



**Summer/Fall Semester 2020**

## A. Upper-class Courses

### **Admiralty I**

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

### **Admiralty: Collision Law & Limitation of Liability**

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

### **Admiralty: Marine Insurance I**

An advanced admiralty course that focuses on the legal problems involved in insurance against physical loss or damage to maritime property (builder's risk and hull), against maritime liabilities (protection and indemnity), and for damage to cargo. JD students must have taken Admiralty I and II. 3L students must write the exam, but LLM candidates may write an advanced level paper if they so choose. This course will be taught by Brandon Thibodeaux, an associate with Frilot LLC.

### **Admiralty: Regulation of Shipping**

This survey course addresses the regulation of domestic shipping and foreign shipping calling at United States ports. Primary emphasis is on the various governmental agencies that regulate shipping and maritime commerce with secondary emphasis on the role of international treaties and conventions. Specifically examined are the activities of agencies such as the Coast Guard, the Army Corps of Engineers, The Federal Maritime Commission, the Maritime Administration, the National Transportation Safety Board and various state agencies. Areas addressed include vessel inspections, pollution regulation, navigation rules, marine casualty investigations, vessel & waterfront facility security, merchant mariner licensing and license revocation, pilotage and ocean shipping regulation. This course is taught by Brian K. McNamara, a Commander and judge advocate with the United States Coast Guard. J.D. students must have taken Admiralty I and II.

### **Advanced Civil Procedure: Complex Litigation**

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

### **Business Enterprises**

This four-credit course will cover the legal architecture of certain business enterprises (including partnerships, corporations, and limited liability companies), how business enterprises are financed, how control and managerial authority are allocated within a business enterprise, and the

scope of the fiduciary duties owed to a business enterprise and its owners in routine and fundamental transactions. This course will also cover aspects of federal securities law affecting the governance of business enterprises, including anti-fraud rules and insider trading.

### **Civil Law Property II**

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

### **Civil Law Torts: Selected Issues**

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

### **Commercial Law: Bankruptcy**

After a brief study of individual debt collection under state law, this course will focus on federal bankruptcy law. It will provide an overview of fundamental aspects of consumer and business bankruptcy law and practice. It will also explore a number of current and ongoing policy debates related to bankruptcy law. Thus, the course should be of interest to students who expect to be involved in the practice of bankruptcy law as well as any students who wish to explore broader themes related to economics, financial markets, politics, legislative process, and public policy.

### **Commercial Law: Civil Law Security Rights**

This is a course in credit transactions under the civil law of Louisiana. Topics include suretyship and secured transactions as to movables and immovables. Article 9 of the Louisiana version of the

Uniform Commercial Code is considered, together with mortgages on immovables, and codal and statutory privileges. Problems of ranking or priorities are studied.

### **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. This course will be taught by Sara Johnson, Esq.

### **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.

### **Criminal Law: Federal**

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.

### **Digital Evidence: Information Technology for Trial Lawyers**

The trial lawyer's craft lies in marshaling the evidence that enables the parties to weigh the risks and benefits of litigation and the court and jury to determine the facts and resolve disputes. Evidence is information; and, apart from testimony, nearly all information is created, collected, communicated and stored electronically. Thus, the ability to identify, preserve, interpret, assess, au-

authenticate and challenge electronically stored information (ESI) is a crucial advocacy skill. Students will explore information technology (IT) and digital evidence through the lens of trial practice. You will learn the language of IT and acquire hands-on trading in the tools of ESI and computer forensics. We will explore information management and storage and the Maria forms ESI occupies as it bears on emerging standards of lawyer competency. You will use online tools and industry standard tools for law practice. We will cover challenges of acquisition, authenticity and admissibility unique to modern digital evidence. This course will be taught by Craig Ball, a trial attorney and consultant in computer forensics and e-discovery.

### **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.

### **Employment Discrimination**

This course concentrates on analyzing the statutory, constitutional, administrative, and judicial responses to discrimination on the basis of race, age, sex, religion, national origin, alienage and

sexual orientation by private and public employers.

### **Environmental Enforcement**

This course is about everything environmental. That is, it cuts across the body of the environmental media statutes and goes to the heart of the law -- enforcement. Permits and rules are mainly technical, and (except for rule-making litigation and legal transactions) enforcement is mostly where the lawyer reigns. So we will not focus so much on details of the media programs other than what happens after a violation. We'll cover such topics as EPA priorities, enforcement theories, overfiling, reporting, investigations, civil penalties, injunctions, citizen suits, remediation and white collar criminal prosecution. Classes will be lecture, case discussions from a text, and team hypothetical problem solving and presentations. The course will be taught by Stan Millan with the Jones Walker Law Firm. Professor Millan plans to invoke a rule penalizing students for lack of preparation (which counts as part of grade) and/or excessive absenteeism (3 or more classes). The plan is to teach the course jointly at Loyola College of Law.

### **Environmental Law: Pollution Control**

This course introduces the basic pollution control statutes, the Clean Water Act, the Clean Air Act and hazardous waste laws. It examines and contrasts their objectives, their regulatory schemes and their relative successes. Professor Babich plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

### **Environmental Law: Water Resources & Policy**

This course will cover the role and influence of the legal system on the use, allocation, and stewardship of water resources in the United States and Louisiana. Since the field of water resources management is rapidly evolving to accommodate storm protection, ecosystem restoration and sea level rise an understanding of the policies that underlay our current laws and the factors that are influencing current policy and law-making will be an important part of the course's focus. Course materials will include law cases and related materials which must be read before class. The course will be lecture oriented with occasional guest lecturers with specific experience in development of water resources law and policy. Students will be

asked to participate in one group project in which they will be asked to develop, present and defend a position paper on some aspect of the water resources management challenges arising in coastal Louisiana. This exercise will comprise 10% of each student's grade.

### **EU: Business Law**

The United States are the single most important trading partner of the European Union (and vice versa)—despite the growing importance of expanding economies such as India, China, the ASEAN, or Brazil. The sheer volume of transatlantic trade and the battle for worldwide market shares inevitably create a need for lawyers with specialized and comparative legal expertise in substantive EU law. This course provides both a basic introduction to the political and legal organization of the European Union and detailed treatment of the most important areas of business related EU law. The course covers the most important aspects of the legal and regulatory framework of EU internal market. Discussions will focus on the so-called four freedoms -- free movement of goods, services, persons and capital -- within the common market, state aid, competition rules and antitrust policy as well as the Union's external commercial (trade) policy. Students will be made aware of differences between national and EU approaches, and how these differences impact on transatlantic business relationships.

### **Evidence**

The focus of this course is on the law and policy considerations surrounding the proof of facts (and law) in judicial proceedings. One section of the course will be taught by Michael Fontham, a partner in the firm of Stone, Pigman, Walther & Wittmann. Mr. Fontham's section emphasizes understanding evidence in the context of trials, and the practical use of the evidence rules and evidentiary presentations in advocacy.

### **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; transac-

tions 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.

### **Gender Law & Public 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.

### **Immigration Law**

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

### **Insurance Law**

Insurance plays a critical role in all areas of law practice. This course will introduce you to the basic concepts and terminology; survey numerous types of insurance such as general liability, property, life, automobile, professional liability, employment, environmental, homeowners, including litigation issues such as the duty to defend, the duty to indemnify, subrogation, fraud, bad faith, defenses, damages, procedure; and address governmental regulation. The course will be taught by Harold J. Flanagan, an attorney with Flanagan Partners LLP.

### **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 Business Transactions**

The objective of this course is to provide students with an introduction to a number of areas of international business law and to provide an opportunity to study some of those areas in more detail. The course looks at the supranational and U.S.-domestic law that serves as backdrop to any international business transaction connected to this country. It focuses particularly on how to finance both sales and direct investment and how to structure direct investment of various tangible and intangible assets. The course is focused on the law as it affects individual business entities rather than on the relationships between States. However, this course does deal with the way that certain treaties have an impact on domestic law in relevant areas, such as international dispute settlement. This course also covers the World Trade Organization treaties to a limited extent as relevant to international business transactions.

### **International Commercial Arbitration**

This offering is intended to introduce students to the problems of dispute resolution in the international transactional context. Most international commercial disputes and contract claims are resolved through arbitration. The course will address the primary substantive law issues in the field, consider in detail comparative and transborder aspects of the subject area, and provide students with a simulation exercise in a contemporary practice problem.

### **International Trade, Finance & Banking**

Analyzes competing trade and industrial policies, GATT-WTO, NAFTA, unfair trade practices, dumping and subsidy controversies, trade imbalance problems, foreign investment, safeguards, expropriation and remedies, international banking and lending, debt overloads, IMF policies, global fi-

ancial crisis, remedies, and adjustment mechanisms.

### **International Human Rights Law**

In this course we will explore the place of human rights in United States and international law. More broadly, we will closely examine and evaluate the entire human rights "regime," that is to say the norms, principles, rules, and decision-making institutions that occupy and organize this issue area within the broad sphere of international relations. The course is designed to provide students with a confident grasp of: the substantive norms of human rights; the philosophic basis for the concept of rights and the leading points of controversy about the existence or character of certain rights that appear in conventional enumerations; the diverse procedures available at the global, regional, and national level for defense and promotion of human rights; the subtle and not-so-subtle ways in which ideological and material interests influence the definition and enforcement of rights; the ways in which policy makers attempt to reconcile the demand for human rights enforcement with more traditional foreign policy objectives.

### **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.

### **Introduction to International & Comparative Energy Law & Policy**

International energy law is an important part of the required knowledge base of an "energy lawyer." 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. After providing insights into what "energy law" is and who are the main players in the field, this course will cover the entire energy value chain and introduce students to legal and contractual issues relating to each segment. The course covers all 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.

### **The Law of Democracy**

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

### **Law of the Sea**

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

### **Legal Profession**

This course introduces students to the roles of lawyers in society, the nature and structure of the legal profession, the rules of ethics, and to fundamental concerns and dilemmas of lawyers engaged in the practice of law. The course seeks to make students aware of their ethical responsibilities, both as members of society and members of the legal profession. This course must be taken prior to graduation. Professor Westley plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

### **Legal Research, Advanced**

Building on the research techniques presented in Legal Research and Writing, Advanced Legal Research focuses on the effective use of electronic and print legal research tools and examines exist-

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

### **Marine Pollution**

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

### **Obligations II**

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

### **Public International Law**

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

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

### **Tax: Income Taxation**

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

### **Tax: Taxation of Partnerships & S Corporations**

The course explores the federal income tax concepts of “pass through” or conduit taxation. Partnership tax topics include choice of entity decisions, partnership formations, asset contributions, liability assumption, distributions, operations, transfer of partners’ interests, special allocations of tax attributes, partnership interests received for services, special basis adjustments, and analysis of the entity and aggregate approaches found in the law. Also included is an introduction to the study of the law of S-Corporations and how it compares to the taxation of partnerships.

### **Trademark and 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. Topics include foreign trademarks, false advertising, deception, omissions and disclosures in advertising, brand protection, and many others. IP survey is required for all participants (no waiver). Students who previously took copyright/trademark may enroll in trademark and advertising law.

### **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.

### **US Trade and Investment Policy**

The globalization project is in crisis. The legal institutions which facilitated global economic integration are being challenged by the same countries that laid down their foundations, primarily the US. The US is not only the largest economy in the world, but it has also been the main catalyst for free trade since WWII. In recent years, however, the US saw an unprecedented fervor against globalization among the general public. The stagnation of the real incomes of the vast majority of Americans over the past 40 years, coupled with major economic dislocations, paved the way for the rise of populism in American politics. In 2016, the US withdrew from the negotiations over the Transatlantic Trade and Investment Partnership after seven years of laborious negotiations, and two years later, it initiated a trade war against its major trading partners. This course aims to study the US policy on international trade and investment. While the topic is by definition multifaceted, the course will mainly focus on its legal aspects. Students will have an opportunity to dive deeply into the history that shaped the current US policy on international trade and investment, the main institutions involved in making and executing this policy, and the questions topping the agendas of academics and US policy-makers. The course will adopt a thematic approach to cover a wide range of topics: from the stalemated trade negotiations the US is a party to; the growing divide between the US and its trading partners; to the US stance on multilateral trade institutions and its role in the slowly disintegrating global investment regime. The readings for the course will be drawn from international trade and investment law, economics, and political science, among other fields. No background in any of these fields is required. Students of all backgrounds are welcome to enroll.

## **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. Therefore course is intended to give students (1) 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. The course will be taught by Emily Maw, Senior Counsel at Innocence Project New Orleans.

## **B. Mini-Courses and Workshops**

### **Anti-Racist Lawyering: The Next Civil Rights Frontier**

Amidst the twin pandemics of coronavirus and longstanding structural racism, this mini course will immerse students in readings, analysis and conversation about how law is frequently used to perpetuate anti-black racial harms and hierarchies and how students might use their legal education to disrupt those hierarchies. In a series of workshops, leading scholars, practitioners, organizers, and community members will address both historical civil rights barriers as well as current proposals for eliminating structural racism across the criminal justice, voting, education, housing, health/environmental and other sectors. Students will be assigned a series of prompts for preparation of reflection papers and essays.

## **Cruise Line Legal Liability and Maritime Carriage of Passengers**

This course will introduce students to the Passage Ticket Contract customarily issued by cruise lines and the current legal liability scheme applicable to these maritime common carriers of passengers. The course will provide an overview of some common issues that arise in suits between passengers and cruise lines, including venue and forum selection clauses, as well as duties and liabilities stemming from incidents which occur during offshore excursions and from shipboard medical care provided to passengers. The course will also introduce students to the Death on the High Seas Act, 46 App. U.S. §§ 761-767 and the Cruise Vessel Security and Safety Act of 2010, Pub. L. 111-207, July 27, 2010, 124 Stat. 2250, 46 U.S.C. Sec. 3507-3508. The course will be taught by Marva Jo Wyatt, a partner with Reich, Album & Plunkett, L.L.C.

## **International Anti-Corruption & Global Compliance Issues**

This course will cover the basics of international anti-corruption laws such as the U.S. Foreign Corrupt Practices Act, the U.K. Bribery Act, international conventions against corruption, and similar anti-bribery laws of other countries. These anti-corruption laws generally prohibit direct and indirect corrupt payments to foreign officials. Enforcement has increased significantly in the last few years and will continue to be a major factor to any organization operating globally. The course will use recent SEC and DOJ investigations (such as the case against former U.S. congressman from New Orleans, William Jefferson) to illustrate the basics of these anti-corruption laws. The course will also cover other areas in the international trade regulatory regime such as export controls, anti-boycott, anti-money laundering, and fraud prevention. Other areas addressed by the course include the scope of international anti-corruption laws, identifying a government official, identifying red flags in business partners, conducting due diligence, exceptions to the laws, assessing third party risk, and other areas that play an integral role in counseling clients doing business abroad. We will review the elements of a comprehensive corporate compliance program and mechanisms used to implement compliance procedures and internal controls in an organization. The course will also address the cultural challenges present-

ed by certain countries and industries. Students will be expected to participate in case studies and exercises designed to apply legal principals to situations that arise in the practice of law.

### **Legal Scholarship Workshop: Regulation and Coordination**

This “workshop” will feature presentations by four or five visiting authors of their works-in-progress on regulation of economic activity, broadly construed. 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 for discussion in the prior meeting; those response papers will be shared with the authors. In addition, students will be expected to attend two additional approved lectures at the law school or elsewhere on campus and submit a brief (one-page) response paper. The workshop is designed for students who are interested in legal scholarship in general and for those with particular interest in issues related to regulation, economic regulation, and international coordination of economic policies. The author presentations will be open to students who are not formally enrolled in the workshop. The faculty conveners are: Adam Feibelman (Tulane, Law), Ann Lipton (Tulane, Law), Khrista McCarden (Tulane, Law), and Steve Sheffrin (Tulane, Murphy Institute). 1 credit, pass/fail.

### **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. Real Estate Contracts: Housing is **not** a prerequisite for Real Estate Contracts: Commercial.

## **C. Upper-class Seminars**

### **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 or Law & Sexuality Seminar. This seminar may be taken to satisfy the upper-class writing requirement.

### **The Dignity of Belonging and the Indignity of Statelessness**

There are about 12 million people around the world who are de jure stateless and there are many more who are de facto stateless or who are at risk of being stateless. A stateless person is defined as one “who is not considered as a national by any State under the operation of its laws.” One of the consequences of statelessness is the lack of a place to belong and the loss of protection that comes with belonging. In a world of states where

everyone is supposed to belong to one or another nation-state, the stateless becomes the “extra,” the surplus product of the international order of states. This seminar focuses on the condition of statelessness to explore the general issue of what it means to belong and the consequences of being denied the opportunity (or the right) to so belong. Using interdisciplinary material (law, political theory, geography and sociology) the seminar will provide the opportunity: to examine the conditions that lead to statelessness, to assess the existing national and international responses that are meant to deal with statelessness, and to explore alternative ways in which belonging could be conceived so that incidences of statelessness are minimized. The seminar will explore the dignity that membership provides through a close study of its opposite, the indignity of displacement and statelessness. This seminar may be taken to satisfy the upper-class writing requirement.

### **Empirical Methods in Legal Analysis**

Statistics are playing an increasing role in court decisions, public policy regulations, and legal scholarship. This course provides an understanding of the most common statistical methods and examples of the use of those methods by courts, administrative agencies, and scholars. Students are not expected to come to class with any knowledge of these methods or mathematic expertise, but will leave with an understanding of them and their role in legal analysis.

### **Environmental Law: Historic Preservation Law Seminar**

This seminar will present a national, state and local perspective on historic preservation in a broad sense, including protection of the urban environment and of archaeological, cultural and other historic resources. It will examine laws dealing directly and indirectly with preservation, and the institutions that implement them. The city of New Orleans provides rich material for this examination. Students will be required to research selected topics and to present their findings orally to the class and in a substantial final paper. Grade will be based on research paper, oral presentation of paper topic, class participation and attendance. Professor Shields plans to invoke a rule requiring students to be prepared and to attend class. This seminar may be taken to satisfy the upper-class writing requirement.

### **Law, Finance and Technology**

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 based on the following: (a) Class Participation, Proposal, First Draft and Presentation: 40%; (b) Final Seminar Paper: 60%. This seminar may be taken to satisfy the upper-class writing requirement.

### **Law & Sexuality Seminar**

This course examines the impact of legal regulation in the United States on such areas as sexuality and sexual preference as intimate association, marriage, family structure, workplace discrimination, and civil rights. It also covers law relevant to transgender persons, intersex persons, and queer sexualities. No attendance policy; however participation aspect of the grade may suffer due to poor attendance. This seminar may be taken to satisfy the upper-class writing requirement.

### **Litigating & Arbitrating Commercial Fraud Cases Seminar**

The subject of this seminar is commercial fraud. The goal is to provide students with a comprehensive understanding of what parties should consider, what they should anticipate, and how they might respond in litigating and arbitrating commercial fraud cases. The topics to be covered include (1) the Racketeer Influenced and Corrupt Organizations (RICO) Act, (2) the federal securities laws, and (3) various state law claims. Class will focus on the problems confronted daily by the practicing attorney. This course is jointly taught by practicing attorneys, Stephen Kupperman and George Freeman. This seminar may be taken to satisfy the upper-class writing requirement.

### **Legal Writing for the Lay Audience Seminar**

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.

#### **Professional Responsibility Seminar**

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

#### **World Trade Organization Seminar**

This seminar explores the fundamentals of international trade practice in the World Trade Organization (WTO). After reviewing the economic foundations for international trade and the historical underpinnings of the WTO system, our primary focus will be on the texts of the WTO agreements and the international legal practice surrounding the WTO dispute settlement system. This seminar may be taken to satisfy the upper-class writing requirement. This course is taught by Edward T. Hayes, a partner at Leake & Anderson, LLP.

## **D. Experiential Courses**

### **1. Clinics**

*Application required—Deadlines are set forth under “Key Dates and Deadlines” above.*

#### **Federal Pretrial Practice Seminar**

This seminar is the co-requisite course for the Civil Rights and Federal Practice Clinic and examines the practice, procedure, and ethics of pre-trial advocacy in the area of civil litigation. Topics include client interviewing, case planning, drafting pleadings and discovery requests, taking and defending depositions, motion practice, expert witnesses, and jury selection. 3 credits

#### **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. 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 Practice Seminar**

This seminar is an in-depth study of selected aspects of criminal practice, both skills and substantive. Topics covered include: client counseling, investigation and discovery, drafting and arguing motions, competency to stand trial, the insanity defense, expert witnesses, case strategy, state and federal post-conviction proceedings. This course is geared towards those considering careers in criminal law, whether as prosecutors or defense attorneys. Enrollment is limited to students participating in the Criminal Justice Clinic. A rule penalizing students for lack of preparation and/or excessive absenteeism will be invoked. Fall semester only. 3 credits.

### **Criminal Justice Clinic**

This course is the criminal litigation and advocacy component in which students, under supervision, represent 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.

### **Litigation Skills for Clinic Students**

The course will examine domestic violence in the criminal justice system and in family law, with a special focus on practical legal skills. Topics include domestic violence as a violation of criminal law, civil rights, international human rights and as a tort, and the role of domestic violence in divorce law and custody. While examining the issue systematically, students will also learn important practice skills through simulated role plays and demonstrations. Students will take a mock deposition, perform cross-examinations, and oral arguments.

### **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 Seminar**

This seminar is the co-requisite course for the First Amendment Clinic and examines the practice, procedure, and ethics of pre-trial advocacy in the area of First Amendment. 3 credits.

### **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. To be taken in conjunction with the First Amendment Advocacy 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.

### **Immigrants' Rights Law Clinic**

Students in the Immigrants' Rights Law Clinic represent detainees, migrant workers, children and other immigrants with critical legal needs working through the U.S. Immigration system. Working alongside licensed attorneys, students work on behalf of clients and community groups in a variety of settings—immigration agencies and courts, state and federal courts, as well as workshops in detention centers and/or community centers.

### **Immigrants' Rights Advocacy Seminar**

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

### **Juvenile Advocacy Seminar**

This seminar studies the special problems involved in the representation of children and their parents. Topics reviewed include discovery practices in criminal and civil cases, evidence, constitutional criminal procedure, expert witnesses, child custody and child support, and pre-trial motions appropriate for litigation in juvenile court. Enrollment is limited to students participating in the Juvenile Litigation Clinic. Professor Katner

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

### **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.

### **Legislative & Administrative Advocacy**

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

## **2. Externships**

*Application required—ONEAPP deadlines are set by the Office of Experiential Learning; opportunities remaining available after the deadline will be advertised.*

### **Public Service, Judicial, and In-House & Corporate 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 In-House & Corporate Counsel Externship is a one-semester course. 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, Judicial, and In-House & Corporate 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.

### 3. Labs and Practicums

*Application required—ONEAPP deadlines are set by the Office of Experiential Learning; opportunities remaining available after the deadline will be advertised.*

#### **IP Lab in Trademark**

The IP Lab in Trademark allows students to obtain practical, real-world experience representing clients in 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").

### 4. Simulation Courses

*Students who wish to enroll in a simulation course should submit their ranked preferences on the Simulation Course Preferences Form by the date and time set forth under "Key Dates and Deadlines"; students may register through Gibson for any remaining seats.*

#### **Advanced Appellate Advocacy**

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

### **Advanced Persuasive Writing**

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

### **Civil Litigation: Strategy & Practical Skills**

This experiential course will provide the student with a realistic understanding and appreciation of handling litigation matters in private or corporate practice and the type of work and situations they can expect to deal with on a daily basis. The course will provide a practical application of how to take a lawsuit from the initial client contact through trial and appeal. Students will discuss and prepare pleadings, including Complaints/Petitions, Discovery Requests and Responses, Motions, and Judgments, and will be provided with a practical understanding of what is expected of them by judges and how the rules of civil procedure are applied in the real world. The course will be taught by Robert L. Redfearn, Jr. a partner with Simon, Peragine, Smith & Redfearn, L.L.P. Because of the substantial overlap in

content, students enrolled in Civil Litigation: Strategy & Practical Skills may not enroll in the Pre-trial Civil Litigation Winter Intersession.

### **Contract Drafting**

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

### **Deposition Practice & Procedure**

This is a skills course focused on depositions. While the course centers on basic and advanced skills in preparing for, taking, and defending depositions, its focus is broader. It begins by placing depositions in the context of formal pretrial discovery, and ends with the use of depositions in pretrial motions, negotiation and at trial. Skills exercises will include both oral and written advocacy skills relevant to this important portion of civil litigation. While most civil cases filed in federal or state court are resolved before final adjudication, all practicing attorneys will have to take depositions in order to learn what evidence they must meet at trial, or alternatively use case evaluation for settlement negotiations or mediation. The information obtained in a deposition will allow an attorney to intelligently evaluate the case and competently advise their clients. The course begins with the role of depositions in the larger discovery process, preparation, developing a theme, and the mechanics of the deposition process and procedure, including questioning techniques. More advanced topics will include the expert deposition, use of expert depositions to

make effective Daubert challenges, taking and defending corporate depositions, and the use of depositions in pretrial practice including Daubert challenges and summary judgment motions.

### **Negotiating M&A Transactions**

This course is designed to give students an introduction to the real world experience of the deal making process, from the first contact between the parties to drafting and negotiating the documents that govern transformational corporate transactions. Over the course of the semester, we will break down the main agreements involved in a hypothetical deal with a view to developing a fundamental understanding of how those components interact with the overall business arrangement and deal dynamics. You will analyze and learn to understand how the key provisions of these transaction agreements are negotiated with the goal of maximizing value for the client and appropriately allocating risk among the parties to a deal. We will also discuss the less tangible aspects of deal making that take place outside of the four corners of the transaction agreements but are no less important. Specifically, we plan to discuss the economic and personal motivations of the various parties involved and the psychology and group dynamics of a deal process. As the deal world is an ever changing environment, we'll look to bring current real world examples into the classroom. Students will participate in out-of-class group and individual practice assignments, including drafting (or "marking up") transaction documents and negotiating key issues in the context of a prepared fact pattern. Students will also participate in an off-campus mock negotiation of a deal term sheet at Jones Walker, LLP's office downtown. The course is taught by Britton Seal and Daniella Silberstein, who are both partners in the Corporate Practice Group at Jones Walker LLP in New Orleans. Because of the substantial overlap in content, students enrolled in Negotiating M&A Agreements may not enroll in the Transactional Winter Intersession.

### **Patent Prosecution**

This course concentrates on U.S. patent laws, U.S. patent regulations, and procedures involved in obtaining patents from the U.S. Patent and Trademark Office. Students will learn how to write patent claims, patent applications, and responses to office actions from the USPTO. Some

aspects of foreign and international law will be discussed. The grade will be based on several written assignments and a final exam. The course will be taught by Brett North, a patent attorney with the law firm of Roy Kiesel Ford Doody & Thurman, APLC. Professor North plans to invoke a rule penalizing students for lack of preparedness and/or excessive absenteeism.

### **Transactional Lawyering: Business Planning**

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

### **Trial Advocacy: General Litigation**

This course is intended to prepare and train students in advocacy skills required for evidentiary hearings and trials. 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. Subjects covered during the course are: jury selection; opening statements; direct and cross examination; exhibits and demonstrative evidence; impeachment and rehabilitation; examination of expert witnesses; closing arguments; and trial notebook. Members of the faculty and distinguished guest lecturers give demonstration performances. Each student is videotaped at least once, is critiqued by a faculty member and then reviews his or her performance on videotape. A student-faculty ratio of 4 or 5 to one is maintained to insure that each student receives individual attention. 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. Students absent without valid excuse or unprepared for class will be penalized. Evidence is a prerequisite.

#### **Written Discovery**

This experiential course will focus on the knowledge and skills required to manage and execute written discovery. Effective discovery requires identifying and understanding the legal principles and detailed facts of a client’s case; crafting a theme and trial plan; and using this information to conduct discovery in a manner that maximizes a case’s strengths and accommodates its weaknesses. Students will participate in exercises designed to simulate the experience of an attorney charged with responsibility for written discovery. Topics will include preliminary case assessment; articulation of a case’s themes; initial disclosures; discovery conferences and scheduling orders; drafting and responding to requests for production, interrogatories, and requests for admission; privilege and work production protections; protective orders and common interest agreements; written expert discovery; meet-and-confer letters; and motions to compel. The course will be taught by Eva Dossier, a member of the firm Stanley, Reuter, Ross, Thornton & Alford, L.L.C.

## **E. 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.

## **F. New Orleans Summer School Courses**

### **Summer and Advanced Summer Externships**

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

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

Three credits are awarded for the summer semester. These are non-classroom credits. The course is graded Pass-C-Fail. Students are required to work a minimum of 135 hours at their field placements, and to commit to at least 4 consecutive weeks between May 13, 2020 and July 26, 2020. Students in coordination with their field supervisors set their individual total summer work schedules, typically amounting to a total of

8–10 weeks. Students submit to the faculty supervisor one writing sample from the summer placement and several brief reflective pieces based on questions posed by the faculty supervisor. Students participate by phone, in person or online in small group or individual meetings with the faculty supervisor during the course of the externship. Students may enroll in the Summer or Advanced Summer Externship in conjunction with a Tulane summer session offered on campus or abroad.

### **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.

### **Antitrust and Labor Issues in College Sports**

This course examines a number of the key legal issues facing college athletics today, including the battle over athlete compensation and the rapid development of name, image, and likeness rights

for college athletes. This course focuses on the ways antitrust and labor laws have shaped many aspects of college sports and continue to play a significant role in the development and future of the National Collegiate Athletic Association (NCAA) and college athletics. The course will examine the impact of antitrust and labor law on television contracts, college athlete compensation, coaching salaries, eligibility restrictions, and a number of other facets of the collegiate model. The course will also feature a number of guest lectures from lawyers, executives, and administrators in the college sports industry. There are no prerequisites for this course. Students who have taken or plan to take Sports Law: Antitrust & Labor may enroll in this course. This course does not count toward the Sports Law certificate. The course will be graded on the basis of a take-home examination.

### **Centuries of Failure, Years of Success: Legal Regimes for the Protection of Cultural Property**

Notwithstanding the critical role cultural heritage plays in forming our national and ethnic identities, and in inspiring us as civilizations, protecting it has never been a legal priority. Through an examination of the legal history of cultural property, this seminar will attempt to explain why that has been the case, and what is now being done to change that historical trajectory. The seminar will focus on the relevant international conventions, and on significant actions by the European Union and Arab League, along with those federal laws of the United States that seek to preserve and protect different forms of cultural property. In addition, selected state and local laws and cases will be addressed, as part of a discussion of the efforts (and accompanying litigation) that have been made in New Orleans to protect the city's unique art, architecture, and traditions. Each student will be required to select a paper topic, one that directly relates to a cultural property issue arising from his or her location - e.g., a student located in New York City will be required to write about a "New York" cultural property issue. In addition to writing the paper required for 3 credits, students will be required to give a 15 minute in-class presentation regarding their paper. The course will be co-taught by Prof. Herbert Larson and Ms. Terressa Davis, who is the executive director of the Antiquities Coalition.

### **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.

### **Contract Drafting**

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

### **Evidence**

The focus of this course is on the law and policy considerations surrounding the proof of facts (and law) in judicial proceedings.

### **Intercultural Negotiation and Mediation**

Offered online during the Summer 2020 semester. The Berlin Summer Program in Intercultural Negotiation and Mediation is a joint venture between Tulane Law School in New Orleans and Humboldt University in Berlin. This year marks the 22nd consecutive year that the program is being offered. The four-week curriculum consists of lectures, Q+A sessions and role-play exercises that cover both theory and practice of negotiation and mediation. An experienced team of academic

experts and practitioners from the United States, Germany and Israel provides a sound introduction to the principles and techniques of ADR and highlights the special challenges of conflict resolution in an intercultural setting. A special unit will focus on online negotiation. Optional components feature the mediation of political conflicts (post-conflict/peace negotiations and conflicts over employment and pension rights) as well as virtual excursions to Germany and the European Union. Successful participants receive three credits of experiential learning as well as certificates in negotiation and mediation. The entire Program is conducted online via Zoom (Mondays, Wednesdays and Fridays). Participants will move from common events (general lectures) to small groups (exercises). The language of instruction is English.

### **Legal Profession**

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