana Department of Justice Assistant Attorney General for Environmental Enforcement, and also taught the Environmental Trial Advocacy and Deepwater Horizon Seminar courses at Tulane.

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. This course is taught by Stephen Bullock, Mathew Chester, Gabe Feldman, Dan Friel, Stephen Hall, Lesli Harris, Ault Hootsell, Robert Jenks, Roger Larue, Michael Moran, William Pitts, Elizabeth Ryan, Charles Thensted, Thomas Usdin, Susanne Veters, and Rachel Wendt Wisdom. 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 jury trial at the conclusion of the course. The course has a limited enrollment. Evidence is a pre-requisite.

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

