



Course Descriptions
Summer/Fall Semester 2023

FIRST YEAR COURSES

Becoming Lawyers

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

Civil Procedure

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

Contracts

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

Legal Research & Writing

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

Torts

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

UPPER-CLASS COURSES

Admiralty I

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

Admiralty: Collision Law & Limitation of Liability

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

Admiralty: Marine Insurance I

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

Admiralty: Marine Pollution

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

Advanced Civil Procedure: Complex Litigation

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

Antitrust

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

Business Enterprises

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

Civil Law Property II

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

Civil Law Torts

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

Commercial Law: Secured Transactions

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

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.

Community Property

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

Constitutional Criminal Procedure: Investigation

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

Constitutional Law: 14th Amendment

This course is designed to cover issues of individual rights under the Fourteenth Amendment that are given only brief treatment in the introductory first-year course. Subjects include equal protection, substantive due process, state action, and Congress's power to enforce the Fourteenth Amendment's guarantees.

Corporate Finance

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

Employment Discrimination

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

Energy Law I

This course will begin with an overview of global energy systems and introduce global energy value chains for the dominant energy paradigms and their reach into the real economy. It will then introduce the legal regime governing the extraction of raw materials needed for energy value chains. It will do so by focusing on the exploration, development and production of oil and gas resources in the U.S. covering core aspects of the oil and gas lease (property), joint operating agreements (contracts), and conservation (environmental

regulation) and will place the U.S. experience in an international context. The next portion of the course will introduce the regulation of electricity generation, transmission, and distribution. It will focus in particular on the challenges for energy regulation by an increased focus on renewables in the U.S. energy mix. It will again place these developments in a global perspective. The course will use simulations as a means to introduce the many complexities of energy law in a realistic fashion.

Environmental Law: Pollution Control

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

Environmental Law: Water Resources & Policy

This course will cover the role and influence of the legal system on the use, allocation, and stewardship of water resources in the United States and Louisiana. Since the field of water resources management is rapidly evolving to accommodate storm protection, ecosystem restoration and sea level rise an understanding of the policies that underlay our current laws and the factors that are influencing current policy and law-making will be an important part of the course's focus. Course materials will include law cases and related materials which must be read before class. The course will be lecture-oriented with occasional guest lecturers with specific experience in development of water resources law and policy. Students will be asked to participate in one group project in which they will be asked to develop, present and defend a position paper on some aspect of the water resources management challenges arising in coastal Louisiana. This exercise will comprise 10% of each student's grade.

Evidence

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

Fair Housing Law & Litigation

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

Immigration Law

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

Income Taxation

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

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, construction, professional liability, employment, environmental, homeowners, product liability, including litigation issues such as the duty to defend, the duty to indemnify, subrogation, fraud, bad faith, defenses, damages, procedure; and address governmental regulation.

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 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.

International Trade Law

The course is a survey course covering the law relating to international trade in goods, covering both private commercial transactions relating to trade in goods and the international legal instruments and organizations regulating international trade. The course will deal with international sales and payments and also longer-term “framework” agreements relating to marketing and licensing and the issues that they raise, such as antitrust regulation and parallel importing. It will also deal with trade regulation by GATT, the WTO, and regional trade agreements between countries, and will show how the private commercial relationships between parties are related to the public law relationships between countries in relation to trade. The course will consider only trade in goods. It will not consider trade in services or foreign direct investment or taxation as it relates to the planning of import/export transactions.

Law of Democracy

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

Law of the Sea

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

Legal Profession

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

Legal Reasoning, Research and Writing for LLM Students

This three-credit course is an introduction to the legal methodologies of practicing attorneys in the United States. Because the course is limited to foreign students seeking their LLM, it emphasizes the development of legal reasoning and writing skills in an adversarial legal system, while simultaneously acquainting students with the legal resources readily available to attorneys in the United States, such as Westlaw, and Lexis. The first half of the course is devoted to short writing projects, e.g., motions, and memoranda, as might be created and

used by a U.S. law firm. The second portion of the course, which immediately follows the first, is devoted to the creation of a brief on a current issue. In addition, the students are required to orally argue at least three times. Professor Larson plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Legal Research, Advanced

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

Louisiana Civil Procedure

The objective of this course is to provide a basic and practical knowledge of the Louisiana Code of Civil Procedure. This course will emphasize practical skills training, in conjunction with theory, and when possible, use examples of pleadings, memoranda, briefs and jurisprudential authorities that focus on Louisiana Civil Procedure Law.

Military Law

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

Obligations II

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

Oil & Gas Law

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

Public International Law

This is the basic introductory course in international law and as such focuses initially on how international law is made and applied as well as the various theoretical justifications for and explanation of international law and international institutions. The course then explores other issues such as the proper subjects of international law— states, international organizations, individuals, etc.; allocation of legal authority among states; the forums for and the methods of international dispute resolutions, etc. Special attention is paid to the use of force in international relations and the UN-based collective security system. Using the United States as an example, the course will also explore the interrelationship of domestic law and international law—the domestic effect of treaties and customary international law, the role of federalism in the adoption and enforcement of international obligations, and the role of municipal courts in the enforcement of international obligations.

Trusts & Estates

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

Mini-Courses and Workshops

Climate Change: Underlying Drivers & Potential Solutions

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

International Anti-Corruption & Other Global Compliance Issues

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

mechanisms used to implement compliance procedures and internal controls in an organization. The course will also address the cultural challenges presented by certain countries and industries. Students will be expected to participate in case studies and exercises designed to apply legal principals to situations that arise in the practice of law.

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. Th

Space Law: International Treaties & Jurisdiction

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

Transnational Litigation

The rapidly growing number of disputes involving foreign parties and transactions present distinct problems that do not arise in purely domestic litigation or arbitration. The course will address these problems and the emerging solutions as developed by American courts, and it will compare these developments with approaches that prevail in other legal systems. Areas that will be covered include the extraterritorial application of U.S. laws, taking evidence abroad, personal jurisdiction over foreign defendants, and the enforcement of foreign judgments.

Upper-Class Seminars

Constitutional Theory Seminar

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

extensive, and will represent the wide diversity of opinion present in contemporary theoretical debates.

Criminal Ethics Seminar

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

Criminal Justice Seminar

This seminar provides students with the opportunity to write a research paper on a topic of their choosing in the field of criminal justice reforms, including (but not limited to) racial justice reforms in the criminal legal system; legislative and judicial reforms related to the police, prosecutors, judges, and criminal defense lawyers; prison abolition and remedies for mass incarceration; reforms and advocacy focused on gender identity and sexual orientation; community-based movements; and the consequences of convictions and incarceration. Students will write a 25-page research paper in the format of a law journal comment. In addition to their research and drafting activities, students will lead a 50-minute workshop-style discussion on their topic, using readings and prompt questions that they have selected. Classmates will prepare for each discussion by doing the readings and posting responses to the prompt questions. A rough draft of 15 pages will be due in the middle of the semester and the draft will receive written feedback from the professor and another classmate. The course grade will be based on the final research paper, the rough draft, the workshop discussion presentation, participation in class discussions, regular attendance, and timely completion of all writing assignments, including discussion postings. There are no prerequisites for the seminar. This seminar fulfills the Upperclass Writing Requirement. Professor Laroche plans to invoke an attendance policy.

Environmental Law: Historic Preservation Law Seminar

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

Law and 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.

Law and Time Seminar

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

Mixed Jurisdiction Seminar

This seminar will focus principally upon the so-called 'classical' Mixed Jurisdictions of which there are about 15 or so in the world. Prominent among these are South Africa, Scotland, Quebec, Puerto Rico, Israel, The Philippines and Louisiana. There is debate about the countries belonging to this group and our research interest may extend beyond this circle in order to deal with classification issues. Each student in the seminar will select a topic dealing with some aspect of the Mixed Jurisdictions and write a research paper that will be presented and discussed in class. A paper topic may relate to any micro or macro aspect of such systems and should make use of the comparative method. Before topics are chosen, the opening classes will discuss the defining characteristics and traits of the mixed jurisdictions and students will be introduced to the literature on the subject. The principal text in the course will be V.V. Palmer (ed), *Mixed Jurisdictions Worldwide: The Third Legal Family* (2001). Professor Palmer plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism.

Professional Responsibility Seminar

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

Scientific Evidence Seminar

Lawyers are not known for their expertise in mathematics or science, yet since the *Daubert*

decision, courts have had to evaluate the validity of scientific expertise before permitting an alleged scientific expert to testify. Accordingly, understanding scientific research and evidence has become an important aspect of any legal practice, and a particularly important aspect of a criminal legal practice. This seminar will explore background issues in law and science that underly the use of scientific evidence today and focus on different areas of forensic science that impact modern cases. Topics will vary from semester to semester but will include subjects such as the general assumptions and rationales for using forensic evidence, DNA testing, firearms identification, polygraph tests, and fingerprint analysis. Evidence is not a prerequisite for the seminar but is strongly recommended.

World Trade Organization Seminar (WTO)

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

Experiential Courses

Clinics

Civil Rights & Federal Practice Clinic

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

Federal Pretrial Practice Seminar

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

Criminal Justice Clinic

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. The Clinic must be taken in conjunction with Criminal Practice Seminar. Students are selected on the basis of an application and personal interview. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded credits in the spring. A rule penalizing students for lack of preparation and/or excessive absenteeism will be invoked.

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.

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 Clinic must be taken in conjunction with Litigation Skills for DV Clinic Students. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded credits in the spring. 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.

Litigation Skills for DV 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 a tort, and the role of domestic violence in divorce law and custody. While examining the issue systemically, 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.

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 addresses are issues faced by fence line environmental justice communities impacted by facilities which pollute their land, air and water and pose risks from accidental releases; Atchafalaya Basin residents and fishermen who seek to preserve their way of life and the wetlands they rely on; clients concerned with preserving fish and wildlife, including threatened and endangered species; and regional and national groups addressing local environmental issues which reverberate nationwide. TELC is open to 3Ls, 2Ls (during the spring semester only), and LLMs with JD degrees from U.S. law schools. 2L and 3L students are required to enroll for two semesters; LLMs are limited to one semester in TELC. Under student-practice rules, 3Ls and LLMs may sign pleadings and appear in court under the guidance of TELC's supervising attorneys. Professor Jordan plans to invoke a rule penalizing students for excessive absenteeism.

First Amendment Clinic

This clinical course is dedicated to protecting freedom of 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. Students are selected on the basis of an application and personal interview. The Clinic must be taken in conjunction with First Amendment Clinic Seminar. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded 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. The Clinic must be taken in conjunction with Immigrants' Rights Seminar. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded credits in the spring.

Immigrants' Rights 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 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 Clinic must be taken in conjunction with Juvenile Advocacy Seminar. The Clinic is a full-year clinic only, with 3 credits awarded in the fall and 3 awarded 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.

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.

Legislative & Administrative Advocacy

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

Externships

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.

Simulation Courses

Advanced Appellate Advocacy

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

Advanced Criminal Practice

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

Advanced Persuasive Writing

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

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

Civil Litigation: Strategy & Practical Skills

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

Contract Drafting

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

Deposition Practice & Procedure

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

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

Patent Prosecution

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

Plea Bargaining: Theory & Practice

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

Transactional Lawyering: Business Planning

What do transactional lawyers do and how do they do it? The course focuses on the lawyer's role as an advisor to a privately-owned start-up company and its owners. We will explore how legal issues and business objectives overlap, the role played by the transactional lawyer in the transaction and soft skills such as client relations/communications and co-worker relationships. This course will examine the life cycle of a hypothetical company, focusing on sample transactions from three major stages of the company's life cycle: choice of entity, formation and obtaining capital; ongoing operations; and exiting or sale of the company. Much of the class work will involve working in teams simulating an actual transactional practice. Using hypothetical business scenarios and actual deal documents, students will represent the company, its owners, or third parties and will analyze, structure and negotiate selected deal components, and, on a limited basis, draft portions of the relevant deal documents. This capstone course is designed to broaden the student's knowledge in a number of substantive areas, help students learn to focus on a client's business objectives rather than just addressing legal issues, and to begin the process of bridging the gap

between law school and practice. The course will be taught by John Herbert, outside general counsel of a Houston-based energy company and formerly a division general counsel of a Fortune 30 energy corporation. Business Enterprises is a prerequisite. Grades will be based on periodic written team and individual exercises, a personal journal, and a final written project. There will be no final exam.

Trial Advocacy: General Litigation

This course is intended to prepare and train students in advocacy skills 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: 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. A student-faculty ratio of 4 or 5 to one is maintained to ensure 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 styles. Each student tries a trial at the conclusion of the course. Students absent without valid excuse or unprepared for class will be penalized. It is strongly recommended that you take Evidence **prior** to enrolling in Trial Advocacy, but co-enrollment is permitted.

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.

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.