

Mercer University School of Law

## Mercer Law School Digital Commons

---

Office of the Registrar

Archives

---

1998

### Course Catalogue 1998-1999

Mercer University School of Law

Follow this and additional works at: <https://digitalcommons.law.mercer.edu/registrar>

---

**COURSE CATALOGUE**  
**ACADEMIC YEAR 1998-1999**

**LAW 533                      Access to Health Care Law 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 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 659                      Advanced Transactional Drafting                      2 hrs**

This course will explore issues surrounding the drafting of business-related documents. We will draft a number of different documents during the course of the semester. We will discuss the use and misuse of form books, the importance of language in this type of drafting, the role of the business attorney, and the viability of the “plain English” movement. The course will offer students practical instruction about various areas of a general business practice. Numerically graded. Enrollment limited to 24. Seniors only.

**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 661                      Advanced Writing Group                      1 hr**

Sections of this course consist of approximately 5 students and meet one hour a week. Most weeks the group will respond to a piece of writing, sometimes a piece written by a group member and sometimes a piece written by a lawyer or other author. The group will read examples of good writing; read and edit examples of weak writing; work on selected topics of grammar and style; and study advanced writing techniques. The course is graded and carries one credit per semester. Enrollment is limited to students enrolled in the Advanced Legal Writing Certificate Program.

**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 18<sup>th</sup> 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 frameworks 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 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 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 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 110                      Criminal Law    3 hrs**

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

**LAW 432                      Criminal Procedure                                      3 hrs**

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

**LAW 440                      Debtor Creditor Relations                      3 hrs**

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

**LAW 441                      Decedents' Estates & Trusts                      3 hrs**

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

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

**LAW 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 649                      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 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 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 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 3<sup>rd</sup> or 5<sup>th</sup> 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 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 660                      Jurisprudence of Legal Practice & Legal Ed Seminar                      2 hrs**

In this seminar we shall study various jurisprudential ideas and various ideals that have shaped the development of U.S. legal practice and legal education since the founding of the Republic until the present day. Our purpose is to help us become more reflective legal professionals who understand the power of ideas and ideals in shaping our social and professional realities, so that we can choose more consciously, and commit more resolutely to, those ideals of professional excellence we want to guide us in our professional lives. Such ideals of professional excellence are at the heart of the concept of professionalism. The seminar, then, builds upon the foundation provided in the first year Legal Profession course by continuing to explore the question what it means to become a lawyer/person of good judgment and how the answer to that particular question relates to the overall question, "What kind of person/lawyer (who) do I want to be?" Part One of the seminar (7 weeks) will address the jurisprudence of legal practice. We will read and seek to evaluate Anthony Kronman's book "The Lost Lawyer: Failing Ideals of the Legal Profession" (1993). In his book, Kronman analyzes and celebrates the classic professional ideal of the lawyer-statesman, possessing the virtues of practical wisdom and civic-mindedness, which was highly influential during the early part of the nineteenth-century and which has continued to be influential since that time. Kronman also examines various institutional forces in law firms, court and law schools that have put pressure on the lawyer-statesman ideal and that have generated various competing professional ideals. Part Two of the seminar (3 weeks) addresses the jurisprudence of legal education. We will study a succession of jurisprudential

ideas, as well as their impact upon the lawyer-statesman ideal (thereby also continuing a theme of Part One of the seminar). These ideas include: classical common law and natural law theory, Langdellian legal science, sociological jurisprudence, American legal realism, legal process, jurisprudence, fundamental rights jurisprudence, law and economics, critical legal studies, feminist jurisprudence, the law and literature movement, and postmodern jurisprudence. In Part Three of the seminar (3 weeks), participants will present a paper on a topic related to the subject matter of the seminar. Participants will also make presentations based on the assigned readings during the meetings in Parts One and Two of the seminar. Enrollment limited to 15. Open to 2L and 3L students. S/U.

**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 504                      Law & Religion Seminar                      2 hrs**

The intersection of law and religion produces some of the most controversial issues in American jurisprudence. After a 3-4 week introduction to case law, each student will be required to produce a 20-25 page research manuscript on a topic of interest in the jurisprudence related to the religion clauses of the first amendment. Students can expect their work will go through multiple drafts before it is accepted as completed. Students will also present their paper to the entire class. Fall Semester. Enrollment limited to 15. Seniors. Not offered 1997-98.

**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                      3 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 522****Local Government Law****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 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)





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 20<sup>th</sup> 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 665                      Real Estate Finance                      2 hrs**

A course that surveys the financial issues attendant to the closing of a real estate transaction. The course will cover planning and zoning, a behind the scenes look at the bank's perspective on the secondary mortgage market, the mechanics of searching a title for transfer of ownership, closing a real estate transaction, and tax-deferred exchanging. Students will search a real estate title, draft intent letters and lien instruments. Pre-requisite: Real Estate Transactions. Seniors only. Enrollment limited to 20 students. S/U

**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 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, 3<sup>rd</sup> 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 459      Theories in Feminine Jurisprudence 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 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 560                      Torts II                      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 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.