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Course Catalogue 1995-1996

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COURSE CATALOGUE
ACADEMIC YEAR 1995-1996

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 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 643 Advanced Legal Research 2 hrs

The purpose of the course is to develop research skills in both print and electronic legal research resources. Through exercises and projects, which may include class presentations, students have the opportunity to select and use a wide range of legal and law-related resources. The course covers state and federal judicial, legislative and administrative materials as well as the use of finding tools, legal commentary, forms and trial preparation resources. Research strategies and efficient and cost-effective use of online legal research sources, including but not limited to Lexis and Westlaw, are

emphasized. Enrollment limited to 15. Offered during Fall and Spring Semesters. Open to 3Ls only during Fall Semester; open to 2Ls only during Spring Semester.

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 560 Advanced Torts 3 hrs

This course addresses selected topics in the law of civil liability that are not covered in depth in the first-year Torts course. Torts II addresses products liability, defamation, and business torts (including fraud, misrepresentation and interference with contractual relationships), nuisance, and defenses based on premises owners’ limited duty, immunities, and the statute of limitations.

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 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 439**American Legal History 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 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 655 Bioethics & the Law 3 hrs

This course examines the interaction of ethics, medicine and law. Topics vary from year to year, but may include: defining death; "the right to die"; doctor-assisted suicide; informed consent; defining life; human reproduction, including abortion, sterilization, artificial insemination, in vitro fertilization, surrogacy and genetic screening; and access to advanced technology. The focus is on an examination of the law covering these issues and the relationship of various ethical framework for analyzing these issues to this law. Examination.

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 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 632 Case Settlement Negotiation 2 hrs

Students will evaluate the strengths and weaknesses of their hypothetical clients' cases and attempt to negotiate a favorable settlement with the opposing party. May not be taken simultaneously with Negotiations. Enrollment limited to 16. Seniors only. S/U (Pass/Fail).

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 631**Civil Rights****2 hrs**

A survey of the principal statutes designed to provide remedies for the deprivation of civil and political rights protected by the constitution and federal laws. The centerpiece of this study is the Ku Klux Klan Act of 1871, 42 U.S.C. § 1983. Topics receiving particular emphasis include the expansion and contraction in the scope of actionable claims, defenses, and remedies since the Supreme Court revitalized Section 1983 in the early 1960's; the federalism and state comity policies, expressed in such issues as collateral estoppel and res judicata, abstention and sovereign immunity; procedural and remedial dilemmas, including the interplay of overlapping federal and state remedies and of multiple federal remedies; the apparent impact of calendar congestion on the Court's approach to statutory interpretation; and the respective roles of Congress and the Supreme Court in civil rights enforcement. Also surveyed are selected Reconstruction era and contemporary statutes. Graded paper or litigation document at election of individual student. Seniors only. Numerical grade.

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 have won the ABA's Southeast Regional Competition in 1989, 1996, 1997 and 2001.

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 638 Comparative Law Seminar 2 hrs

Focusing in particular on the Western Civil Law tradition, while also giving consideration to non-Western legal traditions, the seminar seeks to familiarize participants with the comparative legal method, by exploring the similarities and differences between legal systems and the mental processes of their legal actors. Topics covered during the seminar meetings will be selected from the following: the uses of the comparative method; classification of legal systems; the social reach of legal systems; the concept of legal traditions; the historical development of legal systems; legal education and legal professions; organization of courts; procedure; divisions between fields of law; sources of law; political, social and moral elements in substantive law and selective coverage of areas of substantive law. Participants will write a paper on a topic related to the subject

matter of the seminar and will make presentations during the seminar meetings based on assigned readings and research for their papers. No prerequisites. S/U

LAW 422 Conflict of Laws 3 hrs

Principles employed in cases involving interstate elements with the major emphasis on law that should, may, or must apply. The jurisdiction of courts and the effect of out-of-state judgments is also covered. Some attention will be paid to Georgia conflicts law.

LAW 423 Constitutional Law Seminar 2 hrs

The course permits in-depth analysis of major problems in Constitutional Law. Active participation by all students is emphasized. Limited enrollment. Seniors only.

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 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 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 649 Current Issues/Environmental Law Seminar 2 hrs

This course will supplement the introductory environmental law course and will provide an opportunity for students who have an interest in environmental law to develop a broader understanding of issues that are either not addressed in the introductory course, or are not addressed at the level of detail that is possible in a seminar setting. Topics will vary from year to year and may include: public resource management, natural resource management, toxic torts, pollution, prevention, environmental justice, international environmental law, regulation of hazardous waste and toxic substances, and regulation of air and water pollution. Although this course supplements the introductory environmental law course, students who have not taken the introductory course may take the seminar with permission of instructor. Research paper required. Enrollment limited to 15. Seniors only. S/U

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 650**Divorce Mediation****2 hrs**

The course is designed to enable students to develop skills needed by attorneys or mediators in mediations of divorce issues, including child custody, visitation, property division, and alimony. The course will consider, in addition to the skills of mediation, distinctions between mediation and other forms of settling disputes and substantive law issues relevant to mediation, such as confidentiality of the process and product of mediation. For students who do not meet the attendance requirement, a research paper is required. Domestic Relations is a prerequisite. Enrollment limited to 24. Seniors only. Pass/Fail (Taught as a spring semester, advanced skills course until fall 2005.)

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 444**Domestic Relations Seminar****2 hrs**

This course will focus on issues in the areas of family law that are not covered in Domestic Relations or that are worthy of more in-depth study than is possible in the basic course. The specific areas of focus may differ from year to year. One substantial research paper will be required in lieu of an examination. Domestic Relations is a prerequisite or corequisite. Enrollment limited to 15. Seniors only. Pass/Fail

LAW 448**Employment Discrimination****3 hrs**

A study of contemporary and Reconstruction federal legislation prohibiting discrimination in private and public employment on the basis of race, sex, religion, national origin, age and disability. Particular attention is given to interactions among Congress, the courts, and administrative agencies. The course concludes with a

consideration of the several settings in which employers and government contractors may use race-preferential affirmative action. No prerequisites. 3Ls.

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 418 European Community 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 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 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 653 Federal Tax Procedure 2 hrs

Federal Tax Procedure covers the chronology of tax litigation, from assessment by the IRS to final disposition of the case by settlement or court decision. The course will cover tax disputes, including IRS assessment authority, statutes of limitation on assessment, choice of forum, Tax Court jurisdiction, overpayments and refund procedures. Preparation of a short tax protest and Tax Court petition will be required. The course will be graded, with the grade based on an examination towards the end of the course that will be worth 60% of the final grade, and on evaluation of the writing projects. Enrollment limited to 25. Spring Semester. Seniors only. Not offered 1997-98.

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 641 Foreign and 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 459 Gender & Law Seminar 2 hrs

Selected readings and topics in feminist legal theory with a focus on its application to: feminist/egalitarian legal scholarship; the implications of identical human rights standards for women; gender difference relevance; reproductive rights and the right to privacy. A significant research paper required. Some of the papers will be used as the basis for classroom discussions. Enrollment limited to 15. Seniors only. Numerical grade.

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 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 528 Internationalization 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 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 300 Introduction to Dispute Resolution 1 hr

This one-week workshop explores the many alternative ways of resolving disputes, particularly negotiation. 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 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 Seminar 2 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 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 651 Law of Finance 3 hrs

How and why law governs the creation, exchange and oversight of diverse financial resources like money, deposits, loans, securities, insurance, derivatives, and other financial instruments. Also, how and why financial intermediaries are regulated. This course takes a multi-disciplinary approach to the intermingled worlds of banking law, securities regulation, insurance and finance. It is designed for students seeking a general survey of financial law before representing banks, corporations, governmental agencies, insurers and individual investors in financial matters. No prerequisites. Spring Semester.

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 111 Legal Analysis 1 hr

This course covers formulating a rule of law from one or more legal authorities, placing the rule in a rule-structure, analyzing the application of that rule to a set of facts and organizing a written legal discussion of that analysis. It requires completion of weekly exercises and attendance at all classes (or make-up of any absences). Pass/Fail.

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 152 Legal Res. & 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 207 Legal Writing II 3 hrs

This course continues the work on the basic writing skills introduced in Legal Writing, but now in the context of trial and appellate persuasive writing, emphasizing principles of large scale organization and advocacy. Some additional research experience and training are provided. Course requires delivery of an oral argument; completion of several drafts of at least two major writing assignments and additional class assignments; and computer research training.

LAW 447 Mass Media Seminar 2 hrs

This seminar covers the theoretical basis for regulation of broadcasting by the Federal Communications Commission; the legal, technological, and economic structure that has produced our system of electronic media regulation; laws and regulations which apply specifically to electronic media; finally, some of the more important laws applicable to both print and electronic media. A seminar paper is required. No prerequisites are required, but it is suggested that students complete one course in the Administrative Block before enrolling in the seminar. Enrollment limited to 15. Seniors only

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 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 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 642 Problems in Georgia Tort Law 2 hrs

To gain a unique perspective on torts through the analysis of the law of a specific jurisdiction, students will research principles of Georgia tort law and procedure directly applicable to practice. The course will focus on arriving at legal solutions to factual situations that are likely to arise in a typical torts practice. The students' analysis will be refined through class discussion and instructor critique. Seniors only. S/U (Pass/Fail)

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 640 Problems in Trial Evidence 2 hrs

Students will research, brief and orally present courtroom arguments of relatively to highly complex evidentiary issues as they might arise in the pre-trial and mid-trial stages of civil and criminal cases. Limited enrollment of 16. Trial Practice is a pre-requisite. Computer skills advised. Seniors only. S/U

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 487 **Prosecuting Crimes** **2 hrs**

This course is designed to provide a practical introduction to the role of criminal prosecutor. Each weekly class will focus on a discrete stage in the prosecution of a crime, from pre-indictment case preparation and the grand jury process through pretrial motions and trial preparation to post-trial remedies. Professional and ethical considerations will be incorporated throughout. In addition to regular class meetings, where possible, students will be placed with a mentor-prosecutor in state or federal offices. A portion of each class will be devoted to evaluating the student's field experiences. Spring Semester. Enrollment limited to 12. Seniors only.

LAW 635 **Public Interest Practicum** **1 - 3 hrs**

This course offers students one, two or three credit hours of independent study achieved through participation in an ongoing public interest legal project under the direction of a practicing attorney. It requires the active participation of a full-time faculty member. The course is available to any student after their first year, or the summer between those semesters, who can arrange placement in a project approved by the participating faculty member. The student may receive no compensation for participation. The amount of credit received is determined by the student and faculty

member, dependent primarily upon the student's time commitment and secondarily upon the faculty member's evaluation of the role the student will play in the project. The faculty member and student must approve some means of evaluating performance, such as a series of short memos, maintenance of a diary, preparation of pleadings and motions, or the like. Students may design their own practicum and seek a faculty sponsor, or apply for a practicum that already has a faculty sponsor. A student may register for only one practicum per semester. Students may take more than one practicum, but no more than four credit hours will count toward the required hours for graduation. Further information is available from the Registrar's Office. Credit varies (1-3 hrs)

LAW 636 **Race, Racism and American Law Seminar** **2 hrs**

This seminar explores the way in which law is used both to combat and to legitimate racism in American society and will trace the relationship between racism and American law from the colonial period to the beginning of the 20th century. It will cover the Houston/Marshall legal strategy to dismantle separate but equal as an equal protection standard, and focus on current racism issues in the contexts of the criminal justice system, voting, education, housing, employment and domestic relations. There will be special attention to the theory of affirmative action and related remedial concepts. Readings for the seminar will consist of the 1991 Civil Rights Act, selected court opinions and Professor Derrick Bell's treatise, *Race, Racism and American Law* and selected articles. A paper on a topic covered in the seminar will be required. Fall Semester. Enrollment limited to 15. Seniors only.

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 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 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 656 Tort Law Seminar 2 hrs

The seminar will focus on selected current issues in the law of torts in the context of the classical principles of civil liability. Reading assignments will include in-depth analytical treatments of landmark judicial decisions in the law of torts, as well as contemporary cases and statutes. Each student will prepare a research paper on a current topic, chosen with the approval of the instructor and will present the results of their research to the class in the latter weeks of the course. Enrollment limited to 15. Seniors 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 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.