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Course Catalogue 1990-1991

Mercer University School of Law

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COURSE CATALOGUE
ACADEMIC YEAR 1990-1991

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 400 Admiralty & Maritime Law 3 hrs

The principles of admiralty jurisdiction and the maritime law of the United States and the law governing maritime liens, carriage of goods, salvage, general average, collision, and claims of seamen. A survey of the field with emphasis on the following topics: Maritime Liens, Collisions, Limitation of Liability, Charterparties, Carriage by Sea, Salvage, General Average, Marine Pollution and the International Law of the Sea.

LAW 602 Computer-Assisted Legal Research Skills 2 hrs

LAW 438 Advanced Contracts 3 hrs

LAW 436 Advanced Criminal Trial Techniques 2 hrs

This course focuses on the strategy and tactics employed by trial lawyers in criminal cases. Topics include analysis of evidence, developing a theory of the case, plea negotiations, guilty pleas, witness interviews and preparation, jury selection, sentencing, and post-conviction remedies. The course will also address preparation of pre-trial motions, objections at trial, direct and cross-examination techniques, opening

statements and closing arguments. Students will participate in exercises designed to strengthen their trial skills in these areas. Trial Practice is a prerequisite, cannot be taken simultaneously with Advanced Trial Practice. Enrollment limited to 24. Seniors only. S/U (Pass/Fail).

LAW 534 Advanced Litigation Drafting 2 hrs

This course will explore technical and strategic issues in the drafting of litigation documents such as briefs, complaints, answers, written discovery, affidavits, discovery schedules, pretrial orders, jury charges, releases and correspondence. The course will discuss the use and misuse of form books, and the viability of the “plain English” movement. The course will review some basic rhetorical strategies for maximizing the effect of favorable law and facts, or for minimizing the import of adverse law and facts. The course will examine good legal writing from the perspective of the Bench, and the Bar. In the context of litigation drafting, the course will offer students practical instruction about a litigation practice in general. The course will provide students with form litigation documents for their future use. Enrollment limited to 24. Seniors only. S/U (Pass/Fail)

LAW 536 Advanced Trial Practice 2 hrs

A continuation of the skills addressed in the basic Trial Practice course using the same methods. Trial Practice is a prerequisite. Enrollment limited to 24. Seniors only. S/U

LAW 437 Advising Small Business 2 hrs

The class will be divided into small law firms representing different parties in forming, financing, operating, and selling small businesses. Experienced practitioners will offer classes covering these subjects, including basic forms and how-to information. The student law firms will negotiate with opposing student firms, strike agreements and document agreements. Students will decide what research, reading and other work must be done to adequately represent the hypothetical client. Students will log their time, participate in firm meetings, prepare a firm agreement and engage in other activities analogous to small firm practice. Grades will be awarded to the firm based

upon the firm's performance and, in consultation with the professor, may be divided unevenly or unevenly among the firm members based upon the contribution of the particular individual to the firm. No pre-requisites, but a background in business, tax or transactional courses would be helpful. Spring semester. Limited enrollment of 17. Seniors only. Numerical grade.

LAW 150 American Constitutional System 4 hrs

This course focuses on significant cases interpreting the Constitution of the United States. The course examines the way in which the Constitution has been interpreted to distribute the power of decision-making in our governmental system among the branches of our federal government, the state governments, and individuals.

LAW 509 American Legal History 3 hrs

We will examine issues and themes of American law from the 18th Century to the present. We will look at the development of some areas of "traditionally" substantive law, such as Torts and Contracts, as well as other areas of substantive law, such as Slavery and Labor. We will explore the relationship between law and society in a number of areas, including race and gender, with attention to how law shapes society and how society shapes law. We will also consider the meaning of American law in the context of American democracy. The course will have a final examination and students may have written assignments at the professor's discretion.

LAW 403 Antitrust 3 hrs

A study of federal regulation of private economic activities and private economic power through the Sherman, Clayton, and Federal Trade Commission Acts, including discussion of relevant economic concepts.

LAW 401 Appellate Practice 3 hrs

LAW 412 Business Associations 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 537 Business Planning 2 hrs

Business planning will be based upon hypothetical cases in the life cycle of a business enterprise, including the organization of a new business entity, adjustment of the entity to accommodate additional participants and investors, and sale or other termination of the business entity. The focus will be on small, or closely held, businesses. Students will analyze the factual situations, prepare memoranda recommending particular legal strategies, and draft legal documents, for example, partnership agreements or patent license agreements, that are necessary to execute their recommendations. Pre-requisite: Business Associations. Limited enrollment of 20 students. Seniors only. S/U (Pass/Fail).

LAW 411 Business 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 24. Seniors only. S/U

LAW 203 Civil Lawsuits 3 hrs

This course focuses on the procedural outline and strategic nature of the civil action. Specific sub-topics include case theory and management, remedies, pleading, the

obligations of advocates, dispositive pretrial motions (including motions for summary judgment and legal insufficiency.) Joinder of parties and claims, discovery, voluntary and involuntary dismissal, default, settlement, the nature and scope of jury trial, trial and post-trial motions, and appeal. The course includes exposure to litigation documents, and an examination of the extent to which judgments preclude the relitigation of claims and issues.

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 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 427 Commercial Law: Payment Systems 3 hrs

This course examines the law of commercial payment systems. Articles 3 and 4 of the Uniform Commercial Code will be considered, as well as applicable federal law. Coverage includes the concept of negotiability, the liability of parties and the rights of holders of checks and notes. The law of bank deposits and collections, and the legal

relationship between banks and their customers will be discussed. The law of credit cards and electronic funds transfer systems also will be considered.

LAW 428 Commercial Transactions 3 hrs

This is a course on secured transactions and commercial lawyering. Emphasis will be on the creation, perfection, and maintenance of security interests under Article 9 of the Uniform Commercial Code. We will also address in depth issues of priority which result from the creation of security interests.

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-

LAW 107 Contracts 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 521 Corporate Issues Seminar 2 hrs

The seminar focuses on the theoretical and practical nature of the corporate entity, with some attention given to its historical development, sociological and political influence, and social responsibility. Students will complete a research paper on a topic of their choice and present it orally to the seminar. Pre-requisite: Business Associations. Enrollment limited to 15. Seniors only.

LAW 424 Corporate Tax 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 439 Crises in American Law Seminar 2 hrs

In this course, the student will focus on the use of oral history as a way of creating legal history. There will be instruction in techniques of selecting a subject for interview, interviewing, and editing for the purpose of recording and presenting meaningful historical information. Each student will be required to develop an oral history project, which will include selecting a subject for interview, interviewing the subject, and editing

and transcribing the interview. Interview subjects, most likely lawyers and judges, will be chosen based on their potential contribution to legal history, including Georgia legal history. The edited interview and a class presentation about the interview will be the primary grounds for evaluating a student's performance. The course intends to enhance the student's interviewing and writing skills as well as instill a sense of the importance of history and professionalism to law practice. Seniors only. Enrollment limited to 15.

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.

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 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 526 Federal Partnership Tax 3 hrs

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 610 Florida Constitutional Law 1 hr

A study of principles and operation of the Florida Constitution. Topics include general limitations on the state legislative power, the constitutionally ordained structure and operation of the judiciary and local government, limitations on state and local taxing and borrowing power, and selected elements of the Declaration of Rights not duplicative of the U.S. Constitution. (Short, intensive course scheduled over a long weekend.) S/U. Seniors only.

LAW 528 Foreign & Comparative Law Seminar 2 hrs

The seminar will focus on advanced issues involved in working with foreign legal systems and the comparative legal method as well as the evolution of world legal systems. Comparative Law, IBT-LIT or Common Market Law recommended as a prerequisite. Spring Semester. Enrollment limited to 15. Seniors only

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 468 Health Care Law 3 hrs

This course examines problems in health care delivery from the perspectives of consumers and providers. The major issues explored are: (1) quality of care including

licensing and malpractice; (2) organization of the health care system including professional relationships and new organizational structures; (3) financing of medical care through private insurance and public programs and; (4) access to care including legal obligations to provide care. We will explore the traditional common-law response to these issues and contrast it with statutory and regulatory reforms as well as proposals advocating free market reforms.

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 202 Income Tax 3 hrs

This course is a study of the fundamental principles of the Federal income tax system as applied to individuals, including the concepts of income, allowable deductions and limitations on deductions, and the characterization of gains and losses. The course stresses reading and applying the Internal Revenue Code. Other course materials include Treasury regulations, administrative pronouncements, and decided cases.

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 475 Individual Rights 3 credits

A study of individual rights and liberties under the First Amendment to the U.S. Constitution including the rights to free speech, free press and individual rights under the religion clauses. May be taken 3rd or 5th semester.

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 486 Intellectual Property 3 hrs

An overview of laws that secure rights in, and provide for the marketing of, patents, copyrights, trademarks, trade secrets, publicity rights, and personal data. Open to all upper-class students.

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 200 Introduction to Counseling 1 hr

This one-week workshop focuses on how lawyers interview, counsel and otherwise assist clients to identify and solve problems. Pass/fail grade is based upon full attendance, participation and completion of simulations. S/U (Pass/Fail).

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 151 Jurisdiction & Judgments 3 hrs

This course treats subject matter jurisdiction, personal jurisdiction, venue, transfer, notice, opportunity to be heard and the Erie problem. In addition, it introduces enforcement of judgments and res judicata and collateral estoppel. The course provides some continuity for first-year students by presenting extended common-law case sequences that develop case analysis skills through the second semester. It also presents opportunities for careful parsing of statutory text.

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 499 Labor Arbitration 2 hrs

This course will consider labor arbitration. Topics covered are judicial review of arbitration awards, ethics and professional responsibility of arbitrators, arbitration awards and public policy, arbitration and individual rights. Each student will be required to author two arbitration awards. Enrollment limited to 16. Seniors only. S/U (Pass/Fail)

LAW 501 Labor Law I 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 502 Labor Law II 3 hrs

Key issues to be addressed include strikes, boycotts and picketing; the relationship between the individual and the union; regulation of union affairs; the pre-emption of state labor laws; and the relationship between labor and anti-trust law. This Seminar addresses the substantive issues formerly addressed in Labor Law II. Enrollment limited to 15. Seniors only.

LAW 503 Land Use Planning 2 hrs

A survey of legislative, administrative and judicial controls on the development and use of real property. Attention will be given to planning & zoning, subdivision control, housing codes, environmental protection, livability and sustainable communities. Numerical grade.

LAW 498 Law & Economics 3 hrs

This course explores current issues in the interplay between law and economics. For example, who “owns” wildlife, natural resources, pollution, DNA, body parts, fetuses, art, trademarks, discoveries and ideas? Are contract, tort and criminal law principles efficient? Should government regulate sports leagues, banking, cable t.v., and the professions? No economics background required.

LAW 533 Law & Health Care Seminar 2 hrs

This course supplements the Health Law and Bioethics & Law courses and provides an opportunity for students who have an interest in health law to develop a broader understanding of issues that are either not addressed in the basic courses or are not

addressed at the level of detail that is possible in a seminar setting. Topics vary depending upon student interest. Students may, with the consent of the instructor, select a topic of interest to them. Oncoming topics available for students who wish to participate in them include: (1) access to in-home medical care for severely impaired children; and (2) access to family planning and reproductive services for teenage girls. Although this course supplements Health Law and Bioethics & Law, students who have not taken these courses may take the seminar with permission of instructor. Research paper required. Limited enrollment. Seniors only. Spring semester. Numerical grading or S/U (Pass/Fail) may be selected at the time of enrollment.

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 630 Law, Literature & Philosophy Seminar 2 hrs

A readings course which examines the relationship between law, literature and philosophy. The readings will introduce the student to various current movements in legal theory, including critical legal studies, feminist critiques, and law and literature, among others. No special background in philosophy will be assumed. A series of short papers is required. Spring Semester. Enrollment limited to 15. Seniors only.

LAW 302 Law of Lawyering 2 hrs

Law of Lawyering is primarily concerned with the ethical and legal regulation of the legal profession covering such topics as conflicts of interests, confidentiality, attorney-client

privilege, malpractice, lawyer-client decision-making, and other similar issues. The various rules studied are the rules most frequently encountered by all practitioners. In addition to studying ethical and legal regulation, this course also addresses the ethics of our practice more generally and, most especially, the question of what we mean when we say that someone is a good lawyer. This course is required by the Law School, by the Georgia Supreme Court, and by the American Bar Association.

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 511 Legal Ethics 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 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 152**Legal Writing****3 hrs**

This course introduces most of the basic research sources, computer-assisted research and objective legal writing. The writing portion of the course emphasizes the organization of a legal discussion and the use of authorities. Open library research tasks are spread throughout the semester, and form the basis of some of the writing assignments. The course also covers basic citation form, style and usage. The course requires completion of several drafts of at least two major writing assignments; open library research assignments and other class assignments; computer-assisted research training; and a final examination.

LAW 512**Legislation****3 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 524 Municipal Corporations Seminar 2 hrs

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 525 Negotiations 2 hrs

The course is designed to enable students to develop skills in negotiating settlement. Students will be divided into two-person law firms. The firms will be “retained” by a client (husband or wife) who wishes to divorce their spouse. Students will interview their clients, conduct discovery and then negotiate a settlement with opposing counsel. The course will begin with readings, lectures and class discussion on interviewing, counseling and negotiation techniques and strategies. Much of this professional activity will be videotaped and reviewed. There will be no exam in the course. Students will be graded on the quality of their class performance, practicum, terms of settlement, and the drafting of interrogatories and a settlement agreement. Domestic Relations is a prerequisite. May not be taken simultaneously with Case Settlement Negotiations. Spring Semester. Limited enrollment. 3L’s 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 567 Pre-Trial Practice 2 hrs

Students will examine and use the tools of civil discovery. Working in teams, you will plan and implement a discovery program. Most of your work will focus on drafting discovery documents, including interrogatories, document requests, requests for admission, a request for sanctions, objections to discovery requests and the like. You will also be responsible for preparing and arguing one major pretrial motion, including a short brief. If time permits, you will also take a deposition. Although the class is scheduled for three hours, no one meets for more than two hours, except when it comes to depositions and settlements negotiations. Otherwise, frankly, most of your work is done outside of class time. Enrollment limited to 16. Seniors only. Numerical grade. Taught S/U Spring 2005 only.

LAW 469 Problems in Income Tax 2 hrs

A more detailed study of areas which were touched upon, or not covered at all, in Income Tax, such as nonrecognition provisions, net operating losses, limitations on loss deductions (at-risk rules, passive activity losses, etc.), original issue discount, and advanced capital gains. Income Tax is a prerequisite. Open to 2L and 3L students.

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 532 Product Liability 3 hrs

A discussion of the theoretical and practical problems in connection with claims for damages resulting from defective products.

LAW 116 Property 4 hrs

This course examines the history and development of the Anglo-American system of real property rights, estates in land, possessory and non-possessory interests and assorted legal doctrines, both ancient and modern, involving real and personal property interests.

LAW 540 Real Estate Transactions 2 hrs

A study of the basic elements of a real estate transaction, the methods of financing the purchase of residential property, priority of claims at common law and under the recording system and other methods of title assurance, transfers of interests in encumbered real property, and mortgage foreclosures, concluding with a study of the elements of a commercial real estate transaction.

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 153 Sales 3 hrs

This course explores the law of the sale and lease of goods primarily through a series of problems designed to encourage the student to concentrate on the exact statutory language in the Uniform Code and related federal statutes. The goals of the course are to impart some knowledge of the commercial background necessary to a full understanding of that law and to teach the methodology of the Uniform Commercial Code.

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 553 Sports Law Seminar 2 hrs

Weekly discussion topics include Agent Representation of the Professional and College Athletes, the Professional Team Sports Player in Contract, Anti-Trust and Collective Bargaining, Professional Sports Franchises, Sports Broadcasting, Merchandising and Intellectual Property Law, Commissioners and “the best interests of the game,” Intercollegiate Sports and NCAA Regulation, Gender Equity, Individual Sports, and Disability and the Right to Play. Weiler and Roberts, SPORTS AND THE LAW, 3rd ed., and handouts serve as background for the weekly discussions. There will be at least one guest who will address one or more of the seminar topics. A seminar paper is required. Prerequisite: Anti-Trust or Labor Law. Limit: 15 (Seniors only).

LAW 154 Statutory Law & Analysis 2 hrs

This course will cover the fundamental skills involved in reading, understanding, and applying statutory language to the resolution of a legal issue. The students will learn about methods of statutory interpretation and will be required to apply these skills throughout the semester to various hypothetical fact scenarios. The course will cover the parts of a statute, the interrelationship between statutes and other sources of law, and the methods of reading and interpreting statutes.

LAW 555 **Tax Research** **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 454 **Taxation of Estates, Gifts and Trusts** **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 119 **Torts** **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 462 White Collar Crime Seminar 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 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.