

COURSES AND SEMINARS

The following descriptions are for courses and seminars in the Juris Doctor program. The courses and descriptions are correct as of this printing (5/13/2024). For descriptions of BU Law graduate (LL.M.) courses visit the web. Please note that registration and examinations for LL.M. courses are administered by the respective program office.

For classes in Banking and Financial Law:

<https://www.bu.edu/law/academics/find-degrees-and-programs/masters-llm-programs/banking-financial-law/courses-of-study/>

For classes in Graduate Taxation:

<https://www.bu.edu/law/academics/find-degrees-and-programs/masters-llm-programs/graduate-tax-program/courses-of-study/>

ADMINISTRATIVE LAW

JD 801 (A1)	M/W 10:40-12:40	4 credits, Fall – TBD
JD 801 (A1)	T/R 2:10-4:10	4 credits, Spring – Professor Beermann

This course will examine the nature and functions of federal administrative agencies and the legal controls on agency action. Agency action is situated and examined in its political and legal contexts. Topics include the status of administrative agencies in the constitutional framework of separation of powers including the non-delegation doctrine, the President's appointment and removal powers in light of the unitary executive, the constitutionality of the legislative and line-item vetoes, the constitutionality of agency adjudication, and the constitutional (and political) status of independent agencies; agency rulemaking and adjudication including the choice of procedural model and the procedural requirements of the rulemaking model; and the availability, timing and scope of judicial review of agency action including standing to seek judicial review and exceptions to the availability of judicial review. The course also examines different methods of policy analysis such as regulatory impact analysis and cost-benefit analysis. Additional topics include discriminatory enforcement, regulatory delay, judicial imposition of procedural constraints on agencies, the implication of private rights of action from regulatory statutes and the availability citizens' suits. Some attention may be paid to differences between state and federal separation of powers doctrines.

ADVANCED EVIDENCE AND ADVOCACY

JD 922 (A1)	M 4:30-7:30	3 credits, Fall – Judge Lowy
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This course teaches students evidence at an advanced level through student exercises simulating courtroom presentations. This is simulation course and the emphasis is on performance and feedback in order to integrate legal evidence theory with the professional skills students need to advocate for their future clients. After evidence related exercises, students will engage in self-critique and will also receive feedback from fellow classmates and the instructor. The instructor will utilize the student exercises to

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teach the law of evidence at a level beyond the introductory evidence course and advocacy skills. Class discussion and exercises will provide opportunities to improve trial and advocacy skills, recognize and address ethical issues, and consider broad societal questions.

Exercises may include the following: a motion in limine concerning prior bad acts evidence, a voir dire on an issue of rape shield, or a Daubert hearing concerning expert testimony on causation in a toxic tort case. **PREREQUISITE:** Evidence. **NOTE:** This course counts towards the 6-credit experiential learning requirement.

ADVANCED LEGAL RESEARCH

JD 879 (A1)

R 8:30-10:30

2 credits, Fall – Mr. Flaherty

In this class students will be exposed to how legal research functions in practice. The research projects will be designed to highlight major legal research tools in both online and print formats. The projects will feature tasks such locating court documents, doing a legislative history, finding agency regulations and guidance, doing state specific research with practice series, researching an unfamiliar area of the law using secondary sources, as well as learning to use Lexis/Nexis, Westlaw and Bloomberg Law in a cost effective manner. Most classes will have an assignment and some will be longer projects such as a client letter, a research memo for a supervisor and all will include a research log. There will be an exam where the students must do several short research assignments with a research log. The objective of the class is for students to become comfortable completing simple and complex research in a work setting. **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar, will be administratively dropped from the class. Students who are on the wait list are required to attend the first meeting to be considered for enrollment.

ADVANCED LEGAL WRITING (S)

JD 874 (A1)

R 2:10-4:10

3 credits, Fall – Professor Browne

The purpose of this seminar is to provide students with the opportunity to improve their writing, editing and communication skills. Students will prepare a variety of practice related documents based on a single fact pattern. Some legal research will be necessary, but the emphasis will be on writing, not on research. Students will also have the opportunity to edit other students' papers, with the goal of improving their own writing skills. Actors will perform a scenario for the class, from which students will extract the pertinent facts. From this fact pattern, students will draft an inter-office memo, a letter or memo to a non-lawyer client, and a trial or appellate brief. Students will also engage in simulated client interviewing and counseling sessions, as well as a simulated meeting with a supervisor. Students will be graded on the basis of their written work, editing work on their classmate's papers and on their classroom performance. There will be no final exam. **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **GRADING NOTICE:** This class will not offer the CR/NC/H option. **ENROLLMENT LIMIT:**

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14 students. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement.

ADVANCED PRIVACY LAW

JD 822 (A1)

T/R 10:45-12:10

3 credits, Spring – Professor Hartzog

This advanced course in Privacy Law offers a more detailed examination of privacy law and privacy theory. It builds on the conceptual, analytical, comparative, and doctrinal skills developed in Information Privacy Law to enable more sustained and expert engagement with the American and European regimes of privacy and data protection law. The course offers a deeper and more specialized examination of both scholarly and practical issues in privacy law, from academic theories of privacy and data protection, to deeper examinations of the EU data protection regime and the GDPR, national security law, American privacy reform at the state and federal levels, and other issues of privacy law of the moment. It is intended for students who took Information Privacy Law and who wish to pursue careers in privacy or technology law as well as for those interested in academic theories or privacy—or both, since the emerging global practice of privacy law is one in which lawyers and academics are frequently—and necessarily—in conversation with each other. Assessment will be on the basis of class participation and a final exam/assignment. **PREREQUISITE:** Information Privacy Law.

AFFORDABLE HOUSING LAW (S)

JD 935 (A1)

R 4:20-6:20

3 credits, Spring –Ms. Quirk

The seminar will evaluate the current affordable housing crisis and the ways in which it has been influenced by significant events, including population growth pressures, the Great Migration, the 1918 Flu Pandemic, the spread of zoning in the 1920s, race-based restrictive housing covenants, red-lining, rent control and other topics. The course will examine the impact of racism, casteism and economic discrimination on housing law and the permitting, financing and taxation of housing by reviewing the relevant decisional law, local, state and federal regulations and statutes and housing policy reports and articles. The affordable housing crisis will be examined from the perspectives of the individuals who need affordable housing, the individuals who oppose affordable housing being built near them, the developers who design and build housing, the local officials who perform the permitting and the state and federal officials who create and enforce the regulatory, statutory and tax schemes that mold how affordable housing is created. A 15-20 page term paper will be required that examines one or more aspects of affordable housing law, with a variety of potential topics to be offered at the outset of the course. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

ALTERNATIVE DISPUTE RESOLUTION

JD 881 (A1)

T/R 2:15-3:45

3 credits, Spring – Mr. Bamford

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The goal of this course is to improve students' ability to resolve disputes and to productively engage in conflict. In this highly interactive class, students will examine a variety of dispute resolution processes, other than traditional court adjudication, including negotiation, mediation, arbitration, dispute system design and restorative justice. Over the course of the semester, students will engage in a series of exercises (i.e., role-plays) through which they can develop and hone their skills and approaches to dispute resolution. Discussion and short lectures will accompany the exercises, as appropriate. There will be short written assignments as well as a longer paper due at the end of the semester. No final exam. **NOTE:** This course counts toward the 6 credit Experiential Learning requirement. **GRADING NOTICE:** This class will not offer the CR/NC/H option. **RESTRICTION:** Students may not enroll in both Alternative Dispute Resolution and Negotiation (JD921).

ANTITRUST & HEALTHCARE (S)

JD 891 (A1)

M 4:20-6:20

3 credits, Spring – Mr. Ford

The healthcare industry has been a leading target of antitrust enforcement over the past two decades, and most of that has focused on the conduct of pharmaceutical companies. The high cost of prescription drugs is one of the biggest public policy challenges of our time and is now an issue squarely in the cross hairs of federal and state antitrust enforcers. The cases that result feature the application of traditional antitrust principles, formed over the last century, to a unique industry with atypical economics, complex regulatory schemes, and extensive enforcement of patent rights. At every turn, courts and regulators must balance the need to promote price-reducing competition with the need to maintain incentives for massive private R&D investment. This seminar will serve as an introduction to those cases. It will focus on the most common antitrust matters that arise from the competition between branded and generic drugs. It will also survey other hot topics at the antitrust-healthcare intersection more broadly, such as hospital and health system mergers. The course will also serve to develop practical lawyering skills—including how to critically analyze precedent, how to frame and to communicate advice to clients when legal standards are uncertain, and how lawyers shape the law. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement either partially or in full.

ANTITRUST LAW

JD 838 (A1)

M/W 10:40-12:40

4 credits, Spring – Professor K. Hylton

The antitrust laws reflect a conviction that competition in the marketplace will yield the best outcomes for consumers and the optimal allocation of resources in our economy. Beginning with the Sherman Act of 1890, the antitrust statutes condemn a variety of acts – from mergers to agreements among competitors to monopolists' exclusionary business practices – that restrain trade or contribute to monopoly power. The statutes, however, are written in general terms, leaving it to the courts to draw the line between lawful competition and unlawful restraints of trade or monopolization. Early on, the Supreme Court established that the law reaches only "unreasonable" restraints, which only begs

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the question of how to draw the line between “reasonable” competition and “unreasonable” interference with competitive markets. Over the course of the twentieth century, the courts struggled to fix this line; as the century closed, they had settled on an economically-oriented normative framework that largely deferred to firm decisions and doubted the value of government intervention in markets. In recent years, however, a cacophony of voices – ranging from activists to scholars to politicians of all stripes – has begun to call that framework into question and to call for renewed enforcement of antitrust laws.

This course will explore the principal statutes and common law that have shaped antitrust law over the past century-and-a-quarter since Congress passed the Sherman Act. We will also examine the standards and procedures that the antitrust agencies use to evaluate mergers and to challenge conduct as anticompetitive. As we critically evaluate the case law, we will also reflect on current calls for reform. While we will engage rigorously with economics, all of the economic principles necessary to understand the case law and debates will be explained in the course; formal training in economics is not a requirement.

APPELLATE ADVOCACY PROGRAM DIRECTOR

JD 901 (A1)

ARR

3 credits, Fall – Ms. McCloskey

This class is restricted to third-year students who applied and were accepted as directors of the BU Law Moot Court programs (Stone and Albers). **NOTE:** This class may be used to satisfy the Upper-class Writing requirement.

ARTIFICIAL INTELLIGENCE LAW

JD 794 (A1)

M/W 11:00-12:25

3 credits, Spring – Professor Van Loo/Mr. Duncan

This course aims to help students develop both an analytic toolkit and substantive legal knowledge that will help them to navigate how machine learning and other forms of AI will change the law. The analytic toolkit will involve students becoming able to see how AI is changing core common law, regulatory, and statutory sources of law. At times this will require students to assess how to apply law that has not been updated to a new AI context that the law must handle (say, self-driving cars and traditional tort law). At other times, this will require exploring some of the difficult emerging issues in applying laws that were written with AI in mind. Both of these will necessitate an understanding of the policies sought to be advanced, which in turn requires understanding the stakes of getting AI law right—the harms and benefits that will inevitably be balanced by judges, lawmakers, agencies, and businesses. The substantive legal knowledge part of this course will be oriented around learning some of the laws that are already in place that interact with AI. Common law torts has already begun to be applied to AI, and various administrative agencies have begun applying privacy law, consumer protection (including related to bias and discrimination), government surveillance, intellectual property, and other areas related to AI. A minor secondary part of the course may be providing experience to students in using AI tools. This will have the benefit of preparing them to use such tools

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later in their career, and also understanding the nature of AI. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

BANKRUPTCY & CREDITORS' RIGHTS

JD 803 (A1)

T/R 2:10-4:10

4 credits, Fall – Professor Tung

This course focuses on corporate reorganization and corporate finance. We will study the legal requirements for reorganization plans under Chapter 11 of the Bankruptcy Code, as well as the use of going concern sales outside of Chapter 11. We will study important doctrinal issues relating to reorganization of corporate groups, including substantive consolidation and equitable subordination. We will investigate avoidance actions in bankruptcy, including preferences and fraudulent conveyance, and the treatment of pre-bankruptcy contracts. Other topics include the financing of corporate debtors in bankruptcy and workouts and duties to creditors outside of bankruptcy. Finally, we will also introduce and ultimately master some basic tools of corporate finance--present value, expected value, and risk and diversification. **GRADING NOTICE:** This class will not offer the CR/NC/H option. **PREREQUISITE:** Business Fundamentals, Corporations.

BAR EXAM SKILLS

JD 608 (A1)

R 10:40-12:40

2 credits, Spring – Professor Freudenheim

JD 608 (B1)

R 2:10-4:10

2 credits, Spring – Professor Freudenheim

JD 608 (C1)

TBD

Students in this course will learn and practice a specific set of skills and test-taking strategies with the goal of enhancing a student's ability to prepare for the July bar exam. It will introduce students to the content of the Uniform Bar Exam (UBE) and its three forms of questions, multiple choice, essay and performance test. The subject matter will be drawn from some of the most highly tested topics on the UBE, including criminal law, constitutional law and torts. The materials for this course are provided by Kaplan Bar Review. This course is for students who want an early start on their bar exam preparation or are particularly concerned about not passing the bar exam. This course is not a replacement for a commercial bar review program. The course consists of weekly in-person classes, assignments outside of class and a final exam. Course enrollment is limited to 25 students per section. **THIS COURSE IS RESTRICTED** to graduating third-year JD students. **GRADING NOTICE:** This course will not offer the CR/NC/H option.

BUSINESS FUNDAMENTALS (ONLINE)

JD605 (OL)

Non-Credit, Fall and Spring

Introduction to Business Fundamentals is an online, self-paced, asynchronous program forming a required part of the JD curriculum. The curriculum consists of modules covering business basics, corporate finance and financial accounting, including the following subjects: capital markets; the basics of financial reporting; balance sheets; income statements and cash flow; business forms and organizations; financing organizations; discounting; and calculating risk, return and valuation. Assessment is based on multiple

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choice exams. Students may opt-out of the course if they score an 84% or better on the pre-course exam. A score of 70% or better on the post-course exam, following successful completion of the course, is necessary to meet the requirement. **GRADING NOTICE:** This course awards no credits and is graded P/F. It is a graduation requirement for JD students. Students may enroll in the program for the fall, spring or summer semesters, but should complete the course by the conclusion of the fall semester of the 3L year.

CAPITAL PUNISHMENT IN THE UNITED STATES (S)

JD 993 (A1)

W 2:10-4:10

3 credits – Spring, Professor Caputo

Capital punishment is still implemented by the federal government and twenty-one states within the United States (six other states still have the death penalty on the books but have paused executions via executive order). This seminar will broadly examine the topic of capital punishment. Specific topics include: morality and history of the death penalty; procedural path of a capital case from trial through initial appeal, habeas, and requests for clemency; statutes and cases that arose from the Supreme Court's decision in *Furman v. Georgia*; sentencing and mitigating/aggravating factors analyzed by juries when deciding capital cases; role of judges, juries, prosecutors, and defense attorneys in death penalty trials; and the impact of race, economic status, mental health, competency, and gender on whether a death sentence is issued. Students will engage in discussion and reflection and will also write an extensive 3,000-word paper (that can partially satisfy the upper-level writing requirement) and do a formal oral presentation of their paper topic for the class. **NOTE:** The material in this course can be graphic and emotionally challenging, but it is nonetheless required. Students will not be excused from any assigned topic. Therefore, all students should carefully gauge their tolerance for this difficult material before choosing to take this class. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to partially satisfy the requirement.

CIVIL RIGHTS LITIGATION

JD 877 (A1)

T/R 4:20-6:00

4 credits – Fall, Professor Beermann/Mr. Merritt

This course is about civil and criminal enforcement of constitutional rights and other federal rights against government officials. The primary focus is on civil rights litigation in federal courts against state officials under the civil rights statutes passed in the wake of the civil war, including 42 U.S.C. §§ 1983, 1981, 1982 and 1985 on the civil side and 18, U.S.C. §§ 242 and 249 on the criminal side. The criminal segment of the course will be taught by an Assistant United States Attorney in charge of the Public Corruption and Special Prosecutions Unit and the Civil Rights Enforcement Team in the District of Massachusetts. Criminal issues include prosecutions of police officers for violating the civil rights of arrestees and hate crimes. On the civil side, we will examine the rights that give rise to civil rights action and, to a lesser extent, the scope of those rights. The kinds of cases include police brutality, unlawful searches and seizures and discrimination in government jobs. The issues that arise include many statutory questions, such as identification of proper parties to 1983 actions, and judge-made defenses, such as official and state immunities from damages actions and injunctive suits. We will also look at

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federalism and eleventh amendment limitations on congressional power and federal court remedial power in 1983 actions, although coverage of these issues will not be as thorough as in Federal Courts. The standards for holding local governments liable for damages will also be examined. Our major foray into the substance of constitutional rights will be with regard to the role of state remedies and defendant's state of mind for fourteenth amendment procedural due process violations. We will also look at substantive constitutional rights such as police brutality, medical care for prisoners and detainees, high speed police chases and other similar areas. There will also be some coverage of remedies against federal officials directly under the constitution and remedies against private individuals for civil rights violations. **OFFERING PATTERN:** This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

COMPLIANCE & RISK MANAGEMENT IN GLOBAL COMMERCE

JD 918 (A1)

T/R 6:30-8:30

4 credits, Spring – Ms. Nelson

This course covers U.S. laws governing global finance and trade. We will examine the compliance obligations of multinational enterprises pursuant to U.S. Anti-Money Laundering, Sanctions, Anti-Bribery and export controls laws and regulations, with additional focus on cryptocurrency regulations. We will also explore sections of the UK and EU regulations, including the UAE with respect to virtual assets' governance, as applicable. Key focuses of the course will be the extraterritorial scope of U.S. laws, and techniques for mitigating legal risk in transnational business operations. Students will learn how to: 1. Identify and assess legal risk in transnational trade and financial operations; 2. Build compliance programs that effectively mitigate such risk; 3. Manage interactions between multinational enterprises and U.S. enforcement agencies; and 4. Present professionally and effectively to various audiences about these risks.

COMPLIANCE IN FINANCIAL SERVICES COMPANIES

JD 683 (A1)

M 6:30-8:30

2 credits, Fall – Mr. Cornelius

This course will take students through the compliance mechanisms within financial organizations putting regulatory requirements into practice. The purpose of the class is to offer a fundamental preparation to the lawyer in a financial institution's legal department or a separate compliance department. This course covers the following:

- * The history of compliance
- * The interaction between business processes, legal requirements, and compliance.
- * The profession of financial compliance
- * The interaction of conflicts, risks and ethics
- * Defining best practice, business process, risk assessment and controls and their interactions within financial institutions
- * Compliance for investment advisers, private funds, mutual funds, broker-dealers, and other regulatory regimes
- * Interacting with regulators, enforcement agencies and investigations
- * Business ethics and culture in financial institutions.

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The course will use an exam as the final assessment. **GRADING NOTICE:** This course will not offer the CR/NC/H option.

CONTEMPORARY ISSUES OF CONSTITUTIONAL LAW (S)

JD 955 (A1)

W 4:20-6:20

3 credits, Fall – Mr. Thomas

Having taken the 1L Constitutional Law course (a pre-requisite for this seminar), students taking this course will do a deeper dive into the issues where the Constitution comes alive in our daily lives – the ways in which citizens in general and lawyers in particular need to understand the role the Constitution plays in political and social debates over free speech, voting rights, reproductive rights and so much more. The course will cover several issues currently on the Supreme Court's docket, and the course topics will intersect with developments in the news on a regular basis.

There is no exam. Students will be required to write a paper on an issue of their choice. Grades are determined by the quality of the paper and class participation. **UPPER-CLASS WRITING REQUIREMENT:** This class may be used to satisfy the requirement either partially or in full.

CONTRACT DRAFTING

JD 788 (A1)

T 8:30-10:30

3 credits, Fall – Ms. Brody Gluck

JD 788 (B1)

T 4:20-6:20

3 credits, Fall – Mr. Lundregan

JD 788 (C1)

W 4:20-6:20

3 credits, Fall – Mr. Cohan

JD 788 (D1)

W 6:30-8:30

3 credits, Fall – Mr. Johnston

JD 788 (E1)

R 10:40-12:40

3 credits, Fall – Professor Banks

JD 788 (A2)

T 8:30-10:30

3 credits, Fall – Ms. Brody Gluck

JD 788 (B2)

T 4:20-6:20

3 credits, Fall – Mr. Cohan

JD 788 (C2)

W 6:30-8:30

3 credits, Spring – Mr. Johnston

JD 788 (D2)

R 10:40-12:40

3 credits, Spring – Professor Banks

This course is the foundational skills course within the Transactional Law Program. It teaches students basic principles and skills of drafting and analyzing commercial and transaction agreements, with a focus on recognizing, and addressing through contractual provisions, key business issues in transactions. Although the course will be of particular interest to students interested in a corporate or transactional law practice, since most practicing attorneys will need to work with contracts at some point in their career, the concepts and skills which the course conveys are applicable to virtually all practice areas and specialties. While the course utilizes lectures to introduce various contract concepts and techniques essential for drafting and reviewing commercial and transaction agreements, it also requires that students complete both in-class exercises and out-of-class assignments as a means of building basic drafting skills and a solid understanding of the structure and operation of contractual provisions in a business transaction. The course also considers various ethical issues that may arise in the contract drafting and review process and in transactional practice generally. Grades will be based on class participation and graded drafting assignments. **CLASS SIZE:** 12 students. **UPPER-**

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CLASS WRITING REQUIREMENT/EXPERIENTIAL LEARNING REQUIREMENT: This course is a designated Professional Writing Course which may be used to partially satisfy the Upper-Class Writing Requirement (with a grade of B or higher) or the 6-credit Experiential Learning Requirement, but not both. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course. Students who are on the wait list are required to attend the first class to be considered for enrollment. Because the course involves regular in-class exercises, some of which are done in teams, and class participation is a significant component of a student's final grade, regular class attendance is essential and thus the course cannot accommodate flexibility in attendance.

COPYRIGHT LAW

JD 929 (A1)

T/R 11:00-12:25

3 credits, Fall – Professor Silbey

This course will give you an introduction to copyright, including a foundation in the theories underlying copyright law, an understanding of the current contours of copyright protection, the basic elements of proving infringement, the fair use defense to and remedies for infringement, and familiarity with related forms of liability such as contributory and vicarious liability. Each class meeting will consist of a combination of lecture and class discussion. Our discussions will focus on discussion of the reading – including cases and policies – and applying the reading to new scenarios. We'll work through hypotheticals based on real-world examples and explore scenarios that will require you to think from a variety of different perspectives. Grading will be based on class participation, including problem sets and hypotheticals worked on in groups, and a 3-hour, closed book, final exam.

CORPORATE FINANCE

JD 985 (A1)

T/R 2:30-4:00

3 credits, Fall – Professor Sims

This course covers the foundations of corporate finance. It starts with the concepts of time value of money, discounting, and present value. With that background it then considers the major financial decisions made by corporate managers. Topics include the valuation of financial assets and liabilities, criteria for making investment decisions, business valuation, relationships between risk and return, portfolio theory, market efficiency, capital structure choice, and cost of capital. **PREREQUISITE:** Business Fundamentals, Corporations.

CORPORATE GOVERNANCE (S)

JD 941 (A1)

T 2:10-4:10

3 credits, Spring – Professor Hirst

Corporations play a central role in our society. What corporations do, and how they do it, depends on the legal rules and other forces that govern them. The course examines the most important aspects of corporate governance by analyzing real world examples. The course considers the relationship between directors and executives, and the role that

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mutual funds, venture capital funds, hedge funds and private equity funds play in corporations and the capital markets. We will consider the objectives and the behavior of each of these groups, and the laws and practices that shape their actions. We will also consider the social and environmental responsibility of corporations, and how corporations--and the rules and institutions that shape their operation--affect our society. There will be no exam. Instead, students will be assessed on a course paper and their class participation. **PREREQUISITE:** Corporations (may be waived with instructor's permission). **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

CORPORATIONS

JD 816 (A1)	M/W 2:10-4:10	4 credits, Fall – Professor Hirst
JD 816 (M1)	M/W 4:20-6:20	4 credits, Fall – Professor Matera
JD 816 (W1)	T/R 8:30-10:30	4 credits, Fall – Professor Walker
JD 816 (A1)	T/R 2:10-4:10	4 credits, Spring – Professor Condon

Course about the legal structure and characteristics of business corporations. Topics include the promotion and formation of corporations; the distribution of power between management and shareholders; the limitations on management powers imposed by state law fiduciary duties and federal securities laws; shareholder derivative suits; capital structure and financing of corporations; and fundamental changes in corporate structure, such as mergers and sales of assets.

Hirst's Section: This section covers similar topics, but has a different emphasis and approach, involving fewer cases, and more exercises and analysis of real-world transactions and documents, including from Tesla, Twitter, and Boeing. The course involves self-directed learning through the submission of multiple choice quizzes, and some use of corporate-finance-style numerical analyses. Laptops and similar devices are generally not permitted without an accommodation.

The course serves as a **prerequisite** to advanced courses. **PREREQUISITE:** Business Fundamentals.

CRIMINAL MOTION PRACTICE & ADVOCACY

JD 768 (A1)	T 6:30-9:00	3 credits, Fall – Judge Vitali
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Advocacy courses in law school tend to focus on the traditional Trial Advocacy model (opening statements, direct and cross examinations, and closing arguments) or post-trial Appellate Advocacy. The vast majority of cases, however, never reach trial. Criminal Motion Practice and Advocacy will look comprehensively at the pre-trial motions that comprise the bulk of criminal litigation. Students will have the opportunity to research, write, and argue their own pretrial motions against opposing counsel. The course will travel chronologically through the life of a criminal case, beginning at arraignment and focusing on the art of motions practice. In class exercises will include arguments for

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Motions to Suppress searches and seizures based on search warrants, as well as Motion to Suppress hearings with live witness testimony and examination.

NOTES: This class counts toward the 6 credit Experiential Learning requirement.

ENROLLMENT LIMIT: 12 students. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **PREREQUISITE:** Criminal Procedure. **ATTENDANCE**

REQUIREMENT: A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar, will be administratively dropped from the class. Students who are on the wait list for a section are required to attend the first meeting to be considered for enrollment.

CRIMINAL PROCEDURE: ADJUDICATORY

JD 820 (A1)

T/R 11:00-12:25

3 credits, Spring – Professor Reza

This course focuses on the constitutional rules of the criminal process from arrest to sentencing and appeal ("bail to jail"), particularly under the Fifth, Sixth, and Eighth Amendments. Topics include the right to counsel, effective assistance of counsel, pretrial release and detention, charging, grand jury, prosecutorial discretion, discovery, double jeopardy, plea bargaining, jury vs. bench trial, jury selection, speedy trial, confrontation, jury instructions, proof beyond a reasonable doubt, sentencing, and appeals.

RESTRICTIONS: Enrollment is limited to students who have not taken and are not currently enrolled in Criminal Procedure: Comprehensive (JD 819). Students who have taken or who are enrolled in Criminal Procedure: Constitutional (JD 821) are permitted to take this course. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

OFFERING PATTERN: This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

CRIMINAL PROCEDURE: COMPREHENSIVE

JD 819 (A1)

M/W 2:10-4:10

4 credits, Fall – Professor Reza

This course surveys the constitutional rules that govern investigation, prosecution, and adjudication in the criminal process and derive primarily from the 4th, 5th, 6th, and 8th Amendments. Topics include police powers and limits in searches and seizures (e.g. stops, frisks, arrests, excessive force, profiling, and surveillance), police interrogations (Miranda), the exclusionary rule (the suppression of evidence obtained unconstitutionally), bail and detention, the right to counsel, the right to trial by jury, grand jury proceedings, prosecutorial charging and discretion, double jeopardy, discovery and exculpatory evidence, plea bargaining, jury selection, and the rights to a public, speedy, and fair trial. We will discuss policy and practical considerations as well as the governing constitutional doctrines, and classroom demonstrations will illustrate the course material.

RESTRICTION: Students may not enroll in this section and Criminal Procedure: Constitutional (JD821) or Criminal Procedure: Adjudicatory (JD820). **GRADING NOTICE:** This course does not offer the CR/NC/H option.

CRIMINAL PROCEDURE: INVESTIGATORY

JD 821 (A1)

T/R 9:00-10:25

3 credits, Fall – Professor Z. Ahmed

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This course covers search and seizure, the privilege against self-incrimination, confessions and the rights to counsel during custodial police interrogation. In general the course will examine the constitutional law in cases arising out of the conflict between police practices and the Bill of Rights. **GRADING NOTICE:** This class will not offer the CR/NC/H option. **RESTRICTION:** Students may not enroll in this section and Criminal Procedure: Comprehensive (JD819).

CRIMMIGRATION (S)

JD 837 (A1) **W** 10:40-12:40 3 credits, Spring – Professor Sherman-Stokes

Noncitizens are increasingly impacted by interactions with the criminal legal system, often facing detention and deportation from the United States as a result of even minor infractions. This course will explore the dynamic field of “crimmigration” – the intersection between immigration law and criminal law. Through readings, discussion, and independent research projects, students will learn to analyze constitutional, statutory, and regulatory provisions concerning immigration, as well as procedural and substantive requirements in criminal proceedings as they affect noncitizens. Students will also engage with the growing conversation around immigration and criminal abolition, as a response to the expanding carceral state. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

CRITICAL LEGAL RESEARCH (S)

JD 797 (A1) **T** 8:30-10:30 3 credits, Spring – Professor Wheeler/Ms. Lawless

This seminar explores the ways in which the tools (both print and electronic) used to conduct traditional legal research serve as hegemonic forces that reinforce the status quo and entrench societal oppressions. It also attempts to apply principles of Critical Race Theory to the legal research process both to uncover these hegemonic forces and to explore ways to overcome them. It draws on the work of Professors Richard Delgado and Jean Stefancic and the innovative and novel ideas and theories being developed by newer, emerging, scholars applying the approach that is now known as Critical Legal Research (CLR). This they apply to their research, their pedagogy, and their research agendas. Indeed, Critical Legal Research has become a movement within law libraries and within the scholarly community.

This research seminar can be described as a part of that movement. It is designed to meet the needs and serve the interests of aspiring public interest lawyers, students interested in social justice issues, and students interested in applying the principles of Critical Legal Studies or Critical Race Theory to their contemporary legal research projects, research behaviors, or legal studies. It complements the growing array of seminars and other courses offered here at BU Law that examine the practice of law through a critical lens. Topics to be covered include the legal research process, the limitations inherent in each step of that process, emerging critical approaches to

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conducting legal research, critical legal scholarship, critical race theory more specifically, and emerging legal research technologies and the specific shortcomings attributable to each. **PREREQUISITE:** Successful completion of both Lawyering Skills I and Lawyering Skills II. **UPPER-CLASS WRITING REQUIREMENT:** The capstone of this course will be a 6,000-word paper on a contemporary issue of justice OR an area of critical legal scholarship of interest to the student. This paper may serve as the foundation for a law review note or a foundation for completion of the Upper-Class Writing Requirement.

CRITICAL RACE THEORY COLLOQUIUM (S)

JD 731 (A1)

T 2:10-4:10

3 credits, Fall – Professor Feingold

In the mid-1980s, a scholarly movement to become known as “Critical Race Theory” (CRT) developed in legal academia. Early critical race theorists—including Derrick Bell, Mari Matsuda, Charles Lawrence, Richard Delgado, Kimberle Crenshaw, and Patricia Williams—challenged the substance and style of conventional legal scholarship. Substantively, race critics rejected formal equality, individual rights, and colorblind approaches to solving legal problems. Stylistically, critical race scholars often employed new methodologies for legal scholarship, including storytelling and narrative. The Critical Race Theory Colloquium is designed to expose students to core CRT principles and interrogate CRT's possibilities and limitations. This endeavor will require students to think critically about race and racism in conjunction with other intersecting structures of oppression and hierarchy. The Critical Race Theory Colloquium employs a workshop-format that enables students to engage leading scholars in the field of Critical Race Theory. The first part of the semester will involve a general overview of Critical Race Theory. During the remaining meetings, invited scholars will present works-in-progress for discussion. To prepare, students will write short reaction papers that include three questions for further discussion. Final grades depend on the reaction papers, class participation, and attendance. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement. **GRADING NOTICE:** This class will not offer the CR/NC/H option.

CURRENT ISSUES IN EMPLOYMENT LAW (S)

JD 906 (A1)

W 6:30-8:30

3 credits, Fall – Ms. Halem

This seminar focuses on recent trends and developments in employment law as seen from the perspective of a practitioner. Topics include recent legislative and practice developments related to paid leaves of absences, restrictive covenants, the #MeToo movement, specifically efforts to end non-disclosure provisions and efforts to make discrimination and harassment claims easier to bring, and salary transparency. Topics also include: increased prevalence of retaliation claims and wage and hour claims, including with respect to the latter the challenges created by a “gig economy” (i.e., employee vs. independent contractor classification); increases in unionization efforts, and the complexities caused by remote workers. **NOTE:** Prior labor/employment law coursework preferred but not strictly required. **UPPER-CLASS WRITING**

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REQUIREMENT: This class may not be used to satisfy the requirement. **GRADING NOTICE:** This class will not offer the CR/NC/H option.

DEALS (S)

JD 999 (A1)

T 10:40-12:40

3 credits, Fall – Ms. Fields Povoas

This seminar provides an overview and introduction to the structure of complex transactions and contracts – deals - and the role effective counsel can play. We will review challenges and issues common to complex business transactions with a focus on risk identification, allocation and mitigation. We will also review how that impacts deal negotiations, documentation and execution. The course is divided into two parts. The first section will be a review and analysis of a Series A funding round based on the National Venture Capital Association form agreements. The first section will conclude with a take home project to be done individually. The second part will be a review and analysis of a transaction involving a public company. The class is organized into teams and each team will prepare and present an analysis of one of the participants. Each team will present its analysis to the class. **PREREQUISITE:** Corporations. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

DIGITAL CIVIL LIBERTIES (S)

JD 779 (A1)

R 2:10-4:10

3 credits, Spring - Professor Hartzog

This readings seminar will focus on emerging issues of civil liberties in our digital society, with special attention paid to privacy and freedom of speech in the age of social media, platforms, and artificial intelligence. We will explore the potential and dangers of the Internet revolution in communications, and how it is affected by the activities of users, by companies like Google, Facebook, and Twitter, and by government attempts to restrain or shape the evolution of online activity through law. The course will be structured around discussions of principal readings of relatively recent (and readable) books and articles, including the possibility of videoconferencing or in-person lectures with some of the authors to discuss their work. There will be three student papers required – two short papers due during the semester providing a critical review of one of the readings chosen by the student, and a slightly longer paper due at the end of exams comparing and critiquing two of the principal readings. In addition to gaining a deeper understanding of the topics of the books, we will work on developing essential skills for lawyers of close reading and clear and persuasive writing. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

DIGITAL EVIDENCE USE IN LAW ENFORCEMENT (S)

JD 953 (A1)

M 6:30-8:30

3 credits. Spring – Mr. Goldworm

This course will consider how the evolution and global reach of technology in the areas of criminal practice and privacy rights has created an environment and area of the law that is frequently enacted only to be outpaced, eclipsed, and rendered irrelevant almost

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immediately by the very thing it seeks to regulate. This course provides an overview of cybercrime, privacy rights, and digital evidence practice; focusing on the current legal and technical landscape facing investigators and prosecutors in our justice system as they respond to the now commonly overlapping digital, cloud, and physical crime scenes. This course will give students the ability to assess current issues in this space using real-world examples. Students will examine the various constitutional protections afforded to users in the digital space, the law and policies that govern detection and prosecution, using this evidence in investigative practice, understanding the principles of digital search and seizure, and privacy rights vs. privacy protections. This course provides a summary of this fast-growing area of the law arising out of digital evidence investigation as it is used in criminal law as well as in areas of collateral civil practice. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

DIGITAL MONEY & PROPERTY (S)

JD 728 (A1)

R 4:20-6:20

3 credits, Fall – Mr. Duncan

What we earn, owe and own will soon be represented only by bits in a computer, but we are only beginning to understand the benefits, risks and legal pitfalls associated with this change. While crypto currencies have dominated the news, they are only part of the larger global conversion to digital money and property representations that is underway. In Norway, over 95% of consumer transactions are now made with digital fiat money, California is working on converting its entire car title system from paper to digital and virtually all central banks are working on introducing national digital currencies.

The impact of digitization will cut across property law, banking and finance, secured transactions, consumer rights, bankruptcy and many other areas of law - all of which this seminar will explore. The relationship between money, the reach of government and the impact on societal wealth and inequalities will also be considered over the course of the semester – as well as the potential for government to limit privacy and control behaviors using digital money and payment systems.

The goal of this seminar will be to explore and understand current issues, but more importantly, to equip students with a framework to understand and apply the law to evolving and new forms of money and digital property throughout their careers. Over the course of the semester, we will review and study various laws that govern money, property rights and debt with a focus on recent changes to the Uniform Commercial Code relating to digital assets and currency including Article 12 on Controllable Electronic Records. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

DISABILITY LAW (S)

JD 749 (A1)

R 10:40-12:40

3 credits, Fall - Mr. Dorchak

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This seminar surveys the evolution of federal law as it relates to people with disabilities. We will cover disability discrimination in the areas of employment, education, government services, public accommodations run by private entities, and housing. In exploring these areas we will examine relevant case law and statutes (i.e. the ADA and its amendments, the Rehabilitation Act of 1973, the IDEA, and the Fair Housing Act) and their implementing regulations and guidance. In addition to studying legal authorities, we will engage in practical classroom exercises and hear from attorneys practicing in disability law-related settings. Readings will be provided. Grades will be based on class participation and a final paper. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

ECONOMICS OF INTELLECTUAL PROPERTY (S)

JD 900 (A1)

W 2:10-4:10

3 credits, Fall – Professor K. Hylton

This seminar will explore the economics of intellectual property law. There are no prerequisites. The readings for the seminar will consist of Cass and Hylton, *Laws of Creation* (2013), and several cases and articles. The seminar will emphasize understanding the policy justifications for the major doctrines in intellectual property. The topics studies will include patent law, copyright law, trademark law, trade secret law, and the intersection of antitrust and intellectual property. **ENROLLMENT LIMIT:** 14 students. **UPPER-CLASS WRITING REQUIREMENT:** This class may be used to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

EDUCATION LAW

JD 777 (A1)

T/R 10:45-12:10

3 credits, Fall – Professor Feingold

In this course, we will examine the relationship between law, public policy, and current issues in education at both the K-12 and higher ed levels. Major themes will include campus safety and privacy; the right to an equal and quality education (with a focus on desegregation and resegregation); constitutional issues in public schools (including religious considerations and student freedom of expression); and structures of educational governance and various school reforms. Related topics of engagement will likely include policing in schools, ongoing legal battles over race-conscious practices and policies, the unmet needs of English language learners, and the impact of the charter school movement. Course assessment will include a take home examination. Class participation will also factor into final grades. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

EFFECTIVE & ETHICAL DEPOSITIONS (S)

JD 958 (A1)

M 10:40-12:40

3 credits, Spring – Professor Browne

JD 958 (B1)

M 2:10-4:10

3 credits, Spring – Professor Browne

The purpose of this seminar is to teach students how to take and defend effective and ethical depositions. The course involves both a simulated deposition component and a professional responsibility component. **Simulated Deposition Course Component:**

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Students will be divided into firms representing either the Plaintiff or the Defendants in a gender discrimination and defamation case brought by an attorney who has been denied partnership. The students will prepare and perform depositions of lay and expert witnesses and gather experience with obtaining and developing facts, preserving testimony, and the uses of depositions. **Professional Responsibility Course Component:** The simulated context offers the opportunity to explore several professional responsibility issues that arise naturally in deposition practice. These issues emerge largely because of the dual professional roles of an attorney: zealous representative and officer of the court. Some of the more timely issues involve proper witness preparation, improper witness coaching, inadvertent waiver of privilege, and abusive tactics. **Writing and Performance Requirements:** Each week students will write a short one or two page comment on the professional responsibility issues raised in class. At the end of the course, students will perform a videotaped deposition rather than take a final written exam. **NOTE:** This class may be used to satisfy the Professional Responsibility requirement, credits toward Experiential Learning requirement, or the upper-class writing requirement. This class may not be used to satisfy more than one requirement. **ENROLLMENT LIMIT:** 12 students per section. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

EMPLOYEE BENEFITS/EXECUTIVE COMPENSATION

JD 790 (A1) T/R 10:45-12:10 3 credits, Spring – Professor O'Brien

This course is about the legal regulation of the employment relationship in the U.S. It surveys relevant common law doctrines and selected statutes affecting this. Among the substantive issues to be considered are the at-will default rule (and many of its modifications); regulation of wages and workplace safety; unemployment insurance; whistle-blowing; workplace disputes about property rights (including restrictive covenants surrounding trade secrets, non-compete; arbitration agreements); torts arising in employment contexts (negligent hiring and retention; defamation); liability coverage, and other topics.

EMPLOYMENT LAW

JD 834 (A1) M/W 10:45-12:10 3 credits, Fall – Professor Pyle

This course is about the legal regulation of the employment relationship in the U.S. It surveys relevant common law doctrines and selected statutes affecting this. Among the substantive issues to be considered are the at-will default rule (and many of its modifications); regulation of wages and workplace safety; unemployment insurance; whistle-blowing; workplace disputes about property rights (including restrictive covenants surrounding trade secrets, non-compete; arbitration agreements); torts arising in employment contexts (negligent hiring and retention; defamation); liability coverage, and other topics.

ENERGY LAW & POLICY (S)

JD 832 (A1) W 2:10-4:10 3 credits, Spring – Professor Feld

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Energy law and policy are integral to the U.S. economy and have major impacts on the environment. This seminar will provide an overview of U.S. energy law and policy with an emphasis on the sources and regulation of electric energy. We will pay particular attention to emerging alternative energy sources, e.g. wind, solar, biomass, as well as new technologies, e.g. horizontal fracking for the development of natural gas. We will consider the division of regulatory authority among federal, state, and local governments. Students will have the opportunity to enhance their research, writing, and oral presentation skills and receive detailed feedback. There are no pre-requisites to the course other than a curious mind and interest in the subject matter. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

ENVIRONMENTAL LAW

JD 833 (A1)

T/R 2:10-4:10

4 credits, Fall – Professor Condon

This is an introductory survey course in environmental law. We will consider the theoretical foundations and political dimensions of environmental law as we focus on several key statutes including the Clean Air Act (and its application to climate change), Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act (the Superfund statute), and the National Environmental Protection Act.

EUROPEAN UNION LAW (S)

JD 880 (A1)

R 10:40-12:40

3 credits, Spring - Professor Caruso

This seminar's content will include: Historical and economic foundations of the Treaty of Rome (EEC 1957); institutional structure of the EU; internal market and the four freedoms of movement (goods, services, people and capital); fundamental rights protection; the EU crises of the 21st century, including migration and Brexit; and the prospect of Ukraine's accession. Assessment: 1) Students will be asked to discuss assigned readings (or, occasionally, videos) in each meeting. They will periodically be asked to upload short answers on our Blackboard site. 2) Students will select an EU Law topic, after consultation with the instructor and with the law librarian. After spring break, on a schedule to be determined, they will provide an overview of their chosen topics to the class. By the last day of spring exams, students will submit their complete research papers (approx. 6000 words, not counting footnotes). The seminar paper requirement can also be satisfied by two papers (approx. 3000 words each, not counting footnotes). **Note:** it is possible to satisfy the upper- class writing requirement through this seminar by completing papers that meet the current certification standards. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

EVIDENCE

JD 831 (A1)

T/R 10:40-12:40

4 credits, Fall – Professor Gonzales Rose

JD 831 (B1)

T/R 2:10-4:10

4 credits, Fall – Professor Reza

JD 831 (A1)

T/R 10:40-12:40

4 credits, Spring – Professor Okidegbe

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JD 831 (D1)

M/W 10:45-12:45

4 credits, Spring – Mr. Donweber

Donweber/Gonzales Rose/Reza: Practical and theoretical aspects of the rules of evidence. The purpose and policies underlying the evidentiary rules are stressed throughout in order to make the rules meaningful, predictable, and functional both for students interested in trial practice and for students who anticipate engaging in a more diversified practice. In addition to covering the substantive rules of evidence, the course demonstrates the significance of evidence as a tactical device at the trial and as a vital skill for the office lawyer. Okidegbe: Evidence law is a system of rules and standards that regulates proof of facts in adjudication. This course will examine the rules of Evidence Law with a focus on the Federal Rules of Evidence. It will utilize a problem-based approach to learning evidentiary concepts and standards. The topics covered by this course include relevance, character evidence, impeachment, competency of witnesses, the hearsay rule, opinion evidence, and other central subjects. Assessment for the course will be based upon a final examination. **GRADING NOTICE:** Professor Okidegbe's and Professor Reza's sections do not offer the CR/NC/H option.

FAMILY LAW

JD 811 (A1)

T/R 11:00-12:25

3 credits, Spring – Professor Silbaugh

This course offers a survey of family law, including case law, statutory law, and the role of constitutional rights in limiting governmental regulation of the family. This course will introduce students to law concerning a basic social institution: the family. Students will gain knowledge about how family law intersects with many other fields of law, such as contracts, constitutional law, criminal law, property, torts, public and social welfare law, as well as how social science informs family law. The course will focus on marriage (including the recognition of same-sex marriage), nonmarital families, divorce, pathways to becoming a parent, and the parent-child relationship. Topics include defining and regulating marriage; formal marriage; common law marriage; nonmarital couples, cohabitation, and alternatives to marriage; common law incidents of marriage and the transformation of the common law; domestic violence; traditional and "no fault" divorce; property division; spousal support; child support; child custody; adoption; and regulating parenthood. There will be a final examination. The teaching method is a combination of lecture and class discussion, along with in-class small group problem-solving exercises. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

FAMILY LAW

JD 814 (A1)

T/R 10:40-12:40

4 credits, Fall – Professor McClain

This course offers a survey of family law, including case law, statutory law, and the role of constitutional rights in limiting governmental regulation of the family. This course will introduce students to family law as a dynamic field of law concerning a basic social institution: the family. Family law is a foundational course relevant to many areas of law practice. Students will gain knowledge about how family law intersects with many other fields of law, such as contracts, constitutional law, conflicts of laws, criminal law, property, *A student who fails to attend the initial meeting of a seminar (designated by an (S) in the title), or to obtain permission to be absent from either the instructor or the Registrar, may be administratively dropped from the seminar. Students who are on a wait list for a seminar are required to attend the first seminar meeting to be considered for enrollment.*

tax, torts, and trusts and estates, as well as how social science informs family law. Students will also learn how various biases have affected family law's development and application, as well as how family law addresses the diversity of family structures. The course will focus on adult relationships and parent-child relationships. Topics include defining and regulating marriage; formal marriage; informal (common law) marriage; nonmarital relationships, cohabitation, and alternatives to marriage (such as domestic partnerships); common law incidents of marriage and transformation of the common law; intimate partner violence; traditional and "no fault" divorce; property division; spousal support; child support; child custody; and regulating parenthood. Students will be introduced to the role of negotiation, mediation, and other forms of dispute resolution in the practice of family law. There will be a final examination. The teaching method is a combination of lecture and class discussion, along with in-class small group problem-solving exercises.

FEDERAL COURTS

JD 836 (A1)	T/R 10:40-12:40	4 credits, Fall – Professor Yackle
JD 836 (B1)	M/W 10:40-12:10	4 credits, Spring - TBD

This is a basic survey course covering the federal courts, their place in the structure of American government, their relations with the Legislative and Executive branches and with the states, and their adjudication of federal-question cases concerning constitutional and civil rights, federal social welfare programs, and environmental and business regulation. This course builds on first-year courses in Constitutional Law and Civil Procedure and complements upperclass courses on modern public law and legal institutions: e.g., Administrative Law, Immigration Law, Environmental Law, Labor Law, and Conflict of Laws. Topics include the separation of federal judicial, legislative, and executive powers, Congress' authority to prescribe the federal courts' jurisdiction and to assign adjudicatory duties to other bodies (e.g., "legislative" courts and agencies), private authority to mount litigation to enforce federal law, standing to sue in federal court, conflicts between federal and state courts, the states' immunity from private lawsuits, the Supreme Court's authority to review state court judgments, and "abstention" doctrines governing the exercise of federal judicial power. We will explore theoretical and policy questions—asking not only what federal-courts law is at the moment, but also what it should be. Yet we will organize our discussions around practical lawyering in the federal courts—identifying and analyzing the constitutional, statutory, and judge-made hurdles that litigants must clear to obtain a decision on the merits of a federal question. Especially recommended for students who plan to practice with firms that represent clients subject to federal regulation, to pursue careers with federal or state agencies and departments, or to handle constitutional, civil rights, or other public interest litigation.

FEMINIST JURISPRUDENCE (S)

JD 990 (A1)	R 10:40-12:40	3 credits, Spring – Professor McClain
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This seminar examines the development of feminist jurisprudence (also called feminist legal theory) and its critique of the U.S. legal system and its norms. It also includes some

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consideration of global feminism. The seminar takes up various debates within feminist jurisprudence and examines its application to many contemporary issues of law and public policy. The seminar provides an introduction to the various "generations" of feminist legal theory. Students will learn about prominent strands of feminist legal theory, including liberal (or sameness), relational (or difference), radical (or dominance), Critical Race (or intersectional) and anti-essentialist, postmodern, and "Third Wave" feminism. We will consider the relationship between social movements for equality and the development of feminist legal theory. Students will gain familiarity with the relationship between feminist jurisprudence and other forms of critical theory, such as masculinities theory, Queer Theory, and transgender theory. The seminar will assess debates within feminist jurisprudence concerning how best to understand gender, the ideals of sex equality and equal citizenship, questions of sameness and difference between women and men, and over whether it is desirable or possible to speak about "women" -- or "men" -- as meaningful categories, in view of differences based on class, ethnicity, race, gender identity, and sexual orientation and in view of critiques of identity categories. Topics covered vary, depending on student interest, but typically include some of the following: formal and substantive equality; antiracist feminism; legal regulation of sexuality, pregnancy, reproduction, family, and marriage; work/life issues; employment discrimination (including sexual harassment); gender and political leadership and representation; pornography; social welfare policy; violence against women; war and military service; and global feminism and international human rights. Students may write a research paper or two shorter papers. Either of these writing options may satisfy the Upper-class Writing requirement. Some short reflection papers are also required. *** This seminar is one of the required courses for the Reproductive Justice and Rights track within the Health Law Concentration. **OFFERING PATTERN:** This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

FINANCIAL REPORTING FOR LAWYERS

JD 872 (A1)

T 6:30-8:30

:2 credits, Fall – Mr. Wall

Understanding financial statements and reports. The objective of the course is that students will be able to read and understand the four financial statements and the 10-k annual report. Emphasis is placed on understanding the nature and meaning of the reports, as well as the relationship to the underlying transactions. Other topics include: basic accounting principles, US GAAP versus IFRS, financial statement analysis, the relationship of the financial statement information to covenant documents, and accounting gamesmanship. **RESTRICTION:** Not open to students who have had more than one three-hour college course, or its equivalent, in accounting. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

FIRST AMENDMENT

JD 839 (A1)

M/W 9:00-10:25

3 credits, Spring – Professor Wexler

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This course will examine the free speech, free exercise and establishment clauses of the First Amendment. About two-thirds of the course will focus on speech, including such topics as political speech (including campaign finance regulation), commercial speech, and expression in the public forum. The final one-third of the course will focus on religion, including such topics as freedom of religious practice, religion in schools, and religious displays and symbols.

FOOD, DRUG & COSMETIC LAW (S)

JD 802 (A1)

W 2:10-4:10

3 credits, Fall – Professor F. Miller

This seminar examines the Food and Drug Administration as an administrative agency combining law and science to regulate activities affecting public health and safety. Topics include testing and approval of pharmaceuticals and medical devices; food safety and nutritional policy; biologics and biotechnology regulation; cosmetic regulation; pricing of and reimbursement for drugs and devices; global aspects of pharmaceutical regulation, US and foreign patent issues, and FDA practice and procedure; jurisdiction and enforcement. A writing project involving research on food and drug issues will be required. **ENROLLMENT LIMIT:** 14 students. **RECOMMENDED COURSES:** Health Law or Public Health Law, Administrative Law. **UPPER-CLASS WRITING REQUIREMENT:** This class may be used to satisfy the requirement.

FOREIGN RELATIONS LAW

JD 992 (A1)

M/W 10:45-12:10

3 credits, Spring – Professor Sloane

This course will introduce the framework of constitutional, statutory, and international law that both authorizes and constrains the conduct of U.S. foreign affairs. After studying the constitutional allocation of foreign affairs powers among the branches of the federal government and the foundations of the government's national security powers, the course will turn to discrete topics of contemporary relevance, including the power and limits of judicial authority in foreign affairs; treaties and other international agreements; customary international law's status in the U.S. legal system; foreign affairs powers retained by the several states; the application of the Constitution to persons and incidents abroad; war powers; covert action; the detention, interrogation, and trial of terrorists and other irregular combatants, before courts and military commissions; targeted killing; torture and other coercive interrogation; and the protection of individual liberties and civil rights in wartime. Grading will be based on a twenty-four hour take-home final. **RESTRICTION:** Students who have previously enrolled in National Security Law (JD890) may not register for this course.

GENDER, LAW & POLICY (S)

JD 966 (A1)

R 4:20-6:20

3 credits, Fall – Professor McClain

This seminar provides students a chance to study contemporary issues of gender, law, and policy through the format of a series of presentations of works-in-progress by legal scholars actively engaged in new and important research on such issues. Many legal and

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social problems implicate gender and gender equality. Gender remains a significant category of analysis in numerous substantive areas of law. Gender equality is also a commitment of domestic law and international human rights law, but gender inequality persists. Gender scholars highlight the need for an intersectional approach to gender, even as some scholars question the continuing use of gender and other identity categories in law and policy. In alternating weeks, when there is no outside speaker, the instructor and students will discuss the paper that to be delivered the following week, as well as relevant background reading. Topics vary from year to year, depending on the speakers, but have included: anti-discrimination law, criminal law, elder law, employment law (including sexual harassment law), First Amendment (speech and religion and objections to antidiscrimination law), gender identity issues (including transgender rights), health law, international human rights, the intersection of race and gender, law and sexuality, privacy law, reproductive justice, health, and rights, and gender-based violence. Students will write a short reflection paper on each scholarly paper and one longer paper (10-12 pages) about one or more of the seven works. Interested faculty are invited to attend sessions when speakers present their work. **UPPER-CLASS WRITING REQUIREMENT:** With the instructor's permission, the longer paper written for this class may be used to partially satisfy the Upper-Class Writing Requirement.

GENDER, VIOLENCE & THE LAW (S)

JD 798 (A1)

M 10:40-12:40

3 credits, Spring – Professor Mann

This seminar provides a detailed examination of gender-motivated violence and legal responses. Recently, there has been greater recognition of gender-based injuries within the law and the provision of new, important protections to survivors. However, despite considerable progress, gender-based violence continues to present theoretical and practical questions, such as: To what extent is gender-based violence different than other types of violence? What legal approaches are most effective to address the harms while recognizing that the diverse interests of survivors? How do societal norms related to gender-based violence impact legal remedies? How should courts balance the interests of other parties in such proceedings to ensure that constitutional rights remain intact? This seminar will explore the limits of the law in addressing gender-based violence and emerging non-traditional approaches, including problem-solving courts and restorative justice frameworks. It also will examine how the emergence of the #MeToo movement may influence legal responses to gender-based violence. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

HEALTH CARE CORPORATE COMPLIANCE

JD 745 (A1)

T 4:20-6:20

2 credits, Fall - Mr. Bryant & Mr. Vernaglia

Health care organizations of all types (hospitals and health systems, medical device and pharmaceutical companies, health plans, and other health care providers) must develop and maintain an effective corporate compliance and ethics program. Boards of Directors are judged on whether or not they have taken steps, directly and through management,

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to implement such programs. This is necessary both as a core management tool and to demonstrate a commitment to good governance and compliance in order to take advantage of penalty reductions under U.S. Sentencing Guidelines, including the Sentencing Commission's June 2020 revisions. "Such compliance and ethics program shall be reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting criminal conduct." But how do you design such a program? How does legal counsel assist the company in building and operating one? What distinguishes the "legal function" from the "compliance function." Lawyers working in health care businesses need to be able to answer these questions to advise the board and management. This course focuses on the fundamentals required to develop and maintain an effective health care corporate compliance program. Students

will study the seven elements of a successful compliance program in practical detail and will learn best practices for compliance programs. Specifically, this will include learning how best to design and implement compliance oversight and committees, practicing policy drafting, and exploring the most effective ways to educate and train in compliance. This will also include developing an excellent understanding of audit, investigation, and corrective action skills and strategies. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

HEALTHCARE DECISIONS AND BIOETHICS

JD 727 (A1)

M/W 6:30-8:00

3 credits, Spring – Ms. King

This course will cover issues that arise in clinical healthcare settings, primarily involving who decides and on what basis. Topics include: informed consent and materiality; competence and capacity to give consent; surrogates, advanced directives, physicians orders, and powers of attorney; end-of-life decision making, including withholding/removing treatment, euthanasia, and physician-assisted suicide; clinical ethics committees; patient confidentiality and duties to disclose; human subjects research and institutional review boards; physician conflicts of interest; pre-approval access to drugs; and rationing of scarce healthcare resources.

HEALTH CARE FINANCE

JD 867 (A1)

M/W 10:40-12:05

3 credits, Fall – Professor Zeiler

This 3-credit course will cover the legal structures governing public and private health care finance. Topics will include an overview of health care and health care insurance markets, the economics of health care insurance, the Affordable Care Act (federal and state health care insurance exchanges, Accountable Care Organizations, design and administration of health plans, benefits design including Essential Health Benefits, appeals and remedies) and related litigation, ERISA preemption, determination of medical appropriateness and related ERISA provisions, provider reimbursement, Medicare and Medicaid regulation including Medicaid expansion. Grades will be based primarily on a 3-hour, in-class final examination. Student participation is required and will affect course grades. No prerequisites.

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HEALTH CARE FRAUD AND ABUSE (S)

JD 726 (A1)

T 10:40-12:40

3 credits, Spring – Ms. Hitchings

This seminar will use a practical, case-study approach to some of the issues arising in the complex world of health care enforcement and compliance. With emphasis on the procedural mechanisms of the False Claims Act and the substantive law of the Anti-Kickback Act, the Stark I and II laws, the Food Drug and Cosmetic Act, and the government's remedial authorities, the seminar will explore how prosecutors, defense attorneys, whistleblowers, and compliance officials inside health care companies approach their work and advise their clients. The seminar will explore the relationships between regulated industries (e.g., pharmaceutical companies, hospitals, doctors, medical device companies) and government insurance programs (e.g., Medicaid and Medicare), why these relationships generate billions of dollars every year in fraud, and how the interested constituencies are approaching these issues. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement.

HEALTH CARE TRANSACTIONS (S)

JD 998 (A1)

M 4:20-6:20

3 credits, Fall – Ms. McCarthy/Ms. Warren

Partners, associates and general counsel from leading firms will discuss the deals they were personally involved in. After an introduction to the regulatory context of health care and health care transactional theory, the course will turn to case studies of 8 complex health care transactions, drawing on actual documents and the experience of practitioners who worked on the deals. The transactions include hospital M&A, joint ventures, clinical affiliations, and others. Students will analyze the deal and present your conclusions to the class, with the lawyers who closed it. Case law related to the legal issues presented by the transaction will be presented and discussed. Students also will complete two assignments: one considering the fiduciary obligations of a non-profit board of directors, and one writing exercise drawn from class materials. We also will review and discuss a term sheet for the acquisition of a home health agency by a hospital system. **PREREQUISITE/COREQUISITE:** Health Law. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement.

HEALTH LAW RESEARCH

JD 717 (B1)

W 8:30-10:30

1 credit, Spring – Ms. Fegreus

Health law encompasses the engagement of the legal system with a large and dynamic segment of the U.S. economy. In this class, students will gain a familiarity with how to navigate the statutory and regulatory framework of health law, how to evaluate resources, and how complex and multi-part search strategies may be applied to research problems. Students will also gain a deeper understanding of databases beyond Lexis, Westlaw and Bloomberg, and of current awareness sources. Classes will combine instruction and hands-on exercises using print, electronic, and web-based resources. Students will be

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evaluated on several grounds, including class participation, regular assignments, and a short paper and presentation. **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **NOTE:** Students may not add this course after the first class has been held. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar, will be administratively dropped from the class. Students who are on the wait list are required to attend the first meeting to be considered for enrollment. **Meeting Dates: TBD**

HEALTH LAW SURVEY COLLOQUIUM (S)

JD 746 (A1)

R 2:10-4:10

2 credits, Fall – Professor Stephens

The Health Law Survey Colloquium (HLSC), led by the director of the Health Law Program, is designed to orient students to the breadth of health law expertise at Boston University by featuring various BU faculty as guest lecturers each week. The HLSC will present a diverse range of topics spanning the field of health law. By asking each speaker to share something from their core specialty, we expect to receive enthusiastic and highly-engaging conversations with the students. Relevant readings may include scholarly works in progress (as in typical colloquia) but also excerpts from casebooks, primary sources, new legal or regulatory developments, or case studies from practice. Students will write response papers. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement.

HISTORIC PERSPECTIVES ON LAW (S)

JD 846 (A1)

M 10:40-12:40

3 credits, Fall – Professor Shugerman

This workshop-format seminar examines the interplay of law, constitutions, and culture from an historical perspective. The heart of the seminar is student engagement with works-in-progress by leading scholars in the history, theory, and culture of law, broadly understood. The first three class sessions will be devoted to developing the intellectual tools necessary for reading and engaging with such papers. Starting in week 4 of the semester, the class format will alternate between workshop sessions and more traditional seminar sessions. During the five workshop sessions, an invited scholar will present a current scholarly work-in-progress for discussion. Students will read the speaker's paper in advance and prepare discussion questions for the seminar. During the other sessions, the class will meet as a normal seminar, during which we will discuss readings related to the workshop papers and legal history more generally. The written work for the seminar will consist of a series of brief, critical essays in response to a student-selected subset of the workshop papers. **NOTE:** This course is open to law students and to graduate students from other departments. A background in history is not a prerequisite. Graduate students from outside the law school may be able to receive 4 credits for this course. Please consult the professor regarding this option. **UPPER-CLASS WRITING REQUIREMENT OPTION:** Students may use this class to satisfy the upper-class writing requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

HOMICIDE INVESTIGATIONS AND TRIALS: THEORY AND PRACTICE (S)

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JD 950 (A1)

T 4:20-6:20

3 credits, Spring – Ms. Ronan

This seminar will focus upon the substantive law of homicide, as well as the practical aspects of actual homicide investigations and trials: crime scene interpretation; DNA analysis; autopsies and related forensic evidence; expert testimony, particularly in the area of psychiatry and criminal responsibility; jury considerations; ethical concerns; and the role of the media. Students will have the opportunity to study actual murder cases, visit local crime laboratories and courtrooms, and learn prosecution, defense, and judicial perspectives on various contemporary issues arising in murder investigations and trials.

UPPER-CLASS WRITING REQUIREMENT: This class may *not* be used to satisfy the requirement. **OFFERING PATTERN:** This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

HOSPITAL LAW

JD 913 (A1)

T 4:20-6:20

2 credits, Spring – Mr. Bryant & Mr. Vernaglia

This course focuses on the highly regulated industry of health care, but with attention to the law applicable to hospitals and health systems. The course will review Federal and State statutes, regulations, as well as case law relevant to hospital organization, responsibilities and liability, credentialing, fraud and abuse laws and compliance oversight. The course is intended to develop competencies in understanding health care and health care insurance laws and regulations as they pertain to hospitals, developing familiarity with the reimbursement (particularly Medicare & Medicaid), regulatory compliance and enforcement issues facing hospital counsel. In addition, it is expected that students will demonstrate legal analysis and reasoning, problem-solving and communications skills required for work in a hospital/health care setting.

Through understanding core health care law principles, students will learn the foundational legal, structural and business aspects of the modern hospital complex. Understanding how hospitals fit into the broader health care environment of payors, physicians, patients, regulators and other health care providers, law students will be able to appreciate the challenging dynamics affecting the health care system and the role of the hospital, often at the hub of activity, both in terms of current practice, but also health care delivery system reform. After completing the class, students will have been exposed to the key health care-related legal issues facing hospitals that hospital counsel and other health care lawyers need to know. Additionally, recognition of these stressors will be important training for lawyers in other disciplines interacting with hospitals, such as labor and employment law, intellectual property, antitrust, criminal defense, environmental, corporate, employee benefits, tax, etc.

Course materials include a case book, primary source documentation, and guest lectures from in-house and outside counsel representing hospitals.

IMMIGRATION LAW

JD 968 (A1)

M/W 10:45-12:15

3 credits, Fall – Professor Sherman-Stokes

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This class will cover the immigration laws of the United States, including the administrative and regulatory framework of the United States agencies charged with enforcing U.S. immigration laws. The topics covered by this course include the power of the Congress to regulate immigration; the effect of politics on immigration policy; nonimmigrant and immigrant visa classifications; the law of asylum; the intersection of immigration law and criminal law; grounds of removal from the United States; relief from deportation, immigration court representation and access to justice; and the law of naturalization and derived citizenship.

INFORMATION PRIVACY LAW

JD 956 (A1)

T/R 10:45-12:10

3 credits, Fall – Professor Hartzog

The collection, use, storage, and sharing of personal data has become increasingly important throughout society, from commerce to government and from health care to finance. For good reason, we call this the Information Age. Recall the countless high-profile privacy and data security controversies you have heard about in the last year: location tracking; inaccurate credit reports causing lost jobs; data breaches, hacking and identity theft; and government surveillance. Law has responded with a dizzying array of new rules — and a rapidly growing area of professional specialization for attorneys. This course serves as an introduction to the emerging law of data privacy. By the end, you will be well grounded in many challenges facing any enterprise, public or private, that collects, processes, uses, and stores personal information. In addition to knowledge of constitutional, statutory, and common law rules as well as federal and state enforcement activity, we will learn about the policy questions that arise in this dynamic area, the legally relevant questions to ask when assessing information practices, and some of the many nonlegal models of information governance. You will gain a basic understanding of data privacy regulation in other countries, particularly the European Union. All students will benefit from more sophisticated knowledge about an issue that appears in the news every single day. But there are significant professional payoffs too. Major law firms have organized entire practice areas devoted to privacy and data protection law. In the last seven years the International Association of Privacy Professionals (IAPP), a key trade association in this space, more than tripled in size to 12,000 members. These trends mean that law school graduates will have increasing job opportunities in data privacy and security law. Meanwhile, in many other practice areas — such as securities, labor and employment, health, advertising, and the list goes on — familiarity with privacy and security law has become a major asset. Plus, the issues are fascinating and fun. If nothing else, you can have great conversations at parties.

INFORMATION RISK MANAGEMENT (S)

JD 934 (A1)

M 4:20-6:20

2 credits, Spring – Mr. Mortensen

Businesses and organizations handle information every day to conduct business, process transactions, and deliver goods and services. They do so in the context of legal, regulatory, and contractual obligations relating to their possession and use of this

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information. In the age of “Big Data” and “Advanced Persistent Threats,” these entities can no longer focus solely on developing and implementing procedures to govern information processing. Instead, they must implement governance that allows for the optimization of risk while facilitating core management decision making in order to create real value. This is the new world of “knowledge governance.”

Legal counsel must ensure compliance with the legal and core requirements for security, privacy and data breach prevention, in a way that aligns with the strategic objectives of their firm. Designing a robust compliance program is a critical part of this task, but the big-data environment requires skills that go beyond devising a formal compliance program. In particular, lawyers operating in this environment must consider the value of data and information, understand the nature of their organization’s collection, use, and disclosure of that data, and appreciate the relationship between risk optimization and their organization’s strategic objectives.

This course will explore the lawyer’s role in devising and implementing a policy and culture of knowledge governance within a firm. It will focus on information, especially personal information. It will introduce students to the core principles of information risk management – the privacy attributes of collection, use, and disclosure married with the security concepts of confidentiality, integrity, and availability – while providing a framework for governance around information risk management. This course will also serve in part as preparation for the International Association of Privacy Professionals (IAPP). **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

INNOVATION, TECHNOLOGY & THE LAW

JD 708 (A1)

M 6:30-8:30

2 credits, Fall – Mr. Saviano

This course will examine innovation theory and how it applies within the legal profession. The initial focus in the class will be on the disruptive forces and 'megatrends' in the world today that have an impact on organizations and the practice of law. The class will introduce students to the many facets of innovation in the legal context, including the application of advanced technologies to legal problem solving, derivation of new insights from data science, changes to the traditional employer/employee model (the 'future of work' for professionals), alternative revenue/business models applicable to legal services providers, and incorporating lean startup/design thinking theory into legal problem solving. The unique innovation directive applicable to law firms will be closely examined, including the emerging application of advanced technologies - such as artificial intelligence and blockchain - to legal problem solving. Recent advancements in Generative AI (e.g., ChatGPT) and their application to the law will be closely examined. In addition, the course will examine the ethics and rapidly evolving legal/regulatory policy and practice issues with data and advanced technologies, and how this evolving ethics/regulatory field will impact organizations and their legal providers. **NOTE:** Final paper required in lieu of exam. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

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INSURANCE LAW

JD 850 (A1)

T/R 10:45-12:10

3 credits, Fall - Professor O'Brien

The presence or absence of insurance is in many instances the single most important determinant of whether and how a tort or contracts action is litigated. This course focuses on both individual and commercial forms of insurance coverage. Students are introduced to the key insurance concepts of risk management, including the transfer, pooling and allocation of covered risks. Problems of contract interpretation, imperfect information, adverse selection and discrimination will be treated at length. Additionally, the class will take up issues particular to property, life, health, disability, liability and auto insurance. Finally, some time will be devoted to the state regulatory regimes designed to ensure solvency and profitability, and to the secondary market (i.e. reinsurance, and surplus and excess lines). A final exam is required.

INTELLECTUAL PROPERTY

JD 857 (A1)

TBD

4 credits, Fall

JD 857 (B1)

M/W 2:10-4:10

4 credits, Spring – Professor Freilich

In our modern information economy, the law of intellectual property has taken on enormous importance to both creators and users. This course introduces students to the principles of trade secret, patent, copyright, and trademark law, and explores the ways in which those principles are shifting and adapting in response to new technology. The course is open to all upper level students, without prerequisite. No scientific or technical background is required.

INTELLECTUAL PROPERTY WORKSHOP (S)

JD 776 (A1)

R 4:20-6:20

3 credits, Fall – Professor Meurer

This seminar examines topics from the frontiers of intellectual property law. The class provides students with the opportunity to meet and interact with cutting-edge IP scholars who will be invited to speak. Students will read the speakers' works in progress, critique those writings in papers and oral give-and-take discussions with the authors, and will be provided additional reading as appropriate. The goals of this workshop are three: for students to deepen their substantive knowledge of IP law, for students to increase their abilities to participate in scholarly debate, and for established scholars to improve their working papers through the input of the workshop group. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

INTERNATIONAL CRIMINAL LAW (S)

JD 996 (A1)

T 2:10-4:10

3 credits, Spring – Professor Sloane

This class will focus chiefly on the crimes for which individuals incur criminal liability directly under contemporary international law. We will cover, in particular, (i) what crimes

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qualify as international in this sense, general principles of international criminal jurisdiction and immunities, and the historical evolution of the field from its genesis after World War I to Nuremberg to the permanent International Criminal Court established in 2002; (ii) treaty provisions, statutes, and tribunal jurisprudence defining the nature and scope of liability for core international crimes, viz., genocide, crimes against humanity, and war crimes; (iii) modern debates over other, and at times more controversial, international crimes, such as torture and CIDT, as well as the crime of aggression; (iv) the minimal requirements and forms of individual criminal responsibility under international law; and (v) selected special topics, including the principle of legality, head of state immunity, and crimes of sexual violence. **LIMITED WRITING REQUIREMENT OPTION:** A limited number of students will be permitted to satisfy the upper-class writing requirement with this seminar after consultation with the instructor.

INTERNATIONAL ECONOMIC LAW & CLIMATE CHANGE (S)

JD 748 (A1)

W 10:40-12:40

3 credits, Spring – Ms. Thrasher

The aim of this class is to provide an overview of how international environmental commitments and international economic commitments fit together within the global economic governance architecture. Students will explore the history of today's international climate movement, beginning with the 1992 Earth Summit (Rio) and covering the most recent commitments made under the United Nations Framework Convention on Climate Change. They will explore the parallel way in which international trade and investment commitments have intensified during that time period, and the course will layout the various efforts by global leaders to harmonize the two (economic and environmental) regimes. The course includes topics such as (1) environmental disputes at the World Trade Organization, (2) investor-state dispute settlement targeting environmental and climate policies, (3) efforts at the bilateral, regional and mega-regional level to incorporate environmental commitments into free trade agreements, (4) unilateral efforts by the EU and the US to promote climate-friendly policy-making worldwide and (5) developing country perspectives in the "just transition" movement. By the end of the course, students will have a comprehensive understanding of the points of harmony and tension between these two regimes and will have thought critically and creatively about the ways forward. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

INTERNATIONAL HUMAN RIGHTS (S)

JD 991 (A1)

M 2:10-4:10

3 credits, Fall – Professor A. Ahmed

This is an introductory seminar to international human rights law. The class will introduce students to the concepts of human rights, and the legal texts that have codified and provided content to those concepts in the last seventy years. The class aims to work at three levels: to examine the role of human rights (law) in history and politics; to analyze the doctrine of international human rights law; to introduce key areas of current and future human rights practice. We will accordingly look at the historical evolution and political role of human rights law, and ask whether there is such a thing as universal human rights, or

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whether the concepts are dependent on specific regions, cultures and political systems. We will look at the key institutions and mechanisms, at the global and regional level, for the monitoring and enforcement of human rights law. We will analyze the law on specific rights (for example the right to life, the prohibition of torture, the right to self-determination) as well as in specific contexts and themes (for example human rights and climate change; business and human rights) to understand the reach and function of human rights law in the international system. **UPPER-CLASS WRITING REQUIREMENT:** Students may use this class to satisfy the requirement.

INTERNATIONAL LAW

JD 927 (A1)

M/W 10:40-12:40

4 credits, Fall – Professor Sloane

JD 927 (B1)

M/W 8:30-10:30

4 credits, Fall – Professor Koh

Sloane: This course will offer a survey of contemporary international law. We will consider both the classical law of nations and postwar developments, which have shifted the fulcrum of the international system from a relatively exclusive focus on the rights and duties of states inter se (as between themselves) to a broader focus on all of the participants in the contemporary international legal process: not only nation-states, but transnational institutions, non-governmental organizations (NGOs), multinational enterprises (MNEs), terrorist networks, criminal syndicates, and individuals. Specific topics, subject to time constraints, will include (1) the history, nature, and sources of international law; (2) the establishment, transformation, and termination of states and other international legal participants; (3) national incorporation of international law, with a focus on core concepts of U.S. foreign relations law; (4) international law's allocation of jurisdiction to make and apply law, as well as selected immunities conferred by international law; (5) international law's effort to protect human dignity through international human rights, the law of war, and international criminal law; (6) control and regulation of the resources of the planet, with a focus on the law of the sea; and (7) the use of force.

Koh: This course will offer a basic survey of contemporary international law. It will teach students about the major issues of public international law and policy that influence current events, with an eye to both legal theory and modern legal practice. Specific topics will include: (i) the history, theory, and nature of international law; (ii) the sources of international law; (iii) the "actors" of international law -- states, international organizations (with emphasis on the U.N. system); (iv) the domestic incorporation of international law, with a focus on key concepts of U.S. foreign relations law; (v) international human rights; (vi) the use of force; and (vii) humanitarian law.

INTERNATIONAL LAW RESEARCH

JD 707 (A1)

TBD

1 credit, Fall – Ms. Weigmann

An important component of understanding international law is mastering all the diverse sources of this area of law. Students will learn to navigate the international system as well as the relevant primary sources of law. Students will learn research strategies and skills for locating treaties, decisions of international tribunals, documents of international

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organizations and other sources of state practice. Among the organizations the course will discuss the United Nations, the OAS, the EU and the WTO. In addition, students will be introduced to strategies for researching the law of foreign jurisdictions. Students will gain hands-on experience in answering legal research questions in the area of international and comparative law. Classes will combine instruction and hands-on exercises using major print, electronic, and web based resources for international law research. **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar, will be administratively dropped from the class. Students who are on the wait list are required to attend the first meeting to be considered for enrollment. **Meeting dates: TBD**

INTERNATIONAL TRADE REGULATION

JD 858 (A1)

M/W 2:15-3:40

3 credits, Spring – Professor Rao

This course focuses on the law governing international trade, including both the law established by the World Trade Organization and relevant U.S. laws. This will include an in-depth analysis of the treaties, regulations, and case law that govern international trade. The course will cover the basic principles and mechanisms of international trade law, including most-favored-nation (MFN), national treatment, dispute settlement, as well as relevant laws in different substantive areas such as tariffs, quotas, services, intellectual property, and trade remedies. The course will also examine the political economy of international trade relations, including how economic and political forces have shaped current regulatory policies and may shape future policies.

INTRODUCTION TO FEDERAL INCOME TAXATION

JD 889 (A1)

T/R 10:45-12:15, **F** 10:30-11:50

4 credits, Fall – Professor Feld

JD 889 (B1)

M/W 8:30-10:30

4 credits, Fall – Professor Dean

JD 889 (S1)

T/R 9:00-10:25, **F** 9:00-10:20

4 credits, Fall – Professor Sims

JD 889 (W1)

T/R 11:00-12:30, **F** 10:30-11:50

4 credits, Spring – Prof. Walker

The income tax is a pervasive feature of life in the United States and lawyers encounter tax issues in virtually every field of practice. This course introduces students to the fundamental principles of the federal income tax, and its impact on a wide range of matters, including employment, tort claims, divorce, retirement, and especially business activities and investments of all types. Topics include: the concept of income, determination of gross income, allowance of deductions and the determination of taxable income, identification of the taxpayer, taxable periods and timing, the determination of gain or loss (including realization and recognition) from dealings in property, the concept of income tax basis, and the process of change in the tax law. **GRADING NOTICE:** Professor Dean's section does not offer the CR/NC/H option.

INTRODUCTION TO JEWISH LAW

JD 730 (A1)

T/R 11:00-12:25

3 credits, Spring – Mr. Hauer

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This course shall serve as an introduction to the literature, history, and dynamic processes of Jewish Law. This survey will be grounded in particular studies of such topics as jurisprudence (legal testimony; self-incrimination; dissent), civil law (voting rights; inheritance), criminal law (capital punishment); war crimes and genocide; family law (marriage; divorce); and gender and sexuality, among others. Throughout the course, we will consider concepts of authority, power, and enforcement in Jewish law -- during times of self-governance, subjugation, and crisis (e.g., Holocaust). We will also examine how Jewish Law impacts legal culture and judicial decisions in the modern State of Israel. Comparative legal studies will also help bring further perspective to our introduction to Jewish Law. All readings will be in English and no prior knowledge of Jewish Law is necessary. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

INTRODUCTION TO RISK MANAGEMENT & COMPLIANCE

JD 778 (A1)

M/W 4:20-6:20

4 credits, Fall – Mr. Griffith

Spanning the range of industries from health care to financial services to manufacturing and beyond, compliance is the fast-growing practice of managing the full range of legal risk within highly-regulated organizations. At the complex intersection of law, business operations, reputation, and ethics, compliance lawyers practice "preventive law" to protect companies against corporate criminal and civil liability. We will discuss how to identify and evaluate an organization's legal risks and work in multidisciplinary teams to develop effective strategies to prevent wrongdoing (and detect violations when they do occur). Among other topics, we will look at the Federal Sentencing Guidelines for Organizations, the Foreign Corrupt Practices Act, and enforcement guidance from the Department of Justice and Securities & Exchange Commission to see how compliance has become a key mechanism of corporate accountability in the U.S. and globally.

ISLAMIC LAW

JD 675 (A1)

M/W 4:30-5:55

3 credits, Spring – Professor Reza

This course introduces students to the sources, jurisprudential methodology, doctrines, actors and institutions, and operation of Islamic law from classical to modern times. Readings include primary sources--foundational texts, fatwas (legal opinions), case reports, and constitutional and statutory provisions--along with secondary sources that discuss the history and evolution of Islamic law, theories of Islamic legal interpretation, competing views of the meaning and application of Islamic law, and variations in the role Islamic law plays in the legal systems of today's Muslim-majority countries. Specific topics to be covered include: the roots of the law and the derivation of legal rules from those roots; the respective roles of scholars, judges, executive officials and other actors in determining and enforcing rules of Islamic law; judicial procedure and rules of evidence; reform and the reception of Western law in the 19th and 20th centuries; democracy, constitutionalism, and contemporary theories and forms of "Islamic" states; and Islamic law in the U.S. and other "non-Muslim" lands. Cases in criminal law, family law, Islamic finance, and other fields will provide opportunities for in-depth discussions of substantive

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Islamic law, and regular reference to both the common-law tradition and the modern American legal system will offer comparative perspectives. **PREREQUISITE:** None. No background in Islamic studies is required. **GRADING NOTICE:** This class will not offer the CR/NC/H option.

JUDICIAL WRITING (S)

JD 711 (A1)

M 6:30-8:00

2 credits, Spring – Mr. Khetarpal

This class will focus on writing styles and formats unique to the judicial process, such as the bench memo and appellate majority and dissenting opinion. Classes will provide a general overview of the opinion writing function with emphasis on topics such as opinion structure, judicial writing style, the relationship between style and substance, the use of narrative and rhetorical techniques, and ethical considerations in opinion writing. Through a series of writing assignments and in-class exercises, students will learn to how to diagnose and revise difficult and unclear writing, acquire techniques for writing more economically, precisely and unambiguously, and hone their skills in structuring and organizing, analyzing, and writing persuasively. In analyzing judicial opinions and writing from the perspective of a judge rather than an advocate, students will gain a deeper understanding of the judicial process and will become better critical readers and users of judicial opinions. **UPPER-CLASS WRITING REQUIREMENT:** This Professional Writing Class may be used to partially satisfy the requirement.

JURISPRUDENCE (S)

JD 835 (A1)

R 2:10-4:10

3 credits, Spring – Professor Fleming

This course will examine some classic issues of jurisprudence as they arise in contemporary controversies over law and morality. Topics will include the following: (1) Originalisms versus moral readings. Does constitutional interpretation involve determining the original meaning of the Constitution as a matter of historical fact (originalisms) versus making normative judgments about the best understanding of our constitutional commitments (moral readings)? We will examine these competing theories through assessing two competing approaches to the Due Process Clause: that of *Washington v. Glucksberg* and *Dobbs v. Jackson Women's Health Organization* and that of *Planned Parenthood v. Casey* and *Obergefell v. Hodges*. Does protection of the right to abortion or the right of same-sex couples to marry necessarily entail a moral reading of the Constitution? How does the Supreme Court actually use history in denying rights in *Glucksberg* and *Dobbs*? In service of originalism as commonly understood or of conservative moralism and traditionalism? (2) The legal enforcement of morals. In *Lawrence v. Texas*, which recognized a right of gays and lesbians to intimate association, Justice Scalia protested in dissent that the case "effectively decrees the end of all morals legislation." Is Scalia right that there is really no distinction between same-sex intimate association and, to quote Scalia's list, "fornication, bigamy, adultery, adult incest, bestiality, and obscenity"? What are the proper limits on traditional "morals legislation"? Does *Obergefell* put us on a slippery slope from same-sex marriage to plural marriage (including both polygamy and polyamory)? (3) Grounds for justifying rights. What are the

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best grounds for justifying rights in circumstances of moral disagreement? For example, should we justify a right of same-sex couples to marry on the ground that government should respect people's freedom to choose whom to marry? Or instead on the ground that protecting such a right promotes moral goods (the same moral goods that opposite-sex marriage furthers): commitment to another human being, along with "the ideals of mutuality, companionship, intimacy, fidelity, and family" (quoting *Goodridge v. Department of Public Health*, the Massachusetts decision protecting a right of same-sex couples to marry). Furthermore, does the Due Process Clause or the Equal Protection Clause provide the better ground for such a right (as well as a right of pregnant persons to decide whether to terminate their pregnancies)? What are the criteria for deciding between these grounds? Do liberty and equality oppose or reinforce one another? (4) Government's role in promoting civic virtues and public values: conflicts between liberty and equality. To what extent may government inculcate civic virtues and promote public values? We will focus on (a) battles over civic education (including teaching about race and gender) and (b) conflicts between religious liberty and freedom of speech and the use of antidiscrimination and marriage equality laws to secure the status of equal citizenship for all. For example, must laws recognizing same-sex marriage or protecting against discrimination on the basis of sexual orientation or gender identity grant exemptions to business owners who disapprove of such rights on religious grounds? (5) Originalism and the right to bear arms. The Supreme Court has based its major decisions protecting an individual right to bear arms on originalism. Do *Heller* and *Bruen* vindicate originalism as yielding objective answers of historical fact about constitutional meaning or, to the contrary, do they suggest that originalism is a site of contestation between competing understandings of our constitutional commitments? How does the Court actually use history in these cases? **UPPER-CLASS WRITING REQUIREMENT:** This class may be used to satisfy the requirement.

JUVENILE DELINQUENCY (S)

JD 824 (A1)

W 10:40-12:40

3 credits, Spring – Professor Darden

The American juvenile justice system was established over one hundred years ago to address the problem of young offenders. This course examines the historical, social and legal foundations for our current system. We will examine the issue of "rights" as applied to children and look at the effects of ideology and politics on the current juvenile justice system. How have assumptions of childhood and responsibility changed? Has the juvenile court been "criminalized" with the introduction of due process rights for children? Under what circumstances are children treated as adult offenders? Selected issues for inquiry include: police interrogation of juveniles; school safety and zero tolerance policies; adjudicative competency; anti-youth crime policies; conditions of incarceration; and changes brought about by elimination of mandatory juvenile life without parole. We will examine these issues through use of court cases, law review articles, governmental and private organizational position papers, and legislative history. As we consider the overarching issue of whether it makes sense to maintain a separate justice system for juveniles. Students are expected to attend each class prepared to discuss the assigned readings. Course requirements include a 15-20 page final paper, a class presentation

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based on the paper topic or related class readings, and assigned reaction papers over the course of the semester. **ENROLLMENT LIMIT:** 18 students. **LIMITED WRITING REQUIREMENT OPTION:** A limited number of students may be permitted to satisfy the upper-class writing requirement.

LABOR LAW

JD 851 (A1)

T/R 10:45-12:10

3 credits, Spring – Professor Elmore

Labor law structures the process through which workers organize and engage collectively, rather than individually, with their employers. This course will cover the basics of private sector labor law in the United States. We will study the National Labor Relations Act and the processes of union organizing and collective bargaining that the NLRA establishes. We will also consider historical perspectives on labor law, issues particular to public sector unions, union participation in the political process, the “right to work,” and the ability of non-unionized workers to engage in concerted action. Finally, through the lens of labor law, the course will tackle issues of statutory interpretation, administrative law, and constitutional law. The materials are not intended to cover the legal rights of individual employees outside of the NLRA. Students interested in in-depth treatment of those topics are encouraged to take Employment Law and/or Employment Discrimination instead of or in addition to this class. To enroll in this class, students must have completed Contract Law, Tort Law, and Constitutional Law.

LAND USE

JD 855 (A1)

T 6:30-9:30

3 credits, Spring – Judge Foster

The built environment around us is not inevitable or by accident. It is the outcome of a series of legal and political choices about how people should live together; about how to regulate and control the future use of the property around them. These choices result in a legal regime that, at once, is enormously complex, implicates the most basic questions of equity and constitutional freedoms, and affects people in every aspect of their daily lives. This course will examine land use from a legal, historical, theoretical, and, most important, practical perspective. Students will be introduced to a brief history of land use controls in the United States. The course will then cover the basic aspects of land use law: Euclidean zoning, special use permits, variances, vested rights and preexisting uses, exactions, exclusionary and inclusionary zoning, subdivision control, wetlands control, and legal challenges to zoning decisions. The course will also look at more recent trends and issues in land use law, such as smart growth and transit-oriented development, form-based zoning, marijuana regulations, short-term rentals, climate change resilience, and increased federal control of local land use. Finally, the course will examine the constitutional limits of land use regulation under the Fifth Amendment. Students will undertake practical exercises to introduce them to how land use lawyers practice. They will attend a zoning board hearing and report on it; they will analyze a client’s proposal to determine what zoning relief is necessary; they will attend a zoning trial or appeal. The course will cover general zoning principles applicable nationally but will focus on Massachusetts law for the practical exercises. The class will require student participation

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in discussion. The only prerequisite is completion of first-year Property. Students will produce a brief paper on the zoning board meeting they attend and a final paper, and be asked to comment on the trial or hearing they attend. Grading will be based on class participation, the zoning exercise, the comments, and the two papers. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

LATINXS AND THE LAW (S)

JD 830 (A1) W 2:10-4:10 3 credits, Spring – Professor Gonzales Rose

This course will explore the legal treatment of Latinx people in the United States. Central to this examination will be: (1) the legal and social construction of race and racism as it pertains to Latinxs; (2) the racialized legal history of diverse ethnic groups including Chicanxs, Puerto Ricans, Cuban-Americans, and others; (3) constitutional and statutory civil rights law governing and impacting substantive areas such as education, employment, voting, public accommodations, speech, and immigration; and (4) the relationship between race, language, and notions of citizenship. A pervasive theme throughout the course will be the significance of race in the current era. This inquiry will be analyzed under modern civil rights perspectives of Traditionalism (e.g., advocating for colorblindness and “reverse” racism claims); Reformism (e.g., supporting modest reforms like limited affirmative action); and most pronouncedly Critical Race Theory (e.g., recognizing continued systemic subordination and envisioning structural reforms to increase racial justice). Students will produce and present an original research paper. **UPPER-CLASS WRITING REQUIREMENT:** Students may use this class to satisfy the requirement.

LAW & ECONOMICS WORKSHOP (S)

JD 940 (A1) T 4:20-6:20 3 credits, Spring – Professor Zeiler

The Law and Economics Seminar is a research workshop. Class sessions will alternate between (1) lectures on selected topics in microeconomic theory and empirical methods, including methodology commonly used in law and economics scholarship, and (2) presentations of working papers by outside speakers (typically faculty members from other institutions). The specific legal topics considered will vary depending on the interests of the speakers, but all paper presentations will focus on application of economics concepts and tools to legal and regulatory issues. Students are responsible for preparing short memoranda that respond to the presented papers. Final grades depend on attendance and participation. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option. **OFFERING PATTERN:** This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

LAW & SPORTS (S)

JD 886 (A1) T 2:10-4:10 3 credits, Spring – Mr. Wall

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This seminar will survey a range of legal issues presented by sports in America. There are no pre-requisites. However, students should be prepared to learn basic principles of antitrust law and labor law and how these principles have influenced the regulation of professional sports franchises and leagues and the relationship between players and owners. Intellectual property law, tort law, and agency law, as applied in the professional sports context will also be studied and applied. Topics will include the legal, contractual, and economic relationship between professional sports franchises and the sports and entertainment venues in which they play, and the ownership of athlete identity and its utilization by athletes, teams, sponsors, and equipment manufacturers. The course will also focus upon the negotiation of significant contracts that govern the relationship between stakeholders in the sports industry, such as venue leases, naming rights agreements, sponsorships, and athlete endorsement agreements. Grades will be based on contract interpretation exercises and writing, an advocacy writing and oral class participation. There is no examination. **UPPER-CLASS WRITING REQUIREMENT:** This class may not be used to satisfy the requirement. **OFFERING PATTERN:** This class not offered every year. Students are advised to take this into account when planning their long-term schedule.

LAW OF CONSUMER MARKETS (S)

JD 904 (A1)

W 4:20-6:20

3 credits, Spring – Professor Van Loo

Understanding the laws governing consumer transactions is relevant not only to our daily lives but also to many careers in the law. Why do consumer laws matter for societal issues such as racial and income inequality? How can government agencies best promote compliance while minimizing burden to businesses? How should leaders of consumer corporations navigate a heavier regulatory era? This seminar will examine consumer laws from three main perspectives: the businesses that must comply with regulations; the agencies—such as the Consumer Financial Protection Bureau and the Federal Trade Commission—that write or enforce rules; and the consumers who purchase over \$10 trillion in goods and services annually. **GRADING NOTICE:** This class does not offer the CR/NC/H option. **NOTE:** This class does not satisfy the upper-class writing requirement.

LAWYERING FELLOWS

JD 986 (A1)

F 2:00-3:00

2 credits, Fall – Ms. Abely

JD 986 (B1)

F 2:00-3:00

2 credits, Fall – Ms. Abely

JD 986 (C1)

F 2:00-3:00

2 credits, Fall – Ms. Abely

JD 986 (A1)

F 2:00-3:00

2 credits, Spring – Ms. Abely

JD 986 (B1)

F 2:00-3:00

2 credits, Spring – Ms. Abely

JD 986 (C1)

F 2:00-3:00

2 credits, Spring – Ms. Abely

This class is restricted to students who have applied and been accepted as Lawyering Fellows. Accepted students must register for both the fall and spring sections of the class.

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LEGAL ANALYSIS IN PRACTICE

JD 700 (A1)

R 4:20-6:20

2 credits, Fall – Professor Freudenheim

This course is designed to build the legal analysis, writing, and client counseling and advising skills at the intersection of law school, the bar exam, and practice. Using a case-file based approach, students will work as law firm teams on a series of projects that simulate tasks of newly licensed lawyers in civil practice. Tasks are set in the context of foundational legal subjects (civil procedure, contracts, constitutional law, property, torts, and professional responsibility) to reinforce the fundamental doctrine tested on the bar exam in a practical context. The course focus on “case files” will familiarize students with the type of performance tasks tested on both the current and Next Gen bar exam while also providing training on professional skills critical for the successful and meaningful practice of law. Students will also have an opportunity to discuss and explore the expectations of legal practice, with guest speakers from professional development and law firm roles. With limited enrollment, students will receive extensive individualized feedback, as well as practice on self-assessment and opportunity for peer collaboration. **UPPER-CLASS WRITING REQUIREMENT:** This course is a designated Professional Writing Course which may be used to partially satisfy the Upper-Class Writing Requirement (with a grade of B or higher).

LEGAL WRITING FOR CIVIL LITIGATION (S)

JD 712 (A1)

T 2:10-4:10

3 credits, Fall – Mr. DeAngelo

This class is designed to give students experience in legal writing for civil litigation. Over the course of the semester, students will work on the various stages of a federal court litigation from pre-complaint investigation through dispositive motions. There will be opportunities to draft a variety of litigation documents, including complaints, discovery, motions, and research memos. Students will complete multiple drafts of key documents and will meet individually with the instructor to discuss the drafts. Students will focus on using the facts to tell their clients' story and making persuasive, winning arguments. In class, students will discuss a range of strategic questions including developing viable causes of action, identifying critical facts, and using written discovery to obtain information. Additionally, students will participate in several in-class exercises designed to improve the students' skills in writing, fact-gathering and argument. **UPPER-CLASS WRITING REQUIREMENT:** This Dedicated Writing Class may be used to satisfy the requirement. **RESTRICTION:** Students may not enroll in both Legal Writing for Civil Litigation and Persuasive Writing: Trial Level (JD 713).

LOCAL GOVERNMENT LAW

JD 800 (A1)

M 5:00-7:00

2 credits, Fall – Mr. DiAdamo

Local governments are considered the closest and most responsive form of government to the people. They are designed to create cities and towns that reflect the ideal of the residents' view of the ideal community. When all local government entities are taken into consideration, there are approximately 89,000 local government units in the country - including counties, municipalities, townships, special districts and school districts. Where

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do they get their powers? What are the limits? What should be the limits? This course provides a study of the law governing the powers and duties of local governments, mainly municipal corporations such as cities and towns. We look at the sources of municipal powers, the limits on those powers, the relationship between municipalities and the state including the relationship between state and local law, and the formation and expansion of municipalities. An important subject of study involves looking at various models of the relationship between the municipality and the state including home rule. We will also look at some issues in municipal finance and zoning power. Where possible, this course will focus on the intersection of local government law and important current events both locally and nationally. **OFFERING PATTERN:** This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

MEDIATION: THEORY AND PRACTICE (S)

JD 826 (A1)

M 4:20-6:20

3 credits, Fall – Ms. Alarcon

This class will cover the theory and practice of mediation as a mode of Alternative Dispute Resolution (ADR) used in various legal contexts. We will start by mastering the basic concepts and techniques of facilitated negotiations, and work our way, using simulations and role plays, through successively more difficult mediation scenarios. These scenarios will be set in various legal contexts such as commercial, family, criminal, and international disputes. We will work together to develop your individual mediation skills and to learn effective mediation advocacy and settlement valuation. Through lectures, exercises, simulations and classroom discussions we will focus on the theoretical underpinnings that guide the mediation process and the skills related to communication, problem-solving and professional judgment. We will explore the ethical and professional issues related to mediation as well as the legal and cultural constructs that shape mediation practice. Because this course is experiential, students are required to attend all sessions and to participate actively. **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

MERGERS AND ACQUISITIONS

JD 988 (A1)

T/R 2:30-3:55

3 credits, Fall – Professor Marks

JD 988 (B1)

M/W 2:30-3:55

3 credits, Spring – Professor Hirst

This course will cover the principal legal, tax and business issues of mergers and acquisitions. **PREREQUISITE:** Business Fundamentals and Corporations, or permission of instructor.

MOOT COURT COMPETITIONS 1: BRIEF WRITING

JD 706 (A1)

F 10:30-12:30

1 credit, Fall – Ms. McCloskey

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This class is designed to prepare and support the 3L members of BU Law's extramural moot court teams who also serve as Stone and Albers competition preceptors. This seminar will focus on improving students' appellate brief writing skills through a series of course meetings that involve skills training and in-class exercises. The seminar will meet weekly as a group for the first half of the semester and will focus on competition brief writing skills, including research, organization, persuasive writing, and editing. The course will make use of former competition problems to prepare students to write their competition briefs in their specific competitions. For the second half of the semester, students participating in the National Moot Court competition (who serve as Albers preceptors in spring) will meet on an arranged schedule to conduct at least six one-hour formal oral argument practices. The National Moot Court competition students will also be required to write a reflection paper due no later than two weeks after the close of their competition. Students participating in spring competitions will serve as Stone competition preceptors, scoring briefs or oral arguments. These Stone preceptors will meet to work on editing and feedback skills. There will be no final exam. Note that students who are participating on extramural moot court teams that are assigned to serve as either Stone or Albers preceptors must still serve as preceptors even if they do not enroll in this course. **ENROLLMENT LIMIT:** 25 students. **GRADING NOTICE:** CR/NC graded. **NOTE:** This class may not be used to satisfy the Upper-class Writing Requirement. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course.

COMPETITIONS 2: ORAL ADVOCACY

JD 714 (A1)

F 10:30-12:30

1 credit, Spring – Ms. McCloskey

This class is designed to prepare and support the 3L members of BU Law's extramural moot court teams who also serve as Stone and Albers competition preceptors. This course will focus on improving students' appellate oral advocacy skills through a series of course meetings that involve skills training and in-class exercises. For the first month of the semester, the seminar will meet weekly as a group and will focus on oral advocacy skills, including how to prepare, argument organization, and presentation best practices. For the remainder of the spring semester, students participating in spring competitions will meet on an arranged schedule to conduct at least four one-hour oral argument practices for their competition and to attend and to serve as judges for at least two other one-hour oral argument practices for other competitions. Students serving as Albers preceptors will score briefs and oral arguments. These Albers preceptors will meet to work on editing and feedback skills. All students participating in spring competitions will be required to write a reflection paper due no later than two weeks after the close of their competition. There will be no final exam. Note that students who are participating on extramural moot court teams that are assigned to serve as either Stone or Albers preceptors must still serve as preceptors even if they do not enroll in this course. **ENROLLMENT LIMIT:** 25 students. **GRADING NOTICE:** CR/NC graded. **NOTE:** This class does not satisfy the Upper-class Writing Requirement. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to

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be absent from either the instructor or the Registrar will be administratively dropped from the course.

NEGOTIATION

JD 921 (A1)

T/R 2:15-3:45

3 credits, Fall – Mr. Bamford

The goal of this course is to improve your effectiveness as a negotiator. In this highly interactive class, students will examine negotiation from a variety of perspectives and learn specific negotiation strategies and tactics. Over the course of the semester, students will engage in a series of negotiation exercises (i.e., role plays) through which they can develop and hone their negotiation skills and approaches. Discussion and short lectures will accompany the role-plays, as appropriate. There will be short written assignments as well as a longer paper due at the end of the semester. No final exam.

ENROLLMENT LIMIT: 16 students. **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option. **RESTRICTION:** Students may not enroll in both Negotiation and Alternative Dispute Resolution (JD881).

PATENT LAW

JD 870 (A1)

M/W 2:15-3:40

3 credits, Fall – Professor Meurer

The basic questions in patent law are: why should society grant inventors a right to exclude others from using a patented invention? Who should be given the right? What is the scope of the right? How should the right be enforced? What disclosure duties should be placed on the patent holder? We will concentrate on these legal issues without getting mired in discussions of the technical details of particular inventions. Students without a technical background are welcome and encouraged to enroll.

PATENT TRIAL ADVOCACY

JD 933 (A1)

M 4:30-7:30

3 credits, Spring – Mr. Prussia

This course introduces the student to the structure of the patent trial process and the skills used by patent trial lawyers. This is a simulation course. Students will act as trial counsel in a federal civil action. The case will model a hypothetical patent case, from filing of the complaint to trial. The students will simulate motion practice, claim construction, depositions, as well as trial. The course will include some substantive instruction on patent law, but the focus of the course will be on experiential learning. Students will receive instruction on general litigation techniques relevant to presenting complex science and technologies to a judge or fact-finder. For example, students will learn how to utilize technology to facilitate their presentations during oral argument and in examining witnesses (e.g., through use of demonstratives). Students do not need to have a background in science or technology. Similarly, students do not need to have taken prior coursework in patent law. Enrollment will be limited to 12 students, who will be divided into plaintiff and defendant teams. Grades will be individualized and based on the following: participation in class discussion, simulations, and workshops; motion to

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dismiss argument; claim construction argument; deposition; and trial. **PREREQUISITE** Evidence (may be a corequisite for 3Ls). **RECOMMENDED COURSES:** Patent Law, Patent Litigation **NOTE:** This class counts toward the 6 credit Experiential Learning requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

PERSUASIVE WRITING: TRIAL LEVEL (S)

JD 713 (A1)

M 10:40-12:40

3 credits, Spring – Ms. Abely/Ms. D'Amato

This seminar will focus on improving students' persuasive writing skills through a series of assignments and in-class exercises. Students will draft a variety of trial-level documents designed to persuade, including a demand letter, a statement of the facts, a memorandum in support of a motion for summary judgment, and a reply memo. Legal research will be necessary for these assignments, but the emphasis will be on analysis and writing. Students will complete multiple drafts of these documents, meet individually with the instructors to discuss the drafts, and engage in peer editing of their classmates' papers to improve their own writing skills. The class will also include discussions of persuasive writing strategies, comparisons of examples of good and bad persuasive writing, and in-class writing exercises. Students will be graded on the basis of their written work and their peer editing work. Students will engage in oral presentation and advocacy in this course. There will be no final exam. **ENROLLMENT LIMIT:** 14 students. **GRADING NOTICE:** This class does not offer the CR/NC/H option. **UPPER-CLASS WRITING REQUIREMENT:** This Dedicated Writing Class may be used to satisfy the requirement. **RESTRICTION:** Students may not enroll in both Persuasive Writing: Trial Level and Legal Writing for Civil Litigation (JD 712).

PRIVATE EQUITY & VENTURE CAPITAL TRANSACTIONS (S)

JD 931 (A1)

M 6:30-8:30

3 credits, Spring – Mr. Kendall

This seminar introduces students to the business and legal issues prevalent in private equity and venture capital deals and highlights the significant role that lawyers play in effecting these transactions. The seminar will begin with an overview of the private equity and venture capital industries, an introduction to investment transactions and will proceed through all aspects of the life of an investment from inception to exit. It will address how investment funds are formed and the legal and financial considerations present when those funds invest in private companies. We will examine deal terms and structures, pricing and corporate finance issues, and the management of deal risk. It will also highlight the due diligence process, stockholder relationships, fiduciary duties and securities laws considerations, and liquidity events. Theoretical readings will be balanced against practical articles and commentary, recent court decisions and model deal documents. The seminar will be highlighted by guest lectures by private equity and venture capital investment professionals. Grades will be based on a final exam, short pre-class exercises and class participation. **PREREQUISITE:** Corporations (May be waived with an instructor's permission.) **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

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PROFESSIONAL RESPONSIBILITY

JD 984 (A1)	M/W 11:00-12:25	3 credits, Fall – Professor Chatman
JD 984 (D1)	T/R 2:15-3:40	3 credits, Fall – Mr. Donweber
JD 984 (D2)	M/W 2:15-3:40	3 credits, Spring – Mr. Donweber

This course offers an approach to the lawyer's responsibilities to clients, the profession, and the public. Topics addressed will be problems of disclosure, conflict of interest, advertising, adversary tactics, competence, attorney fees, and fiduciary duties. **NOTE:** This course satisfies the upper-class Professional Responsibility requirement. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

PROFESSIONAL RESPONSIBILITY

JD 984 (B1)	W 4:20-7:20	3 credits, Spring – Mr. Cunha
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The goals of the Professional Responsibility course are first and foremost to give you a good working knowledge of the Rules of Professional Conduct for lawyers, how those rules have been interpreted by the ABA and State Disciplinary Boards, and how those rules are likely to be applied in real-world practice settings confronted by attorneys on a daily basis. This course will enable you not only to research, locate, interpret and apply the relevant legal standard, but also to give you the analytical tools necessary to handle the tough ethical dilemmas you may encounter in your own practice. Through the readings, class discussions and guest speakers, the course will provide you an ethical “toolbox” to supplement the positive law, in order to assist you in constructing ethical and moral arguments and navigating ethical dilemmas not explicitly addressed by the attorney discipline rules. **NOTE:** This course satisfies the upper-class Professional Responsibility requirement. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

PROFESSIONAL RESPONSIBILITY FOR CRIMINAL PRACTICE

LAW JD 923 (A1)	W 5:00-7:00	3 credits, Fall – Mr. Hurowitz
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The course is designed to cover substantial instruction in the rules of professional conduct, and the values and responsibilities of the legal profession and its members, with a particular emphasis as the rules apply to criminal practice. This class is open to all students but Criminal Clinic students are given priority in enrollment. **NOTE:** This course satisfies the Professional Responsibility requirement. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

PROSECUTORIAL ETHICS (S)

JD 806 (A1)	M 10:40-12:40	3 credits, Spring – Mr. Wilson
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Former U.S. Supreme Court Justice Robert Jackson once noted, "The prosecutor has more control over life, liberty, and reputation than any other person in America." This seminar examines the unique role and power of prosecutors and their responsibility to ensure "that guilt shall not escape or innocence suffer." We will study the ways in which

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prosecutors exercise their broad discretion and the ethical and practical considerations that affect those determinations. What duty does the prosecutor owe to a victim? To the police? To the public at large? How might those parties' interests conflict with a prosecutor's objectives and impact prosecutorial decisions? A major focus of this course will be the prosecutor's obligations to the accused and the various ways in which those duties are breached. We will examine the consequences of prosecutorial misconduct, the ways in which it may or may not be remedied, and to what extent it can be deterred. Other topics to be covered include the relationship between the prosecutor and the grand jury, conflicts of interest, selective prosecution, trial misconduct, prosecutorial immunity, mandatory minimum sentences, the use of confidential informants and cooperating witnesses, discovery of exculpatory evidence, post-conviction obligations, and wrongful convictions. Our study will draw heavily from historical as well as current events, and will include emphasis on the ways in which the role of the prosecutor is shifting. Students will engage in mock disciplinary hearings, playing the role of bar counsel in bringing allegations of misconduct against prosecutors or defending them against such claims. **NOTE:** seminar satisfies the Professional Responsibility requirement. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement. **RECOMMENDED COURSE:** Criminal Procedure, taken either prior to or concurrently with this seminar. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

PUBLIC HEALTH LAW

JD 926 (A1)

T/R 2:15-3:40

3 credits, Spring – Professor Huberfeld

Public health seeks to prevent unnecessary illness, injury, and death, which law can either facilitate or thwart. The field is transforming from state programs that prevent disease in populations (e.g., vaccination, newborn screening) to federal and international efforts to broadly recognize a population and individual "right to health." This course explores contemporary examples of public health problems such as disasters and emergencies, firearms regulation, regulating commercial speech to prevent consumer deception, and reproductive health. The course offers a framework for identifying and controlling health risks drawing on principles and theories of law, assessment of risk, policy evaluation, and empirical evidence. We will consider how laws at the state and federal levels regulate personal behaviors and products as well as impact the underlying determinants of health. Students will analyze different legal strategies that can be used to guide public health such as governmental nudges through funding, criminal and civil prohibitions, data collection and privacy, marketing restrictions, and taxation. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

QUEERNESS & THE LAW

JD 917 (A1)

T 10:40-1:40

3 credits, Fall – Heron Greenesmith

This course explores the interactions between gender, sexual orientation, and the law in the United States, historically and contemporaneously. Over the course of the semester, students will gain a critical understanding of how doctrines of positive rights, conduct, privacy, and equal protection have shaped views on gender and sexual orientation across

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time, and how the latter have likewise shaped the former. Looking through the lens of modern legislation, litigation, and the lived experiences of LGBTQ people in the United States, students will develop their own theories of law regarding gender and sexual orientation—theories of law that will hopefully be applicable throughout their careers as legal professionals. **UPPER-CLASS WRITING REQUIREMENT:** This class may *not* be used to satisfy the requirement.

REGULATED MONEY MANAGEMENT

JD 852 (A1)

M/W 8:30-9:55

3 credits, Fall – Mr. Joseph

With approximately \$30 trillion in assets under management, registered investment companies (commonly referred to as mutual funds) perform a significant role in raising and deploying capital within the U.S. financial system. This course is designed to familiarize students with the legal and regulatory framework of the investment management industry. The course focuses primarily on the regulation of investment advisers and mutual funds under the Investment Advisers Act of 1940 and the Investment Company Act of 1940 and examines how these statutes, in combination with other state and federal laws and regulations, govern the formation, structure, distribution and management of mutual funds and various investment-related products and services offered by advisers, brokers and other financial intermediaries. The course also examines the role of the Securities and Exchange Commission in regulating the investment management industry.

REPRODUCTIVE RIGHTS

JD 775 (A1)

T/R 9:00-10:30

3 credits, Fall – Professor A. Ahmed

In the United States, and around the world, many people still suffer from basic lack of access to sexual and reproductive health services. This course explores the role of law in understanding the distribution of access to SRH services and care. We will draw on various theoretical and doctrinal tools including critical legal theory, critical race theory, sociology of science, human rights, feminist theory, and a range of public health methods to understand the current state of the law and the possibilities and limitations of legal reforms. The course will foreground issues of race and reproduction as well as the politics of public health law (including the role of scientific evidence and medical expertise in courts). We will examine various sites of lawmaking including courts and legislatures and we will pay attention to the legal reforms offered by social movements both for and against greater access to services and care.

SECURED TRANSACTIONS

JD 805 (A1)

T/R 8:30-10:30

4 credits, Spring – Professor O'Rourke

Many commercial and consumer financing transactions involve the creation of security interests in the borrower's personal property that are akin to mortgages of real property. (Indeed, much commercial activity involves the grant of a UCC Article 9 security interest, and the economic system depends on Article 9 to provide much of the law against which

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modern commerce takes place.) In a secured transaction, in the event of the borrower's default, the lender can foreclose on the collateral subject to the security interest to help liquidate the debt. While simple to describe, secured transactions and the rules that govern them can be complex. This course covers the basic secured transaction governed by Article 9 of the UCC. Topics covered will include creation and perfection of security interests, priority contests, and default. The course is an excellent precursor to Bankruptcy and often helpful when sitting for the bar exam. **PREREQUISITE/COREQUISITE:** Business Fundamentals. **GRADING NOTICE:** This class will not offer the CR/NC/H option.

SECURITIES REGULATION

JD 883 (A1)

M/W 2:10-4:10

4 credits, Spring – Professor Webber

This course offers an introduction to federal securities regulation under the Securities Act of 1933 and the Securities Exchange Act of 1934. We will examine how the securities laws shape the process by which companies raise capital through IPOs, public offerings, and private placements. We will also focus on the mandatory disclosure regime for publicly traded companies and the related topics of securities fraud, insider trading, market manipulation, and shareholder voting. We will study core concepts such as the definition of a security and materiality. Finally, we will spend significant time examining the role of the SEC and private shareholder litigation in policing the securities laws. **GRADING NOTICE:** This class will not offer the CR/NC/H option.

SPANISH FOR LAWYERS

JD 701 (A1)

W 10:40-12:40

2 credits, Fall – Ms. Pendleton

This specialized law course is designed to equip legal professionals with the language skills necessary to effectively communicate and engage with Spanish-speaking clients, witnesses, and colleagues within the legal field. This is not a language class in the technical sense but rather a law-related skills class focusing on discussing legal matters in Spanish to allow students to better understand legal concepts and issues. The course focuses on teaching legal terminology, phrases, and communication techniques in Spanish, tailored specifically for legal contexts such as negotiations, client consultations, court proceedings, and legal document drafting. Students learn to navigate legal conversations, comprehend, and produce legal documents, and develop cultural sensitivity to better serve Spanish-speaking clients within the legal system. This class aims to enhance the linguistic abilities of lawyers, enabling them to bridge language barriers and provide more comprehensive legal services in multicultural settings. The instructor will not spend a great deal of time on correcting individual slips and grammar syntax, unless the error risks changing the meaning of what the student may be trying to express or explain. Students with different levels of fluency are welcome to enroll in the class, however all students must possess a foundational understanding of both spoken and written Spanish. This is essential because communication between the instructor and students will predominantly occur in Spanish, minimizing the use of English during the course.

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SUPREME COURT DECISIONMAKING (S)

JD 903 (A1)

T 4:20-6:20

3 credits, Spring – Professor Beermann

This course will focus on cases that are currently on the docket of the Supreme Court across the range of the Court's subject matter. In the first week of class, we will read a set of pending certiorari petitions and vote as a class on whether we would grant the petition. (Petitions and background readings will be available on the course website.) Each student will be responsible for writing a brief memorandum in one case on whether the Court should grant the petition. Thereafter, each week, the class will read materials in preparation to discuss one or two cases pending on the merits, including its lower court opinion, the briefs from each party and selected amicus briefs. Prior to each class session, each student will be responsible for writing a brief memo (no more than a paragraph or two on each case) briefly stating how they would decide the case or cases for that week and why. Students will also be responsible for drafting one 20-25 page Supreme Court opinion and one 3-5 page dissenting opinion (either from their own opinion or someone else's) to be distributed to and discussed by the class. **NOTE:** Students registered for this seminar are encouraged to choose a case from the Court's docket during Fall Semester and take the lead on writing the opinion in that case. Students who do not choose a case in advance will be assigned one at the first class meeting. **UPPER-CLASS WRITING REQUIREMENT:** This class may be used to satisfy the requirement; two drafts and research on secondary sources is required. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

SUSTAINABLE FINANCE

JD 885 (A1)

W 10:40-12:40

2 credits, Fall – Ms. Aquino-Hagedorn

Climate changes, corporate scandals and inequality have put environmental, social and governance (ESG) issues of corporations in the spotlight. Many investors and other corporate stakeholders believe that these issues have a financial impact. In addition, investors are becoming more and more focused on the impact of their investments on society and the environment. These investment strategies are evolving rapidly and asking lawyers and regulators to address novel issues and reconsider issues that seemed settled. In this course, we will discuss the role of corporations, non-profits, investment funds and development finance institutions (DFIs) in this context. We will analyze how these strategies affect fiduciary duties and disclosure requirements. We will examine the tools that are available to implement these strategies such as: impact investment, blended finance, pay-for-success, public benefit corporations, and active shareholder engagement. After completing this course, students will develop an understanding of the different sustainable investment strategies and players in the industry, become familiar with the typical legal issues that arise in the sustainable finance industry and with some of the tools that are being used. **PREREQUISITE/COREQUISITE:** Corporations. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

TAX ASPECTS OF INTERNATIONAL BUSINESS & FINANCE

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JD 781 (A1)

T 4:20-6:20

2 credits, Fall – Professor Dean

Tax aspects of international business transactions, both "inbound" and "outbound", with particular attention to fiscal jurisdiction, the foreign tax credit, allocation of income among affiliated companies, treaties, anti-abuse measures aimed at tax haven operations, information reporting and foreign investment in U.S. securities and real estate. Attention to changes following the 2017 IRC amendments. **PREREQUISITE/COREQUISITE:** INTRODUCTION TO FEDERAL INCOME TAXATION is a recommended prerequisite, but required at least as a corequisite. **GRADING NOTICE:** This class does not offer the CR/NC/H option. **NOTE:** This course (and the final exam) is administered through the Graduate Tax Program (Room 1005). This section is for pre-registration purposes only. Students will be transferred to the Tax section (TX906) of the course during the summer.

TAXATION & RACIAL CAPITALISM (S)

JD 692 (A1)

T 2:10-4:10

3 credits, Spring – Professor Dean

Taxation and Racial Capitalism will explore the ways that anti-Black racism has shaped legal rules and institutions both domestically and globally. It will illustrate the dynamics of racial capitalism by tracing the evolution of international tax rules once shaped and now sustained by racial fears, perpetuating a false fiscal scarcity that has impoverished vulnerable states and eviscerated social safety nets in wealthier ones. Cycles of liberation and backlash from Reconstruction to decolonization have granted political power and economic autonomy to formerly enslaved individuals and erstwhile possessions only to watch it be stripped away, whether through Jim Crow laws or treaties designed to constrain fiscal sovereignty. This course will tell that familiar story from an unconventional perspective. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement.

TAXATION OF CORPORATIONS AND SHAREHOLDERS

JD 887 (A1)

T/R 10:45-12:15

3 credits, Spring – Professor Feld

Federal income tax considerations have major implications for planning in the corporate area. This course focuses on income tax issues in transactions between corporations and shareholders, including distributions, exchanges, reorganizations and capital contributions. **PREREQUISITE:** Introduction to Federal Income Taxation.

THE COURTS AND THE LGBT+ MOVEMENT: A CRITICAL ASSESSMENT COMMUNITY (S)

JD 911 (A1)

W 2:10-4:10

3 credits, Fall – Mr. Ward

The seminar will examine the role of the courts in both enabling and hindering the remarkable social/political/cultural shifts that have made it possible for many lesbian, gay, bisexual and transgender Americans to participate more fully in our common life while being as open as they choose about who they are, creating for many of us a changed landscape impossible to have imagined a just a few decades ago. The First Amendment

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will be a primary focus, although the questions posed will inevitably spill over into considerations of the Due Process and Equal Protection provisions of the Fourteenth Amendment. Our perspective will be critical, recognizing evolving openness in the courts where it appears and at the same time calling out the conscious, unconscious and systemic bias that continues to pervade the law.

The plan is to begin with the unlikely emergence of the First Amendment as a friend to LGBT+ folk in the otherwise hostile legal landscape of the Fifties. Then, we will track how, fertilized by the African-American civil rights and feminist movements of the Sixties and early Seventies, the right to speak burgeoned into the right to participate openly in civic venues that were formerly off limits. We will look at how, and to what extent, the role of the state as guardian of gender conformity lost much of its power to impede openness and equality for people who had historically been regarded as simply beyond the pale of community. We will examine the “red lines” that queer people were forbidden to cross, like the scouts, the military, athletics, parenting and marriage; and the extent to which those lines have eroded or become more rigid.

We will assess the “blowback,” such as the spate of laws forbidding discussion of sexual orientation and gender identity in the schools; laws targeting transgender individuals; and the increasing use of the First Amendment to create exemptions to public accommodation laws.

Finally, we will think together about the advantages and possible drawbacks of the strategies employed to advance equality for LGBTQ+ folks as these strategies relate to the larger struggle for human liberation and for the fostering of an environment that makes it easier for the planet and its inhabitants to thrive. To help facilitate this discussion, one or more sessions will, if feasible, include practicing attorneys working in this area of the law.

There will be final paper in lieu of an examination. Grades will be based on the paper and class participation, including weekly response papers to the material covered in our weekly sessions. **UPPER-CLASS WRITING REQUIREMENT:** A limited number of students may use this class to satisfy the requirement. **GRADING NOTICE:** This class does not offer the CR/NC/H option.

THE LANGUAGE OF THE LAW (S)

JD 719 (A1)

M 10:40-12:40

3 credits, Fall – Ms. Hodo Walker

This course examines the historical underpinnings of language with a focus on how the prestige dialect affects understanding of and access to the law and legal system at all levels. The course will examine the language of law through four modules: (1) How language affects access to the American legal system; (2) How language affects outcomes in the American legal system; (3) How silence (what is not said or not written) affects access and outcomes; and (4) How language influences the attorneys' professional identities, including the students' own. Students will read a variety of cases and articles and listen to excerpts from podcasts and hearings in court to evaluate the

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role of language in shaping the law. Topics may be driven by student interest, but will center around issues of race, ethnicity, sex, sexual orientation, gender, gender identity, ability, religion, age, and socioeconomic class. Students will also draw upon recent and current events to analyze how or if the language of law is changing and the impact therefrom. Students will choose an area where language impacts law to focus on and will use this topic for a research paper and presentation. Some shorter reflections may also be required. **UPPER-CLASS WRITING REQUIREMENT:** This class may be used to partially satisfy the requirement.

THE ROLE OF IN-HOUSE COUNSEL

JD 978 (A1)

T 6:30-8:30

2 credits, Spring – Mr. Layo

Practicing law in-house is often done at the tension point of enterprise growth and risk mitigation. This course explores the unique aspects of working as a lawyer within an organization's internal legal department. In order to provide a realistic appreciation and understanding of the role of in-house counsel, the course will utilize scenario-based group tutorials and simulations in which students will act as in-house counsel for a fictitious company in a specific industry. Areas covered may include contractual and employment matters, regulatory, compliance, internal investigations, enterprise risk questions and advising the Board of Directors and senior management. While the course will involve the substantive law of various areas relevant to the fictitious company's business and operations, the focus of the course will be on practicing and building lawyering skills that are critical for effective and ethical in-house practice. These include identifying and analyzing legally viable alternatives, and making recommendations, for the company to pursue to carry-out its business strategy and mitigate risks, as well as written and oral communications and presentations reflecting the same. As an overarching theme, the course will consider how to balance the important role of lawyer and trusted business advisor with the backdrop of the ever-present ethical and reputational considerations of the enterprise. This course is designed to provide students with practical skills (as well as opportunities to use and apply them) as they learn to identify and navigate the day-to-day challenges of the modern corporate counsel. Grades in the course will be based on scenario-based responses (presentation and/or written), a collaborative final group presentation, and in-class participation. **CLASS SIZE:** Limited to 12 students. **NOTE:** This course counts toward the 6 credit Experiential Learning requirement. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course. Students who are on the wait list are required to attend the first class to be considered for enrollment. Because the course involves regular in-class exercises, some of which are done in teams, and class participation is a significant component of a student's final grade, regular class attendance is essential and thus the course normally does not accommodate flexibility in attendance.

TRADE SECRETS & RESTRICTIVE COVENANTS

JD 793 (A1)

M 6:30-8:30

2 credits, Spring – Mr. Beck & Ms. Daly

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This course will examine the theory, practice, and interrelationship of trade secret law and the law of restrictive covenants, including laws governing the use and enforceability of noncompetition agreements. We will explore what a trade secret is, what it is not, how it differs from other types of intellectual property, and how something secret can constitute protectable property. We will investigate how trade secrets can be misappropriated, including misappropriation through one's memory; whether and in what circumstances trade secrets will be protected, including through the use of noncompetition agreements, nondisclosure agreements, and other restrictive covenants; the other purposes served by those agreements; and the strengths and weaknesses of the various laws governing the protection of trade secrets and the use of restrictive covenants. Depending on class interest and time, we may discuss related issues such as the current debate over the use of noncompete agreements and their putative effects on innovation. **OFFERING PATTERN:** This class is not offered every year. Students are advised to take this into account when planning their long-term schedule.

TRADEMARK AND UNFAIR COMPETITION

JD 780 (A1)

M/W 10:45-12:10

3 credits, Fall – Professor Dogan

This course will examine the principles of trademark and unfair competition law. We will investigate issues of ownership, protectability, and infringement in the context of words, symbols, slogans, product design and other forms of trade dress. We will explore the policy reasons for protecting marks and the limiting principles that protect competition, speech, and other interests. The course also will include a brief introduction to false advertising and the state law right of publicity. **GRADING NOTICE:** This course does not offer the CR/NC/H option.

TRANSACTION LAW RESEARCH

JD718 (A1)

R 8:30-10:30

2 credits, Spring – Mr. Flaherty

Most students will end up practicing transactional law which presents unique legal research challenges. Students will learn to navigate the statutory and regulatory frameworks of transactional areas of the law like tax, banking, securities and other practice areas. They will research agency guidance, use specialized practice materials and search for filings and company information, among other research tasks. Legal information and technologies in these area are constantly changing and new lawyers should be familiar with the most recent research techniques and tools. Classes will combine instruction and hands-on exercises using major print, electronic, and web based resources for securities law research. Students will be required to complete several assignments using electronic and print resources and put together a final client presentation on a transaction. **NOTES:** This course counts toward the 6 credit Experiential Learning requirement.

TRANSACTION SIMULATION: FORMING & FINANCING A START-UP BUSINESS

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JD 789 (A1)

W 6:30-8:30

3 credits, Spring – Mr. Melwani/Mr. Perkins

Practice Areas: General Corporate and Corporate Finance

This course is one of the semester-long transaction simulations offered as part of the Transactional Law Program. The simulated transaction is the formation and subsequent first-round venture financing of a new software business started by two entrepreneurs who are recent graduates of the California Institute of Technology. During this course, students will be exposed to, and will handle, the principal issues that arise in counseling entrepreneurs as to their emerging businesses, including key elements such as founders' arrangements, entity selection, governance, equity compensation, intellectual property protection, capital raising through SAFEs (which are simple agreements for future equity), convertible notes and preferred stock financing, capitalization/valuation/dilution and investment documentation based on industry-standard contracts. Through exercises both in and outside of class, as well as class discussions, students will simulate the work of practicing attorneys who counsel start-ups and their founders on a day-to-day basis. As part of these simulations, students will review sample agreements, draft and revise agreements and conduct negotiations. In addition, from time to time during the course, the instructors will address ethical issues and other practice points that can arise in connection with the simulated transaction or in transactional practice generally when working with emerging/start-up companies. The course grade will be based on attendance and class participation and three graded writing assignments. **CLASS SIZE:** 12 students. **PREREQUISITE OR CO-REQUISITE:** Corporations. Contract Drafting is recommended but not required. **NOTES:** This course counts toward the 6-credit Experiential Learning requirement and also satisfies the Transaction Simulation requirement of the Transactional Practice Concentration. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course. Students who are on the wait list are required to attend the first class to be considered for enrollment. Because the course involves regular in-class exercises, some of which are done in teams, and class participation is a significant component of a student's final grade, regular class attendance is essential and thus the course cannot accommodate flexibility in attendance.

TRANSACTION SIMULATION: INT'L BUSINESS COLLABORATION

JD 783 (A1)

R 4:20-6:20

3 credits, Fall – Mr. Basile

Practice Areas: Cross-Border Transactions and International Negotiations

This course is one of the semester-long transaction simulations offered as part of the Transactional Law Program. The simulated transaction involves two companies, one a large U.S.-based pharmaceutical company ("KJH"), and the other an African agricultural production company that is majority owned by the government of the fictional African country of Malundi ("MCC"). The two companies are interested in working together to exploit a new technology developed by KJH that uses cassava, a plant, grown and harvested by MCC, for a new arthritis drug. MCC has a surplus supply of cassava and has been searching for alternative markets and uses for the surplus supply. KJH has a

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worldwide distribution channel, has developed and patented a manufacturing process, and possesses valuable know-how, used to extract the active ingredient for the new drug from cassava. Their collaboration could take the form of a joint venture, licensing agreement, long-term supply contract, or a combination of these structures. The course will begin with an introduction to important concepts about international business legal structures, negotiations, and the facts of the simulated case. The class will engage in a number of "hands-on" skill building exercises, individually and in small groups. After the third- or fourth-class meeting, students will be assigned to one of two teams of attorneys, one team representing MCC, and the other representing KJH. The teams will structure, negotiate and document in a detailed "letter of intent" the terms of the parties' collaboration.. The course will explore the impact of cross-cultural customs and norms, as well as challenges presented by individual personalities and negotiating styles and client demands. Certain ethical issues will be addressed that may arise in transactions of this kind and in transactional practice generally. A key goal of the course is to expose students to "real-world" practice and enhance students' ability to structure, negotiate and document a transaction. The course grade will be based on individual class participation, individual and team drafting assignments and team negotiations. **CLASS SIZE:** Limited to 12 students. This course is open to LLM students provided there are available seats and with the permission of the Instructor and the Assistant Dean of Graduate and International Programs. **PREREQUISITES:** Corporations and Contract Drafting (or Transactional Contracts in the case of LLM students) are recommended, but not required. **NOTES:** This course counts toward the 6-credit Experiential Learning requirement and also satisfies the Transaction Simulation requirement of the Transactional Practice Concentration. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course. Students who are on the wait list are required to attend the first class to be considered for enrollment. Because the course involves regular in-class exercises, some of which are done in teams, and class participation is a significant component of a student's final grade, regular class attendance is essential and thus the course cannot accommodate flexibility in attendance.

TRANSACTION SIMULATION:

PHARMA/BIOTECH COLLABORATION FOR DRUG DEVELOPMENT

JD 812 (A1)

M 4:20-6:20

3 credits, Spring – Ms. Burlingame

Practice Areas: Healthcare law, Intellectual Property and Strategy Transactions

This course is one of the semester-long transaction simulations offered as part of the Transactional Law Program.

Collaborative activity is essential to the biopharmaceutical industry due to the high costs and risks associated with drug development. In this course, students will learn how to read, draft, and negotiate collaboration agreements for new drug research, development and commercialization partnerships between biopharmaceutical companies. The course will begin with a brief introductory overview of (i) the biotechnology industry, with a focus on the importance of partnering for successful drug development and commercialization;

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and (ii) different forms of partnering agreements to develop a general understanding of the structure of such contracts. For the duration of the course, students will be assigned to teams to review, revise and negotiate the terms of a collaboration agreement for their clients, either a large pharmaceutical company or a smaller biotechnology company. Students will learn to think critically about whether certain provisions favor one party or the other, and ways to modify such elements through drafting changes. At the conclusion of the course, each team will be asked to present the key terms of the proposed collaboration agreement to their client's board of directors. Through regular out-of-class assignments, including substantial drafting assignments involving marking up term sheets, preparing issues lists, revising key sections of the collaboration agreement that will be negotiated and finalized by the student teams, and delivering board presentations, the course builds contract analysis, drafting, negotiation and strategic thinking skills students will need as they enter transactional law practice. The course also addresses various ethical issues that may arise in connection with these types of transactions and in transactional practice generally. The course grade will be based on individual participation, drafting assignments, and contributions to team efforts. Please note that no scientific background is necessary for this course as we will not be focusing on the scientific rationale for collaborations. **CLASS SIZE:** Limited to 12 students. **PREREQUISITE:** Contract Drafting is recommended, but not required. **NOTES:** This course counts toward the 6-credit Experiential Learning requirement and also satisfies the Transaction Simulation requirement of the Transactional Practice Concentration. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course. Students who are on the wait list are required to attend the first class to be considered for enrollment. Because the course involves regular in-class exercises, some of which are done in teams, and class participation is a significant component of a student's final grade, regular class attendance is essential and thus the course cannot accommodate flexibility in attendance.

TRANSACTION SIMULATION: THE RISE AND FALL OF A SYNDICATED LOAN

JD 784 (A1)

R 2:10-4:10

3 credits, Spring – Mr. Levine

Practice Areas: General Business, Banking/Finance, Corporate Governance and Restructuring

This course is one of the semester-long transaction simulations offered as part of the Transactional Law Program. The simulated transaction is the structuring, negotiation and documentation, and subsequent restructuring of a \$1.7 billion secured, syndicated commercial loan to a large, privately held medical testing company (the "Company"). The Company's primary purpose for seeking this loan is to use the proceeds to pay an extraordinary dividend to its founder and controlling shareholder and to several private equity firms which own stock in the Company (often referred to as a "dividend recap loan"). The course will explore some of the key issues, and students will perform several of the principal tasks, which transactional lawyers specializing in general business, banking/finance, corporate governance and/or restructuring must consider and carry out

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in advising corporate clients and financial institutions in a transaction of this kind. These tasks will include advising the Company's board of directors and officers or prospective lenders in evaluating whether to engage in the dividend recap loan transaction, the steps needed to obtain corporate approval of such transaction given that certain board members who are also shareholders will benefit from it, and structuring, negotiating and documenting these types of transactions. The course will also examine the critical role certain provisions of the credit and security agreements for the loan play following the loan closing when serious problems and potential events of default arise leading to a restructuring of the original loan. Finally, the course will consider various ways a troubled loan can be restructured either through an out-of-court consensual transaction or a Chapter 11 restructuring. The course grade will be based on class participation and graded drafting assignments. **CLASS SIZE:** Limited to 12 students. **PREREQUISITE OR CO-REQUISITE:** Corporations. Contract Drafting is recommended, but not required. **NOTES:** This course counts toward the 6 credit Experiential Learning requirement and also satisfies the Transaction Simulation requirement of the Transactional Practice Concentration. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **ATTENDANCE REQUIREMENTS:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar will be administratively dropped from the course. Students who are on the wait list are required to attend the first class to be considered for enrollment. Because the course involves regular in-class exercises, some of which are done in teams, and class participation is a significant component of a student's final grade, regular class attendance is essential and thus the course cannot accommodate flexibility in attendance.

TRIAL ADVOCACY

JD 894 (A1)	W 6:00-8:50	3 credits, Fall – Judge Kelley
JD 894 (A2)	W 6:00-8:50	3 credits, Spring – Judge Kelley

This course introduces the student to the structure of the trial process and the skills used by trial lawyers. The topics covered range from opening statements to closing arguments, including conducting direct and cross-examination of witnesses, making and meeting objections, introducing documents and discovery into evidence, and using hypothetical questions with expert witnesses. Students must perform simulated exercises and will try one or more civil or criminal cases before a jury. Visit the web for more information on the instructors. **PREREQUISITE:** EVIDENCE. Students taking TRIAL ADVOCACY in the second semester of their third year may take EVIDENCE as a COREQUISITE. Students who have taken a trial advocacy course as part of a clinic may not subsequently enroll in Trial Advocacy. **ENROLLMENT LIMIT:** 12 students. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **NOTE:** This course counts toward the 6 credit Experiential Learning requirement. **ATTENDANCE REQUIREMENT:** A student who fails to attend the first class or to obtain permission to be absent from either the instructor or the Registrar, will be administratively dropped from the class. Students who are on the wait list are required to attend the first meeting to be considered for enrollment.

TRUSTS, WILLS & BASIC ESTATE PLANNING

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JD 871 (A1)
JD 871 (B1)

T/R 8:30-10:30
TBD

4 credits, Fall – Professor Hurwitz
4 credits, Spring – TBD

This course explores the basic law surrounding the disposition of property at death: (1) overview of the estate planning process and the policy considerations regarding inheritance law; (2) the process by which property is distributed in the absence of a will (intestacy); (3) the law of wills, examining challenges to a will, formal requirements for the execution of a valid will, revocation, and construction; (4) will substitutes and planning for incapacity; (5) the law of trusts, including revocable and pour-over trusts, and creditor and beneficiary rights; (6) brief coverage of powers of appointment, perpetuities, spendthrift, and charitable trusts. This course does not address in detail tax-motivated estate planning.

WHISTLEBLOWER LAW AND PRACTICE (S)

JD 919 (A1)

T 4:20-6:20

3 credits, Fall – Mr. Thomas

Whistleblowing has become a frequent topic in the news around law and politics. What exactly is it, and what laws govern it? Who represents whistleblowers, and what is there to know about lawyering in this space?

This course will examine federal (and some state) laws that protect and incentivize whistleblowers to provide information and assist in the enforcement of laws prohibiting fraud and misfeasance in both the public and private sectors. It will cover both the substantive law as well as the practical aspects of lawyering in this field.

There are two types of whistleblower laws, and the seminar will cover both: 1) laws which protect whistleblowers inside and outside of government from retaliation by their employers for having engaged in protected activity, and 2) laws which provide financial incentives to whistleblowers for reporting fraud against the government, or fraud in the securities and commodities markets.

Each student will write a paper based on a whistleblower case and will be encouraged to interview one or more whistleblowers who have gone through the experience and/or whistleblower attorneys who have a substantial practice in this area. Alternatively, students who express a particular interest in an area relevant to the course may get permission to explore that topic in their paper. There is no examination in this course; the grade is based on the paper and the students' participation in the class discussions

UPPER-CLASS WRITING REQUIREMENT: A limited number of students may use this class to satisfy the requirement.

WHITE COLLAR CRIME

JD 854 (A1)

W 4:30-7:30

3 credits, Spring – Mr. D'Addio/Mr. Kosto

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The purpose of this Course is to teach present-day white collar crime practice. The course will review: (i) the theoretical bases of modern white collar criminal prosecution; (ii) the major statutes used by prosecutors, including mail and wire fraud, securities fraud, bribery and extortion, obstruction of justice, perjury, and RICO; and (iii) the procedural aspects of white collar crime such as grand jury, attorney/client privilege, and sentencing. Students will learn the prosecutorial and defense techniques employed in significant recent white collar cases. Upon successful completion of the course, students will be familiar with the statutes, procedures, and legal analyses employed by prosecutors and private lawyers in white collar criminal practice. **GRADING NOTICE:** This course does not offer the CR/NC/H option. **OFFERING PATTERN:** This class not offered every year. Students are advised to take this into account when planning their long-term schedule.

WRITING FOR LEGAL CHANGE (S)

JD 908 (A1)

M 10:40-12:40

3 credits, Spring - Ms. Hodo Walker

This course explores various ways that legal change happens with a focus on the written methods. We will examine theories regarding when and how legal change occurs, highlighting the various roles lawyers can play in creating that change. The main modules of this course will focus on (1) clarifying the law for non-lawyers, (2) the op-eds medium, (3) amicus briefs and giving voice to non-parties, (4) advocacy for regulatory changes through rulemaking, and (5) ballot initiatives. Students will critically examine each type of writing, revising current sources and writing their own. **LIMITED WRITING REQUIREMENT OPTION:** A limited number of students may be permitted to satisfy the upper-class writing requirement.

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