

Mercer University School of Law

Mercer Law School Digital Commons

Office of the Registrar

Archives

2007

Course Catalogue 2007-2008

Mercer University School of Law

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

COURSE CATALOGUE
ACADEMIC YEAR 2007-2008

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. Enrollment limited to 24. Seniors only. S/U (Pass/Fail).

LAW 469 Advanced Income Tax 2 hrs

A more detailed study of areas which were touched upon, or not covered at all, in Income Tax, such as nonrecognition provisions, net operating losses, limitations on loss deductions (at-risk rules, passive activity losses, etc.), original issue discount, and advanced capital gains. Income Tax is a prerequisite. Open to 2L and 3L students. Not offered 2006-07

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

Not offered Fall 2008. 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.

LAW 555 Adv Strategies In Lgl Argument 2 hrs

This course will consider how master brief-writers have changed the law and the lives of their clients by the skillful use of metaphor, narrative, policy, jurisprudence, and other advanced strategies for legal argument. We will learn the stories and analyze the briefs in some of the greatest cases of the last fifty years, such as Brown v. Board of

Education, *Furman v. Georgia*, *Bowers v. Hardwick*, *Miranda v. Arizona*, and *Gideon v. Wainwright*. We will also read briefs from more recent cases, such as *Kelo v. City of New London* and *Hamdan v. Rumsfeld*. The course will include several short writing projects. Graded.

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 429 American Indian Law Seminar 2 hrs

This seminar will examine the body of law dealing with the status of American Indian tribes, their special relationship to the federal government, and the governmental policies underlying that relationship. It will focus on the major questions in Indian law today, including the legal interrelationships among tribal, state, and federal governments; tribal gaming and economic development; claims of tribal membership and identity; and tribal rights to natural resources. Each student will prepare a research

paper on a current topic, chosen with the approval of the instructor, and will present the results of her or his research to the class. Grading will be based on the quality of the research paper, an oral presentation of that paper, and class participation. Limit: 15 students. Numerically graded. Open to 2L and 3L students. Not offered fall 2014.

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

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

LAW 496 **Animal Law Seminar** **2 hrs**

This seminar will examine the growing number of cases and statues addressing the legal protections accorded to non-human animals. The subject of animal law is not synonymous with the animal rights movement, nor with any particular political, moral, or ethical agenda. Recent activism in this field, however, has raised a number of interesting questions about the status of animals in the law. Attention will be given to statutory protections for chimpanzees, porpoises, and the great apes, regulatory restrictions on the uses of laboratory animals, lawsuits seeking compensation for the loss of companionship of pets, wills, creating trusts for the non-human beneficiaries, and animal cruelty and neglect statutes and their potential application to domestic livestock, veterinary practice, the entertainment industry, and hunting, horseracing and other sports. The course will consist of assigned readings of cases and secondary material and the supervised preparation of a research paper on a topic of each student’s choosing. 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.

LAW 659 Business 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. (Previously titled Advanced Transactional Drafting.)

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 305 Capital Punishment Law 3 hrs

The course offers an overview of the law governing the death penalty. After an initial look at the history of capital punishment, the bulk of the course will focus on constitutional issues under the Eighth and Fourteenth Amendments to the United States Constitution. In addition, the course will examine various statutory procedures for capital trials and emphasize practical aspects of prosecuting and defending capital

cases. Finally, we will explore political, sociological, moral, and religious arguments for and against the death penalty. Numerically graded course – grade based upon final exam and class participation. Open to second- and third-year students.

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 250 Civil Consequences of Arrests & Convictions 2 hrs

This course will examine the legal barriers that confront people with criminal records. Among the issues that will be considered are (1) the availability of arrest and conviction records; (2) the correction, supplementation, and purging of criminal records; (3) the availability of housing; (4) employment difficulties; and (5) effects on benefit programs. Each student will prepare a research paper on a current topic, chosen with the approval of the instructor, and will present the results of her or his research to the class. Grading will be based on the quality of the research paper, an oral presentation of that paper, and class participation. Numerically graded. (Not offered spring 2011)

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 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 428 Commercial Transactions 3 hrs

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

LAW 420 Comparative Law 3 hrs

The Comparative Law course in spring semester 2006, which bears the working subtitle of "Comparative Civilizations and Their Legal System," will seek to develop a basic familiarity with other legal systems in the world by exploring, in historical, jurisprudential and comparative perspective, the civilizations and legal traditions to which these legal systems belong. Such a basic familiarity is of great value to U.S. lawyers, both in their roles as legal practitioners and in their roles as leaders in society. Not only does such a familiarity help produce a breadth of outlook and habits of mind that enhance the quality of lawyers' work in general in both types of roles; in addition to this "liberalizing" effect, such familiarity is also central to helping lawyers in both types of roles meet the mounting challenges posed by growing U.S. involvement in an increasingly interdependent world, including challenges posed, for example, by expanding economic relations with other countries, expanding immigration from countries with radically different cultures, and expanding national security concerns. With these considerations in mind, the Comparative Law course in spring semester 2006 will seek to cover most of the following topics (with a special emphasis, within the list, on Islamic civilization and

the Islamic legal tradition): (1) Orienting perspectives (including an overview of legal systems in the world today and their classification with different civilizations and legal traditions); (2) Western civilization and the Western legal tradition (including a comparison of the civil law, common law, and (possibly) socialist law subtraditions); (3) Varying perspectives in broadening out to non-Western civilizations and their legal traditions – the “end of history,” a “clash of civilizations,” or ...? (4) Islamic civilization and the Islamic legal tradition; (5) Jewish civilization and the Jewish legal tradition; (6) Hindu civilization and the Hindu legal tradition; (7) Chinese civilization and the Chinese legal tradition; (8) Japanese civilization and the Japanese legal tradition; (9) Customary legal traditions of indigenous peoples (including those in Africa, Asia and Latin America); (10) Concluding perspectives. The course is graded. It is planned to administer a final take-home examination, the logistics of which will be determined in consultation with the class. Members of the class may also be asked to make one of more class presentations based on the material assigned (in part, this depends on the number of students enrolled.)

LAW 399 Comparative Constitutional Law Seminar 2 hrs

This class is a comparative survey of constitutionalism, ancient and modern. We will explore the theoretical foundations of constitutionalism, and discuss the implications of this widespread phenomenon. Of special interest will be the philosophical underpinnings of founding documents in historical context. We will review the different models of constitutionalism, paying particular attention to modern constitutional movements in Europe and Africa. Each student will choose a founding movement, and explore the constitutional development which flowed from that founding.

LAW 422 Conflict of Laws 3 hrs

This course surveys a topic that sometimes gives state or federal court litigators an edge in controversies (1) involving parties from different states; (2) those based on transactions occurring at least partly outside the forum state; and (3) those at issue in federal court but involving state law claims. We look first at traditional and modern

approaches taken by the 50 states to this question: on any given issue, should the forum state apply its own substantive law or that of another state? We then look at the general obligation of both federal and state courts to adhere to the judgments reached by other courts. We next examine special choice of law and litigation. And we conclude with a fuller examination of the Erie Railroad Co. decision and its implications for choice of law when state law claims are heard in federal courts.

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. Not offered 2006-07.

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.

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.

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 547 Death Penalty Clinic 3 hrs

Students will assist in the defense of death penalty cases at all levels under the joint supervision of staff attorneys at Georgia Capital Defenders, a state organization handling all indigent death penalty cases in Georgia, and an adjunct professor responsible for the quality of the educational experience. The clinic includes a classroom component as well as a requirement of team meetings with other students, individual conferences with the professor, and substantial written products from all students. While much of the work for the Clinic can be done locally, students must be willing and

able to travel to Atlanta for regular team meetings. The Clinic will require an average of twelve hours of work per week for three hours of pass/fail credit. Enrollment is limited to 8 with preference given to third-year students. Students will be expected to make a commitment to enroll for two semesters. Permission of the professor is required to enroll. Students who are taking or who have taken this clinic will not be eligible to enroll in the Public Defender Criminal Defense Clinic. Clinic hours will not count toward practicum limits, but students may not enroll in a practicum while enrolled in the clinic. S/U. Not offered spring 2008.

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 recommended but not required. 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 303 Disability Law 3 hrs

This course will examine the federal and state statutory and constitutional rights of persons with disabilities. The primary focus of the course will be the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. Topics to be covered include education, employment, entertainment, health care, housing, insurance, real estate, mental disability, sports, Social Security, state and local government,

telecommunications, torts, and transportation. The course will also cover the process through which administrative agencies make rules and adjudicatory decisions, and the constraints on judicial review of decisions made by those agencies.

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 252 Education Law 3 hrs

This course provides an overview of developments in education law and policy by examining the role of state and federal law and legal institutions in structuring American elementary and secondary education. We will consider school governance, teachers' rights and responsibilities, student disciplinary matters, school desegregation, and special education. In addition, the course will involve selected writings by historians, education policy experts and legal scholars regarding the interplay relative to the political and social policy objectives of educational institutions.

LAW 516 Higher Education Law and Policy Seminar 2 hrs

This course offers an introduction and overview of the laws relating to public schools, teachers and students, as well as the role of law regarding higher education institutions. The course covers a variety of important topics, such as legal issues that impact instructional programs, the rights and liabilities of teacher and students, and issues related to curriculum control, academic freedom, and institutional compliance and regulatory matters. In addition, the course examines federal and state law regarding student privacy concerns, gender equity, as well as constitutional protections of due process, equal protection and search and seizure. A seminar paper and a presentation of the paper will be required. Enrollment limited to 15. 3L's only. S/U

LAW 574 Effective & Affective Lawyering 2 hrs

The course covers the psychology of lawyering as it relates to the effective practice of law. This course includes an in-depth study of the science and theory of personality and affective assessments used by mental health professionals. The student will be able to apply these theories and techniques to all areas of "lawyering," including selecting juries, developing and maintaining relationships with clients, witnesses, and other lawyers, as well as making persuasive arguments to judges. Enrollment limited to 24.

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 664 Employment Law 3 hrs

This course will survey common-law and federal and state statutes regulating the relationship between an employer and an employee. Topics to be covered will include employment at will, terms and conditions of employment, public employment, employment discrimination, wages and hours, employee benefits, occupational safety, workers' compensation, and termination of the employment relationship. The course will not include coverage of 42 U.S.C. 1981, 42 U.S.C. 1983, or the National Labor Relations Act. (Courses on those statutes are discussed elsewhere. See Civil Rights, Employment Discrimination, and Labor Law.) May be taken 3rd or 5th semester.

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 455 Estate Planning 2 hrs

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

LAW 206 Evidence 3 hrs

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

LAW 443 Family Law 3 hrs

This course offers an introduction to family law in the United States today. Examples of topics covered include: marriage, non-marital relationships, parent-child relationships, divorce, custody, support, and the law's treatment of nontraditional families.

LAW 461 Federal Courts 3 hrs

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

LAW 462 **Federal Criminal Law** **2 hrs**

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

LAW 454 **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 475 **First Amendment Law** **3 credits**

A study of individual rights and liberties under the First Amendment to the U.S. Constitution including the rights to free speech, free press and individual rights under the religion clauses. May be taken 3rd or 5th semester. (Course was titled "Individual Rights." Renamed 10/15/03)

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 306 Habeas Project 3 hrs

This is a clinical course, and it is the only effort in Georgia to provide pro bono representation in non-capital state post-conviction matters (in Georgia, there is no right to counsel beyond one direct appeal). The Project provides client-centered representation (each student will handle 1-2 cases per semester), and the cases selected by the faculty supervisor allow students to grapple with important questions of constitutional criminal law. Under close faculty supervision, students will meet their clients; research potential issues; prepare an appellate theory; and write and ultimately file a brief or petition. In addition to working on cases, Project students will draft sections of a Pro Se Habeas Corpus Manual; will respond to legal questions from Georgia prisoners; and, on occasion, will offer amici curiae briefs in important cases before the Georgia Supreme Court. Qualified law students may sign briefs. The Project includes all procedural and substantive training necessary; the only pre-requisites are Criminal Law and Constitutional Law. Enrollment limit: 8. Enrollment is by application and permission of the faculty supervisor. Graded. May be taken up to two times.

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 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. (Prerequisite: International Law) S/U

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

satisfactory grade, the students complete and submit the journals to the instructor and must receive satisfactory evaluations from their judges. Students may register to receive 2 credits for 100 hours or 3 credits for 140 hours. The hours are inclusive of class time but exclusive of travel time. Preference will be given to students who register for 3 credits.

LAW 151 Jurisdiction & Judgments 3 hrs

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

LAW 492 Jurisprudence 3 hrs

An overview of the major concerns of legal theory, the validity of law and the legitimacy of legal systems, and the relative merits of hierarchical legal structures as opposed to decentralized, customary systems. The topics that are usually covered include: natural law, positivism, American and Scandinavian realism, Marxism, and the historical and anthropological schools of jurisprudence. Second-year students only.

LAW 494 Juvenile Court Practice & Procedure 2 hrs

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

LAW 499 Labor Arbitration 2 hrs

This course will consider labor arbitration. Topics covered are judicial review of arbitration awards, ethics and professional responsibility of arbitrators, arbitration awards and public policy, arbitration and individual rights. Each student will be required

to author two arbitration awards. Enrollment limited to 16. Seniors only. S/U
(Pass/Fail)

LAW 501 Labor Law 3 hrs

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

LAW 498 Law & Economics 3 hrs

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

LAW 215 Law and Religion 3 hrs

The interaction of government and religion has produced and continues to produce some of the most controversial legal issues in our nation’s history. This course will study that interaction using history, cases, and other materials. After an historical introduction to the subject, the course will then focus on contemporary controversies involving sacred duties, governmental investigation of religious beliefs, and religious education. The course will be graded using an exam and a required research manuscript on a topic related to the history or the jurisprudence of the interaction of government and religion including, but not limited to, the religion clauses of the First Amendment. The exam and the paper will be of equal weight in calculating the final grade.

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 253 Law of Trusts 2 hrs

The basic law of trusts, including creation and termination, the rights and interests of beneficiaries, the powers of trustees, and fiduciary responsibilities and problems of administration; resulting trusts and constructive trusts; charitable trusts; and powers of appointment. Pre-requisite/co-requisites: Successful completion of The Law of Wills and Intestate Succession or concurrent enrollment in The Law of Wills and Intestate Succession. Not offered spring 2014.

LAW 251 Law of Wills and Intestate Succession 3 hrs

This course covers the basic concepts of the gratuitous transfer of wealth, including intestate succession; the general law of wills, including the formalities of execution, testamentary capacity, grounds for challenge, revocation, and revival; will substitutes, including gifts and joint tenancies; health care planning; miscellaneous issues concerning the administration of estates; and basic tax issues.

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 308 Law, Genetics & Neuroscience 3 hrs

The course will explore the four major areas in which law and genetics now intersect: (1) prediction, the ability to anticipate or forecast human disease and behavior based on powerful new techniques in neuroimaging; (2) litigation, which includes DNA testing, lie detecting, evaluating memory, and so on; (3) confidentiality and privacy, which includes but is not limited to the use of genetic data by insurers and others; and (4) patents—specifically, patenting biological findings related to genetic materials. Other topics that will be reached include reproductive technologies and behavioral genetics.

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 629 Managing Law Practice 2 hrs

This course explores the organizational setting of law practice through student simulations and guest appearances by practicing lawyers. Special attention is given to the management of law firms with fewer than ten lawyers. Subjects include partnership structure, client relations, malpractice insurance, computer applications, billing, financial planning, marketing, specialization, compensation, and the hiring process. One session is devoted to solo practice. S/U. Enrollment limited to 24. Seniors only.

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 546**Medical Malpractice****2 hrs**

This course will survey the law of medical malpractice. Topics to be covered include the standard of care, causes of action, the physician/patient relationship, defenses, consent to treatment, statutes of limitation, fraud and misrepresentation, the complaint, summary judgment and trial issues, discovery, directed verdict, hospital-setting liability, and trial practice. Seniors only. S/U

LAW 307**Military Law****2 hrs**

This course will trace the path of legal reform and criminal justice in post-World War II United States through the practice of American military law. It combines the study of legal history, criminal law and procedure, and the special context of military service to address issues including the protection of human rights in armed conflict, the imperatives of national security, and the collision between American and international jurisdictions. The course will begin by considering the special concerns of discipline and criminality in the armed forces and then turns to the Uniform Code of Military Justice (UCMJ). At this point the students will analyze both high-profile courts-martial – the prosecution of repatriated Korean War POW's for collaboration, the trial of Lieutenant Calley for the My Lai massacre in Vietnam, and the sexual scandals of the 1990's – and routine prosecutions for common military crimes like unauthorized

absence, misprison, and others. The course will also briefly examine comparative law by discussing alternatives to the American military tribunals, reviewing the rules and guidelines, the infrastructure the military has created to manage them, public and scholarship reactions, and any available materials about actual prosecutions that are underway or have already taken place recently.

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 210 Patent Law & Litigation 3 hrs

This course will provide an in-depth view of patent prosecution, an administrative process, and the subsequent litigation of issued patents. We will review the requirements of patentability, including utility, nonobviousness, and novelty, as well as the legal requirements regarding specifications and claims contained principally in section 112. We will also examine remedies for infringement. Constant focus will be paid to how complex issues of law, policy, and technology arise and are resolved during patent prosecution and litigation. No pre-requisite. Not offered 2006-07.

LAW 427 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 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 523

Poverty Law Seminar

2 hrs

This seminar will examine the current reality of poverty in our society, as well as how the legal system has responded to the poor both through governmental programs and the civil and criminal justice system. This course will touch upon several areas of substantive law that affect the poor every day, such as housing law, the law regarding various governmental benefits, not-for-profit law, and landlord-tenant law. The course will also address issues regarding access to justice in both the criminal and civil arena. Last, it will address the evolution of legal services to the poor, as well as the role that lawyers for the poor should play in the future. Each student will prepare a research paper on a current topic, chosen with the approval of the instructor, and will present the results of his/her research to the class. Grading will be based on the research paper, an oral presentation of that paper, and class participation. No prerequisite. Numerically graded. Limit 15. Seniors only.

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

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. Course titled Internet Law Issues until spring 2005.

LAW 548 Public Defender Criminal Defense Clinic 3 hrs

Students will assist in the defense of felony cases under the joint supervision of staff attorneys at the Public Defender's Office in Macon, Georgia, and a professor responsible for the quality of the educational experience. The Clinic includes a classroom component as well as a requirement of team meetings with other students, individual conferences with the professor, and a written product from all students. Students will work primarily out of the Public Defender's Office in downtown Macon. Students will be sworn in under the Third-Year Practice Act, and will be able to appear in court under the supervision of an attorney. Training will be provided by the staff attorneys in local office, by attorneys in the Georgia Public Defenders Standards Council in Atlanta, and by professors at the law school. The Clinic will be offered in the fall and spring semesters, and will require an average of twelve hours of work per week for three hours of pass/fail credit each semester. Students will be expected to make a commitment to enroll for both the fall and spring semesters. Enrollment is limited to 10 third-year students. Permission of the professor is required to enroll. Students who are taking, or have taken, this clinic will not be eligible to enroll in the Death Penalty Clinic. This clinic will not count toward practicum limits, but students may not enroll in a practicum while enrolled in the clinic. S/U. Not offered spring 2008.

LAW 544 Public Health Law 2 hrs

A study of the law governing the practice of public health by state, local, and federal agencies, as well as health care professionals and institutions. Current issues and their

effect on public health law, including AIDS, bioterrorism and privacy legislation, will be discussed. S/U

LAW 634 Public Interest Practicum 2 – 3 hrs

This course is designed to offer students practical work experience in public interest offices while providing faculty supervision and guided reflection. In addition to field work, the course includes weekly classroom meetings focused upon enhancing the students' ability to learn from their experience, encouraging an understanding of the law as a worthy calling, and helping students successfully encounter the ethical and emotional dilemmas presented by work as a lawyer, especially in public interest law offices. Students must work in an approved non-profit public interest or governmental office; public interest faculty will maintain a list of approved placements, but students may petition for a placement to be added. Students must work at least 100 hours for 2 hours of credit or at least 140 hours for 3 hours of credit. This is inclusive of classroom time but exclusive of travel time. Students must arrange a regular work schedule with their field supervisor and submit weekly time sheets and reflective journal entries to their faculty supervisor. Enrollment is by application and permission of the faculty supervisor. Enrollment limit: 15. The course is graded S/U.

LAW 635 Public Interest Practicum II 2 - 3 hrs

This course is open to students who have completed Public Interest Practicum. As in Public Interest Practicum, students must work in an approved non-profit public interest or governmental office; public interest faculty will maintain a list of approved placements, but students may petition for a placement to be added. Students must work at least 100 hours for 2 hours of credit or at least 140 hours for 3 hours of credit. Students must arrange a regular work schedule with their field supervisor and submit weekly time sheets and reflective journal entries to their faculty supervisor. Although there is not a weekly classroom component similar to that in Public Interest Practicum, students will attend regular meetings with faculty supervisor. In addition, students are

responsible for completing a research project in an area related to their work in the field placement. Enrollment is by application and permission of the faculty supervisor. Permission to enroll in Public Interest Practicum II will only be granted if the faculty supervisor is satisfied that the student will have significant learning opportunities in the field placement and in the research project beyond those available in Public Interest Practicum. Enrollment limit: 8. The course is graded S/U.

LAW 640 Problems in Trial Evidence 2 hrs

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

LAW 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 540**Real Estate Transactions****3 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 430**Scientific Evidence****2 hrs**

This advanced evidence course will consider common issues involving scientific evidence and expert witness testimony in federal court. Rule 702 and Daubert will be discussed in depth covering specific types of experts and specific methods used by experts. We will review hearsay and exceptions to the hearsay rule that commonly arise at trial with expert witnesses, and also Rule 703, dealing with a specific exception for expert witnesses. The course will involve practical application of the legal principles learned in class, including simulated pre-trial conferences and the direct examination and cross examination of an expert witness. S/U. Limit: 20.

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 mid-term examination and a one-hour end-term examination in lieu of an examination during finals period.

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. Not offered 2007-08.

LAW 397 Sexual Orientation and the Law 2 hrs

The class will examine laws and regulations relating to sexual orientation and sexual identity, and the particular effects of other laws on homosexuals and other sexual minorities. We will focus on relevant constitutional law (e.g., equal protection, due process, and First Amendment rights) as well as family law, immigration law and other federal, state, and local laws protecting, or discriminating against, sexual minorities. In the process, the course will examine how social mores and changes are reflected in legal development and vice versa. This course will also provide some practical guidance to future attorneys who may represent members of sexual minorities after graduation, by offering creative approaches to couples and individuals whose needs are not recognized under current legal paradigms. Although primarily a course on current

discussion board concerning issues common to all field placements. Students also turn in regular reflective journals and weekly timesheets to the faculty supervisor. Students must work at least 120 hours for 2 hours of credit or at least 180 hours for 3 hours of credit. Students may not earn more than 3 credit hours in one summer, but the course may be repeated for credit one time, for a maximum total credit over two summers of six hours. Enrollment is by application and permission of the faculty member in charge of the course. The public interest faculty will maintain a list of approved placements, but students may petition for a placement to be added. The course is graded S/U.

LAW 149 The Legal Profession 3 hrs

The Legal Profession course is an exploration of lawyer professionalism. Students learn about what "professionalism" means for lawyers and why it matters. They see what pressures the practice of law places on professionalism in different settings. The students explore the many ways in which the legal profession seeks, imperfectly, to create and perpetuate the conditions that promote professionalism. This course also examines the extraordinary challenges and opportunities that come with a life in the law, and the students study ways in which professionalism contributes to the satisfaction that lawyers find in their calling. In addition, to class readings, discussions, guest speakers, and an exam, the students write two papers reflecting on their career goals. They also visit in small groups with experienced lawyers to discuss life in the legal profession, and they read a biography of a famous lawyer or judge and discuss it in a small group setting. This course is graded on a satisfactory/unsatisfactory basis.

LAW 398 Therapeutic Jurisprudence 3 hrs

The course covers the psychology of law and includes readings and discussions of the law as an open system affecting the emotional and psychological well-being of all who practice law, all who serve as judges, and all who have contact with the legal system, whether as a client, party, or witness. The course includes the areas of collaborative, preventive, and holistic law. It also incorporates therapeutic and psychological tenets and concepts as they apply to all aspects of the practice of law.

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

In general, 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. Students will prepare individual research papers on topics 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,

nuisance, damages, and business torts (including fraud, misrepresentation and interference with contractual relationships), and includes common defenses and immunities.

LAW 527 Transportation Law & Politics Seminar 2 hrs

This course explores how transportation laws tend to structure road wars, sprawl fights, pork-barrel politics, and community planning. The course highlights the real people who help make hard transportation decisions about such things as where the rubber meets the road. Seniors only. S/U. Not offered 2007-08

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 421 Trusts and Estates Drafting 2 hrs

This course focuses on the design and drafting of estate planning documents. Substantive discussions are integrated into exercises in drafting documents used by estate and trust practitioners. These documents will include wills, trusts, and advance directives. Numerically graded. Limit 24. Prerequisite: Law of Wills and Intestate Succession. This course will satisfy the Advanced Writing requirement.

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.