

Mercer University School of Law

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Course Catalogue 1987-1988

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COURSE CATALOGUE
ACADEMIC YEAR 1987-1988

LAW 406 Administrative Law 3 hrs

This course will examine the largest branch of government administrative agencies. It will discuss agencies' legal authority to act and the limitations on that authority, including constitutional and statutory constraints. It will also examine administrative procedure. Students will learn administrative law through a practice orientated approach that will require them to apply their knowledge throughout the semester to various hypothetical fact scenarios.

LAW 401 Appellate Practice 3 hrs

A course designed to give the student experience in briefing and arguing cases at the appellate level. Students who attain a high level of proficiency may be invited to represent the Law school in either the Intra-State Moot Court Competition or the National Moot Court Competition, or both.

LAW 412 Business Associations I 3 hrs

This course focuses on the law of agency, general partnerships and corporations with some attention to limited partnerships and limited liability companies. Coverage includes the choice of business form and the formation, management and dissolution of each of the principal business forms. Also introduced is federal securities law as it pertains to shareholder suffrage, proxy contests, hostile takeovers and secondary securities transactions. Second-year students only in Spring semester.

LAW 413 Business Associations II 3 hrs

LAW 101 Civil Procedure I 3 hrs

A study of the organization and operation of the courts; the nature and types of their jurisdiction, and the methods of invoking it; the pleading of causes of action and defenses.

LAW 102 Civil Procedure II 3 hrs

A study of the organization and operation of the courts; the nature and types of their jurisdiction, and the methods of invoking it; the pleading of causes of action and defenses.

LAW 414 Civil Rights Seminar 2 hrs

LAW 415 Client Counseling Competition 1 hr

During the Spring Semester, Mercer Law students compete for the honor of representing the school in the National Client Counseling Competition sponsored by the American Bar Association. The students selected are given intensive training by one of our faculty members using the school's video systems for observations and evaluation of counseling techniques. The team competes against other law schools regionally for the opportunity to compete for the national championship. Mercer's teams won the ABA's Southeast Regional Competition in 1989.

LAW 421 Commercial Paper 3 hrs

A survey of the materials found in Articles 3 and 4 and 9 of the Uniform Commercial Code.

LAW 420 Comparative Law 3 hrs

This Perspectives Block course provides an introduction to other legal systems and legal orders in the world (not only in the West but also elsewhere, including the Far East and the Islamic world) and explores appropriate ways of relating to those who inhabit these other legal systems. Such knowledge is of great value to U.S. lawyers, both in their roles as legal practitioners and in their roles as leaders in society. Learning to

“think like a comparativist” produces a breadth of outlook and habits of mind that enhance the general quality of lawyers’ professional work and professional lives in both types of roles. It is also central to helping lawyers in both types of roles meet the mounting challenges posed by growing U.S. involvement in an increasingly interdependent world, including challenges posed, for example, by expanding economic relations with other countries, expanding immigration from countries with radically different cultures, and expanding national security concerns. With these considerations in mind, we will cover the following topics: (1) Introductory Perspectives (including an introduction to basic concepts and classification within different civilizations and legal traditions); (2) Uses and Misuses of Comparative Law; (3) The Comparative Method, Tools, and Techniques, and the Importance of Context: General Considerations; (4) The Comparative Method, Tools, and Techniques, and the Importance of Context: Particular Considerations – History, Sources of Law and Their Generating Legal Structures, Legal Actors, and Legal Processes. The course is graded. There is a take-home exam, the logistics of which will be determined in consultation with the members of the class.

LAW 418

Common Market Law

3 hrs

This Perspectives Block course examines the phenomenon of ever-increasing international economic interdependence and integration, with a particular focus on the legal system of the European Union (EU) from the perspective of the United States and U.S. business. In an era of increasing globalization the European Union represents a fascinating case study for the comparativist as well as a challenge and an opportunity for those engaged in international business transactions and their legal advisors.

Topics covered include: (1) Historical Development of the European Community and the European Union; (2) Structure of the EU Legal System: sources of law and lawmaking institutions; judicial remedies in the EU Court of Justice; protection of human rights; relationship between EU Law and national laws of the Member States (direct effect and supremacy of EU Law, references by national courts to the EU Court of Justice); and (3) Selected substantive coverage from the following: development of the

Community's internal market; the framework of anti-trust regulation; and external relations. The course is graded on the basis of a final examination.

LAW 422 Conflict of Laws 3 hrs

The course deals with the problems of personal and property rights and family and business relationships as they are affected by the conflicting laws of different states. A study is made of the principles the courts employ in determining whether to apply law other than their own and in choosing the particular law to be applied. Principles the courts employ in disposing of cases wherein the operative facts, in whole or in part, occurred in another state or nation.

LAW 105 Constitutional Law I 3 hrs

The United States Constitution and its place and effect in our legal, social, and economic system, including the powers of the Federal government and the states and the limitations upon them, with special attention to the commerce clause, due process, equal protection, and the contract clause.

LAW 416 Constitutional Law II 3 hrs

The United States Constitution and its place and effect in our legal, social, and economic system, including the powers of the Federal government and the states and the limitations upon them, with special attention to the commerce clause, due process, equal protection, and the contract clause.

LAW 107 Contracts I 3 hrs

This course addresses the basic principles and significance of making, interpreting and enforcing contracts and gives attention to related theories of obligation, such as promissory estoppel and quasi-contract.

LAW 108 Contracts II 3 hrs

A study of the basic principles involved in the making, interpretation, and enforcement of contracts, including the parole evidence rule, the statute of frauds, illegal contracts, and government war contracts.

LAW 110 Criminal Law 3 hrs

This first-semester course examines major criminal law concepts, including intent, criminal act, and justification and excuse for crimes, as well as exploring the historical and philosophical underpinnings of the criminal justice system.

LAW 432 Criminal Procedure 3 hrs

The law of criminal procedure considered from a constitutional standpoint. Includes an analysis of the Fourth, Fifth, Sixth, and Fourteenth Amendments to the Constitution plus other material related to criminal prosecutions. Spring Semester. Second-year students only.

LAW 440 Debtor Creditor Relations 3 hrs

This course is an overview of debtor-creditor relations. While issues under state law will be considered, the overwhelming emphasis of the course will be on federal bankruptcy law. The rights and obligations of both debtors and creditors under bankruptcy law will be examined, with particular focus on the strategic decision-making process of parties involved in a bankruptcy proceeding. Commercial Transactions strongly recommended. Seniors only.

LAW 441 Decedents' Estates & Trusts 3 hrs

A detailed study of the law of intestate succession, will and trusts and of the interrelationships of these methods of transmission of property; the historical background of the modern will and the modern trust; probate and administration of estates; rights, duties and liabilities of executors, administrators and trustees, future

interests, powers of appointment and the rule against perpetuities. Second-year students only in spring semester.

LAW 443 Domestic Relations 3 hrs

This course takes a comparative-law approach to the study of family law, especially divorce issues such as jurisdiction, property division, taxation, and child custody. The text is comprised of cases and statutes from Georgia and neighboring states as well as national cases and trends of note.

LAW 451 Environmental Law 3 hrs

A survey of statutory regulations applicable to the protection of the environment. Attention is directed to the role of the EPA and other administrative agencies in the development and implementation of environmental policy. Second-year students only.

LAW 455 Estate Planning 2 hrs

This class is intended to serve as an introduction to basic estate planning techniques. Both tax and non-tax aspects will be considered from the perspectives of the drafting attorney, the settlor/testator, and beneficiaries. Emphasis will be placed on the fact gathering process, drafting, and solving problems regarding the use of the marital deduction, insurance, disability trusts, and other related devices. Prerequisite: EG&T or permission of instructor. Seniors only. S/U (Pass/Fail)

LAW 206 Evidence 3 hrs

This is a problems-based course designed to teach basic trial evidence using the Federal Rules of Evidence. The primary topics are relevance; relevant, but inadmissible evidence; introducing real and documentary evidence, character evidence, impeachment, and hearsay.

LAW 201 Federal Basic Taxation I 4 hrs

A consideration of the fundamental problems such as gross income, deductions, income splitting, capital gains and losses, based upon the study of the statute, regulations and decided cases.

LAW 424 Federal Corporate Taxation 3 hrs

An in-depth analysis of Internal Revenue code sections dealing with income taxation of corporations and their shareholders. Particular emphasis is given to such areas as transfers to controlled corporations, dividends, redemptions, liquidations, and Subchapter S corporations. Income Tax is a pre-requisite. Seniors only.

LAW 461 Federal Courts 3 hrs

The power of the federal courts; the nature and scope of original jurisdiction of the district courts of the United States; and the operation of the federal judiciary with respect to state and local systems. Seniors only.

LAW 462 Federal Criminal Law 2 hrs

This course will focus on the prosecution and defense of federal crimes including, but not limited to fraud, bribery, obstruction of justice, conspiracy, drug offenses, and RICO. We will also discuss the federal sentencing guidelines. Speakers from various professions within the federal system will join us. The course will also include observation of portions of trials and hearings in federal court. S/U Seniors only. Enrollment limited to 16. No text required.

LAW 454 Federal Estate & Gift Tax 3 hrs

A study of the statutes, regulations, and decided cases relating to the federal estate, gift, and generation-skipping transfer taxes and to the income taxation of trusts and estates. Income Taxation is a prerequisite. Second-year students only.

LAW 555 Federal Tax Research Seminar 2 hrs

Tax research techniques will be learned and applied to the preparation of short-term research projects, some of which will involve writing memoranda. Traditional and computer-assisted research both will be included. Spring Semester. Limited enrollment. Seniors only.

LAW 561 Federal Taxation II 2 hrs

A study of the statutes, regulations and decided cases relating to federal income, gift, and estate taxation of partnerships, trusts and estates.

LAW 467 Georgia Civil Practice & Procedure 2 hrs

This course is a detailed examination of Georgia civil practice. S/U (Pass/Fail) Seniors only.

LAW 466 Georgia Criminal Practice & Procedure 2 hrs

This course is a detailed examination of Georgia criminal practice. It is designed to help students make the transition from law school to the practice of criminal law. It is taught by a team consisting of a prosecutor and a criminal defense attorney. Students are evaluated on the basis of class attendance, grasp of class handouts, and a notebook consisting of various criminal motions, file memos, and other documents important to a criminal law practice. Seniors only. S/U (Pass/Fail)

LAW 472 Immigration Law 3 hrs

Designed as an introduction to the area of immigration law, the course will cover the following core topics: constitutional, historical, and moral dimensions of United States immigration policy; the structure of relevant administrative agencies; admission and exclusion of aliens (immigrants and non-immigrants); deportation and relief from deportation; and immigration reform. Possible additional topics include: judicial review of agency determinations; special problems relating to refugees; illegal/undocumented aliens (including employer sanctions and legalization programs); and/or acquisition and loss of citizenship. This course is graded. There will be a final in-school exam.

LAW 474 Independent Research & Writing 1- 3 hrs

With the approval of a full-time faculty member, a student may register for independent research and writing after completing the first year. An independent research and writing project is normally undertaken for two hours credit, but in appropriate cases the supervising faculty member may approve registration for one or three hours credit. A student may register for only one independent research and writing project per semester and no more than two projects will be approved for any student. Credit will be awarded, in the discretion of the supervising faculty member, on either a graded or pass/fail basis, upon the completion of a written product suitable for submission for publication. 1-3 Credit Hours

LAW 482 Insurance 2 hrs

After surveying the principles of insurance law, including basic contract principles, this course will address practical problems encountered in homeowner liability, commercial liability, life and medical insurance. (This course is designed not to overlap significantly with Mr. Sizemore's course, Problems in Insurance Litigation, which focuses primarily on motor vehicle-related insurance issues.) Course grades will be based upon class participation and problem preparation.

LAW 480 International Business Transactions & Lit. 3 hrs

This course will examine selected legal issues associated with private business transactions across national boundaries, focusing on international sales agreements and financing, import/export restrictions, other forms of transnational business activity, and related risks. The course will explore relevant US laws and regulations, regional trade regimes such as those of NAFTA and the EU, and broader international agreements and institutions, including the WTO. The course will also address relevant comparative legal, business and cultural issues.

LAW 481 International Law 3 hrs

An introduction to public international law. The substantive coverage of the course includes peaceful settlements of disputes, international agreements in international and domestic law, the evolving law of the sea, human rights, and international attempts at controlling the use of armed force. Particular attention is paid to the differences in the evolution and enforcement of rules in decentralized systems.

LAW 483 International Law Seminar 2 hrs

The purpose of the seminar is to explore at a general and theoretical level the recurring problems of international law. In particular, attention will be given to the nature of the state and of sovereignty, the relationship between international law and internal legal systems, and the extent to which international law can be normative. Consideration also will be given to the implications for international law of the various schools of jurisprudence, most notably positivism, empiricism, and natural law. Enrollment Limit: 15. Seniors only.

LAW 100 Introduction to Law 1 hr

This one-week course presents each incoming student with an initial understanding of the methods and goals of the law school classroom. The course simulates and examines the typical first-year classroom experience, including an exam, to prepare each student to get the maximum benefit from the “real courses” that begin the second week. The grade recorded for this course is either the actual grade received on the Introduction to Law exam or a “Pass” if the actual grade is less than the student’s GPA for the first semester.

LAW 492 Jurisprudence 3 hrs

An overview of the major concerns of legal theory, the validity of law and the legitimacy of legal systems, and the relative merits of hierarchical legal structures as opposed to decentralized, customary systems. The topics that are usually covered include: natural

law, positivism, American and Scandinavian realism, Marxism, and the historical and anthropological schools of jurisprudence. Second-year students only.

LAW 494 Juvenile Court Practice & Procedure 2 hrs

Delinquency, deprivation, status offenses, and dependency in Juvenile Court. History of Juvenile Court, evolution of children's rights, and trends in juvenile justice. Seminar format with special emphasis on practical aspects of litigation. Enrollment limited to 20. Open to 2L and 3L students in the fall – seniors only in the spring. S/U

LAW 501 Labor Law 3 hrs

A survey of key issues in labor relations law, with emphasis on the factors catalyzing the genesis of the National Labor Relations Act; the right to organize; recognition; protected activities; the representation process; and the obligation to bargain for a collective agreement; National Labor Relations Board procedure, the nature of judicial review for an administrative agency and remedies are discussed as well.

LAW 500 Law & Medicine Seminar 2 hrs

The course in Law and Medicine will be offered as a seminar in medicine for lawyers. Much of the material presented will be offered by physicians, many of whom are faculty members at the Medical School. The objective of the course is to provide students with a general understanding of the structure and function of the human body together with a look at forms of disease, dysfunction and trauma that can afflict people. As each new area of medicine is explored the class will examine proximately related legal problems of concern to the patient, the physician and the community. A paper and a class presentation will be required. Fall Semester. Enrollment limited to 15. Seniors only.

LAW 513 Law Review

Members of the Mercer Law Review staff and Editorial Board earn academic credit for each year served on the Review. Upon satisfactory completion of the writing, editing, and other work required for each category of Law Review membership, credit will be

awarded in the Spring Semester by the faculty advisor upon recommendation of the Editor-in-Chief. Credit hours vary.

LAW 113 Legal Bibliography 1 hr

This course is designed to give students entering upon the study of law a general background in the sources and forms of American law and the functions of the various participants in the legal process; to train them in the practical approach to the solution of legal problems; and to enable them to use with facility the various types of books which are the tools of the profession.

LAW 510 Legal History 3 hrs

An examination of the origin and evolution of selected legal doctrines and institutions, with particular consideration of the anticipated directions of legal growth. A study of the history of law from the Code of Hammurabi to the Uniform Commercial Code. A survey, conducted through readings in selected documents and essay, of the nature, source and development of the principles and institutions that have governed the legal relations among Western peoples at different stages of history; the Civil Law system from pre-Roman background through the German Civil Code of 1900; the development of the Common Law from Anglo-Saxon customs to the reform movements in the 19th century; selected topics and problems in American history from Colonial times through the Restatements and the Uniform laws.

LAW 301 Legal Profession 2 hrs

A general study of the place of the legal profession in society and the legal and ethical rights and duties of attorneys with respect to the public at-large, the courts and clients.

LAW 511 Legal Profession Seminar 2 hrs

This seminar explores a wide variety of issues in legal ethics selected, in part, by the enrolled students to respond to their anticipated future employment situations or their own personal questions about the role of the lawyer. The issues explored can vary from philosophical or theological matters to very specific ethical regulatory questions. A

general theme, attempting to unite the explorations, will be offered by the professor. Class meetings are primarily round table discussions. Attendance is required. The class is pass/fail with this decision being made on the basis of participation in discussions, several short presentations, and one paper. S/U

LAW 114 Legal Writing 1 hr

The preparation of a legal memorandum and an appellate brief. Attention is paid to the organization of legal material and its effective presentation and to the thoroughness of research. A course designed primarily to correct deficiencies in writing ability and legal analysis. Emphasis is placed upon conciseness, clarity and correctness of expression. Legal analysis involves the writing of solutions to abstract legal problems. Students who are deficient in English grammar are expected to correct this deficiency before they receive a passing grade in the course.

LAW 512 Legislation 3 hrs

LAW 517 Mediation 2 hrs

LAW 519 Modern Real Estate Transactions 3 hrs

A review of the basic elements of a real estate transaction, followed by a study of the methods of financing the purchase of residential property, transfers of interests in encumbered real property, mortgage default and foreclosure, and concluding with a less intensive study of the elements of a commercial real property transaction.

LAW 520 Moot Court Competition 3 hrs

All second-year students are eligible for membership on the Moot Court Board. Students are selected to membership each year based primarily on their performance in Legal Writing II. Board members, in both their second and third years, represent the Law School in various state, regional, and national moot court competitions. The Law

School has been quite successful with its competition teams, having won at the state, regional and national levels. Students on competition teams receive invaluable training and experience. In addition, each member of a competition team receives three hours of pass/fail academic credit in the semester in which the competition takes place.

LAW 522 Municipal Corps 2 hrs

The nature, powers and liabilities of cities, counties and other units of local government and their relationship to state and federal governments. Specific attention is given to liability of local governments and officers, public land acquisition, local government contracts. Seniors only. S/U

LAW 657 National Negotiation Competition 1 hr

During the fall semester, Mercer Law students enter an intra-school competition for the honor of representing the school in the National Negotiation Team Competition sponsored by the American Bar Association. The students selected to represent the school in the national competition are given intensive training by one of our faculty members. Training includes observation and evaluation by the faculty member who is present during negotiations and observation and evaluative critiques by the team members who videotape some of their negotiation sessions and then view themselves in action. The school team competes against other law schools at the regional level in the first round competition for the honor of advancing to compete against other regional winners for the national win. Mercer ADR Workshop is a prerequisite. S/U (Pass/Fail). Seniors only.

LAW 529 Pensions/Profit Sharing/Deferred Compensation 2 hrs

A study of statutory provisions and regulations affecting qualified plans under Section 401 of the Internal Revenue Code. Discussion will focus on the necessary eligibility provisions, vesting provisions, contribution provisions, allocation provisions and other requirements mandated by the Internal Revenue Code. Discussion will also focus on the distribution of assets from qualified plans and the income tax ramifications with

respect to such distributions. No prerequisites are required but Corporate Tax is encouraged. Seniors only. S/U (Pass/Fail)

LAW 563 Pre-Trial Advocacy 2 hrs

This course is concerned with the planning and preparation of a case for trial including the preparation of a complete trial notebook. The focus is on the construction and execution of a theory of the case. In examining the execution of a theory of the case, students will be asked to participate in demonstrations of certain major components of a trial. Enrollment limit 40. Seniors only.

LAW 484 Problems in Insurance Litigation 2 hrs

The identification and correlation of the various types of insurance benefits found in personal injury and wrongful death actions, to include automobile no-fault, uninsured motorists, collision, medical payment, liability (public liability and private automobile, homeowners, and business premises liability), hospitalization, and workers compensation. Emphasis on Georgia law. Enrollment limited to 40. Seniors only. S/U (Pass/Fail)

LAW 116 Property I 3 hrs

Personal property; acquisition of title, bailments, liens, pledges, accession to chattels or lands, gifts, fixtures emblements, waste.

LAW 117 Property II 3 hrs

Real property; brief study of the feudal system as the source of the modern system of landholding; methods of creating and transferring interests in land before and after the Statute of Uses and the Statute of Wills; types of interests in land under modern law; merger; powers, concurrent interests.

LAW 542 Remedies 3 hrs

A survey of remedies available through the avenues of equity, restitution, and damages. Emphasis is accorded to the relationships among these areas, and to the difficulties involved in applying "established" rules to actual situations.

LAW 550 Sales & Secured Transactions 4 hrs

LAW 552 Securities Regulation 3 hrs

This course covers both primary and secondary transactions involving securities. Included are materials addressing the definition of a security; public offerings; exempt transactions; insider transactions; tender offers for corporate control; and antifraud provisions. Business Associations is a pre-requisite/co-requisite. There will be a one-hour end-term examination in lieu of an examination during finals period.

LAW 411 Seminar in Corporate Bankruptcy Reorganization 2 hrs

This course will include a consideration of reorganizations for corporations under Chapter 11 of the Bankruptcy Code (the subject of the entire former course), and will also include Chapter 11 reorganizations of partnerships and other business entities and consideration of alternative reorganization procedures outside the scope of Chapter 11 procedures. Debtor/Creditor Relations is recommended. Enrollment limited to 15. Seniors only. S/U

LAW 119 Torts I 4 hrs

This course examines the principles underlying the law of civil wrongs to persons and property. It focuses on the law of negligence but also addresses intentional torts and introduces the concepts of liability for abnormally dangerous activities and defective products, concepts that are more fully developed in Torts II.

LAW 120 **Torts II** **2 hrs**

LAW 564 **Trial Practice** **3 hrs**

The course is designed to develop trial skills through the preparation and role-playing of various trial tasks using simulated cases and simulated trial situations. Each performing student is given an intensive critique of the performance and reviews a tape of his or her performance with a member of the faculty. After ten weeks of preparation on specific trial tasks, the students participate in a mock trial before a trial judge. Fall and Spring Semesters: four sections in fall and two in spring – taught by Professors Dantzler, Peterman, and Guichard in the fall and Professors Fleissner and Peterman in the spring. Seniors only. Enrollment is limited to 20 per section. S/U (Pass/Fail)

LAW 571 **Worker's Compensation** **2 hrs**

Compensation for industrial injuries and occupational diseases under workers' compensation statutes. A practical, nonacademic approach to workers' compensation by a practitioner with over 30 years experience in representing both injured workers, employers, and insurers. Informal approach to the subject with guest speakers to include a mediator, a judge, defense lawyers and employee attorneys. No text required, but case handouts and also forms such as an attorney fee contract, medical authorization form, deposition checklist and hearing checklist. An open forum teaching style on how to practice law, make money, and represent clients in a growing area of the law involving medical issues, people and the courtroom. Pass/Fail (S/U), limited to seniors, with no restriction on number of students.