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### Course Catalogue 2001-2002

Mercer University School of Law

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**COURSE CATALOGUE**  
**ACADEMIC YEAR 2001-2002**

**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 666                      Advanced Persuasive Writing                      2 hrs**

The course is open to all seniors. It will satisfy the advanced drafting requirement of the Legal Writing Certificate Program. Enrollment for this course is limited to 15 students. Not offered fall 2003.

**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 437****Advising Small Business****2 hrs**

The class will be divided into small law firms representing different parties in forming, financing, operating, and selling small businesses. Experienced practitioners will offer classes covering these subjects, including basic forms and how-to information. The student law firms will negotiate with opposing student firms, strike agreements and document agreements. Students will decide what research, reading and other work must be done to adequately represent the hypothetical client. Students will log their time, participate in firm meetings, prepare a firm agreement and engage in other activities analogous to small firm practice. Grades will be awarded to the firm based upon the firm's performance and, in consultation with the professor, may be divided unevenly or unevenly among the firm members based upon the contribution of the particular individual to the firm. No pre-requisites, but a background in business, tax or transactional courses would be helpful. Spring semester. Limited enrollment of 17. Seniors only. Numerical grade.

**LAW 150****American Constitutional System****4 hrs**

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

**LAW 509****American Legal History****3 hrs**

We will examine issues and themes of American law from the 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 457                      Appellate Practice & Procedure                      2 hrs**

This course will cover topics of appellate procedure, including standards of review, timeliness, ripeness, harmless error, writs, preservation of error, preparation of the record, and court rules. Students will draft or review examples of the procedural documents relevant to an appeal, such as a Notice of Appeal, a Designation of Record, a Request for Oral Argument, an Enumeration of Errors, and a letter brief. Students will review a sample set of briefs (opening brief, responsive brief, and reply brief) but will not draft those documents. Reading for the course will include law review articles on topics pertaining to appellate legal writing. Finally, time permitting, the course will explore several principles of persuasion from the study of rhetoric, cognitive psychology, and/or jurisprudence. Students will make one presentation, do periodic small writing assignments, and take an examination. The course will be graded. Enrollment limit of 24.

**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 414****Civil Rights Seminar****2 hrs**

This seminar has two objectives. First, surveying the decisions of the last century and a quarter that have breathed life into, and then sapped life from, the Reconstruction-era statutes that even today account for more federal court filings than any other category of case. Second, affording an opportunity for class members to write a 15 to 20-page litigation document or, at their option, a paper, on a civil rights statutory topic (not a

general constitutional law topic) that each student chooses with the professor's assistance. Participation in class discussion will count as 50% of the course grade, with the litigation document or paper representing the remaining 50%. Seniors only.

Enrollment limited to 15.

**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 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 671                      Criminal Procedure--Constitutional Dimensions                      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. The coverage of this course complements the course entitled "Criminal Procedure: The Litigation Process," but neither course has a prerequisite. Second-year students only.

**LAW 670                      Criminal Procedure: The Litigation Process                      3 hrs**

This course focuses on the law governing the various steps in the process of litigating a criminal case, including pre-trial, trial, and post-trial phases. Topics include bail, prosecutorial discretion, preliminary hearings, grand jury review, the drafting of charges, discovery, plea negotiations, speedy trial, double jeopardy, pre-trial publicity, jury selection, joinder of charges and defendants, various aspects of trial procedure, and general principles of appellate review. The coverage of this course complements the course entitled "Criminal Procedure: Constitutional Dimensions," but neither course has a prerequisite.

**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 669                      Environmental Law Practice                      2 hrs**

The course is designed to enable students to develop skills needed by attorneys that practice environmental law or that encounter environmental law in their general practice of law. Skills will include client and witness interviewing and counseling, researching and finding the law, drafting and reviewing environmental documents or environmental provisions in business or real estate documents, working with administrative agencies on policy development (e.g., commenting on rulemakings) or in an adjudicatory setting (e.g., applying for a permit, negotiating with an agency in an enforcement proceeding, or participating in mediation or similar dispute resolution processes), and trial advocacy. The course will be taught through a combination of lecture, simulations, and written assignments. S/U (Pass/Fail). Seniors only. Limited to 16 students.

**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 471                      Ethics in Litigation Seminar                      2 hrs**

This seminar will cover in depth a series of advanced problems of ethics and professionalism that trial lawyers face. Topics may include the ethical roles of supervisory and subordinate lawyers, investigations, class actions, the hiring and use of experts, settlement negotiations, witness preparation, depositions, non-deposition discovery issues, jury selection, trial tactics, gender and racial bias, and billing and collection issues. The students will prepare a paper. S/U

**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 490****Fundamental Perspectives on Law****3 hrs**

This general, graded course will explore three types of fundamental perspectives on Western law and Western legal systems – the perspective of legal history, the perspective of jurisprudence, and the perspective of comparative law. It will do so by weaving these three fundamental perspectives together into a single integrated narrative that traces the development of law and legal institutions, and jurisprudential ideas about law and legal institutions, from the ancient Greeks until modern times, while making appropriate comparisons along the way. After briefly introducing the areas of legal history, jurisprudence and comparative law, the course in Fall 2006 will seek to cover all or most of the following topics: (1) ancient Greece and the Greek philosophical tradition; (2) ancient Rome and the Roman legal tradition; (3) ancient Israel and the Judaeo-Christian religious tradition; (4) early medieval Europe, the Roman Catholic tradition and the German folklaw tradition; (5) later medieval and premodern Europe, the reworking/synthesis of preexisting traditions, and the emergence of the civil law and

common law legal traditions; (6) earlier modern European civilization and the origin of the liberal-democratic tradition; (7) modern Western civilization in the nineteenth century, and the development of the liberal-democratic tradition; (8) law and legal systems in liberal-democratic societies during the later modern and postmodern era; (9) concluding perspectives: characteristics of the Western legal tradition; the end of history or the clash of civilizations? It is planned to administer a take-home examination, the logistics of which will be determined in consultation with members of the class. Open to 2L and 3L students.

**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 675                      Great Trials Seminar                      2 hrs**

This seminar serves as a capstone course for students interested in becoming trial lawyers. Through in-depth study of famous trials and the lawyers who tried them, students will draw out the lessons that can be learned about trial practice and procedure, trial techniques, the law of evidence and ethical issues. The seminar also will expose students to some of the history of the trial process and the legal profession. With the advice and consent of the instructor, each student will select a significant criminal, civil, foreign or international trial to study. Each student will write a

paper about the trial and make a presentation to the seminar class. Enrollment limited to 15. S/U (Pass/Fail). Seniors only.

**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 470      Health Care Law      2 hrs**

This course looks at administrative regulation and liability as strategies of assuring quality of health care services. Among the topics covered in this course are: the licensing of health care providers; discipline of professionals; staff privilege disputes; tort liability of individual providers; tort liability of institutions; hospital liability for “patient dumptin”; liability of managed care organizations (including ERISA preemption of state tort claims and state and federal “patient’s bill of rights” statutes); tort reform targeting suits against health care providers; constitutional challenges to such legislation; and th empirical dimensions of tort litigation against health care providers. Seniors only.

**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 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 446                      Internet Law Issues                      2 hrs**

Examination of legal issues relating to various aspects of the Internet, including jurisdiction, intellectual property issues (trademark, copyright, domain name disputes, and others), meta-tagging, linking and framing, unsolicited commercial email, system security, electronic commerce, defamation and other tort liability, privacy, ISP liability, telecommunications, and other internet-related areas. No prerequisites. Third-year students only. Pass/Fail (S/U). No enrollment limit.

**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 103                      Introduction to Legal Research                      1 hr**

A one-credit, graded legal research course that meets in the early weeks of the fall semester and the spring semester. The classes are taught by the professional librarians and cover print and electronic formats used for researching state and federal judicial, administrative, statutory and secondary sources. The course requires assignments, class attendance, and an exam to be given in late February.

**LAW 442                      Judicial Field Placement                      3 hrs**

The student will perform research and writing assignments for his or her judge and is expected to attend hearings, trials, and other proceedings. The student is expected to keep a contemporaneous journal of the activities for his or her court and to turn it in at

the end of the internship. The journal's contents should be edited to maintain confidences and otherwise to comply with the ethical and professional obligations of the intern to the court. To receive a satisfactory grade, the student must complete and submit the journal to the instructor and must receive a satisfactory evaluation from his or her judge. This course also includes a classroom component. The class will meet weekly and will cover topics and readings. To receive a satisfactory grade, the student must regularly attend class and participate in the discussion. Second year students only. Pass/fail, limited enrollment. 3 credits (2 practicum credits, 1 elective credit)

**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 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 Writing I                      3 hrs**

Legal Writing I covers research strategy, forms of legal reasoning, professionalism, and predictive legal writing. The course examines organizational paradigms and the use of authorities in analyzing questions governed by (1) a single-issue analysis; (2) a conjunctive analysis (a rule with mandatory elements); (3) a factors analysis (articulated

or unarticulated). Typically, at least one of the assignments will be based on a statute. The course teaches writing as a constructive process and requires completion of at least two major writing assignments (one state law and one federal law) and a final examination.

**LAW 207                      Legal Writing II                      3 hrs**

Legal Writing II continues coverage of research strategy, forms of legal reasoning, and professionalism, but now in the context of a new form of discourse--persuasion. The course examines organizational paradigms and the use of authorities in (1) questions governed by an articulated or unarticulated factors analysis; and (2) questions raising a pure issue of law. Students will study the standards of appellate review and will write at least one appellate brief. Typically, one of the assignments will require statutory construction. Course requirements include completion of at least two major writing assignments and two oral arguments.

**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 488                      Partnership Taxation                      2 hrs**

This course is an introduction to the taxation of partnerships including formation of a partnership; general tax rules of operations; partnership allocations; transactions between partners; and operating and liquidating distributions. Emphasis will be placed on problem solving. Seniors only. Income Tax is a prerequisite.

**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



between the goal of protecting local control of schools and the goal of vindicating constitutional rights. Among the broad topics this seminar will cover are: free speech rights of students and teachers in school settings; the application of the free exercise and establishment clause to school settings; the meaning of equal educational opportunity in relation to gender, race, class, and disability. Specific topics may include: school voucher and choice programs, school prayer, charter schools, national standards, school finance litigation, bilingual education, ability tracking, and school desegregation.

**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 667                      Race, Racism & American Law                      3 hrs**

This course explores the way in which law is used both to combat and to legitimate racism in American society. It 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. Reading will consist of three chapters from Higginbotham's, *In the Matter of Color*, selected court opinions, Professor Derrick Bell's treatise, *Race, Racism and American Law*, and selected articles. Each week of the semester, the last class hour will be devoted to a *Race, Racism and the American Law* hypothetical. Each hypothetical will highlight the topic discussion for that week through the vehicle of a lawsuit, an administrative hearing, or some other forum where at least two sides will be heard. For that hour, students will be assigned to prepare for the hypothetical. Preparation and presentation for the hypotheticals will count for 1/3 of the course grade. A paper for the course will count the other 2/3 of the grade.

**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 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, 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 449                                      State & Local Tax                                      2 hrs**

In this course, we will explore various legal aspects of state and local taxation – an often over-looked area of tax law. We will review the basics of “what is a tax”, examine various types of state and local taxes (e.g., property taxes, sales and use taxes, and income taxes), and explore the constitutional provisions affecting the ability of state and local governments to impose and/or collect these various taxes. This tax course will differ from most other tax courses you may have experienced in that, generally, there is no single “code” of statutes or regulations that govern the question of what is and what is not taxable. Instead, you should quickly realize that, for any given type of tax, the number of different possible scenarios for determining what is and what is not taxable is only limited by the number of different taxing jurisdictions. On the other hand, in this course, you will be exposed to some of the basic tax-law elements common to most jurisdictions and, thus, be able to better deal with the unique characteristics of a particular jurisdiction. Students interested in tax law, local government law, constitutional law, corporate law, and/or commercial law will enjoy this course.

Exam/Graded. Not offered spring 2003.

**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 456                      Taxation of Tax-Exempt Organizations Seminar                      2 hrs**

This course examines various aspects of tax-exempt organizations law, including historical development, rationales for existence, and certain state law issues. The bulk of the course involves a review and analysis of the many federal tax law affecting these organizations and their contributors. In addition to knowledge of tax law, knowledge of constitutional law is very helpful. Grades are computed based on one written analytical paper. If you have an interest in laws concerning tax theory/policy, healthcare, religion, education, low income individuals or the U.S. Constitution, you will love this course. Graded. Enrollment limited to 15.

**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 489                      Topics in the Jurisprudence of Crimes Seminar                      2 hrs**

The course addresses basic issues relating to the substance of crime and punishment: reasons for punishment; the appropriateness of incarceration rather than other forms of deterrence; the nature of criminal harm; the moral significance of harm; the role of causation in determining culpability; consent to crimes; objective and subjective views of criminality; the development of particular crimes and modes of criminality, e.g., conspiracy, accomplice liability, and so on. We will read material that sets out and reflects upon some of the primary philosophical foundations for our conceptions of



freedom and responsibility. Will require a major paper and journal. Although the amount of reading is manageable, the content is not for wimps. This spring, we will consider issues related to excuses and justifications in criminal jurisprudence. Numerical grade. Enrollment limited to 15. Seniors 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 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.