

LAW SCHOOL COURSES

Numerical List of Law Courses

This numerical list of courses indicates the courses that have been offered by the Law School in recent years. Individual courses may or may not be offered in a particular semester or academic year at the discretion of the Law School administration.

60105	504A	Contracts	70305	603C	Constitutional Law II
60302	507A	Criminal Law	70307	662	First Amendment
60307	603A	Constitutional Law	70308	636B	Constitutional Theory
60308		Civil Procedure	70309	662A	First Amendment
60703	512	Legal Research	70311	609	Federal Courts
60705	514	Legal Writing	70312	609A	Fed Cts-Cont.Prblms/Prac & Pol
60707	513	Legal Research & Writing-MC	70313	689	Law of Education
60801	511	Ethics I	70314	650	Legislation
60901	501A	Torts	70315	610	Administrative Law
60906	505B	Property	70316	658A	Complex Civil Litigation
70100	639A	Accounting for Lawyers	70317	672C	Local Government
70101	601	Business Associations	70319	680B	Consumer Law
70103	602	Secured Transactions	70323	640C	Copyright & the Constitution
70104		Payment Systems	70345	642	Land Use Planning
70105	661	Commercial Law - Sales	70348	631I	Biodiversity & the Law
70107	626	Securities Regulation	70349	642A	Environmental Law
70108	627	Business Planning	70353	611	Labor and Employment Law
70109	627A	Business Torts	70355	685	Employment Discrimination Law
70111	641	Real Estate Transactions	70357	685A	Employee Benefits Law
70115	677A	Corporate Reorganization	70359	508B	Constitutional Crim Procedure
70117	625	Antitrust Law	70360	662B	Civil Rights Law
70119	677	Bankruptcy	70361	673A	Complex Criminal Litigation
70120		Financial Institutions	70362	628A	Federal Criminal Law
70121	601C	Not-for-Profit Organizations	70363		White Collar Crime
70123	601B	Corporate Finance	70365	673B	Federal Criminal Practice
70124		Analytical Methods for Lawyers	70366	628B	Federal Criminal Procedure
70127	601A	Mergers & Acquisitions	70367	693	Law and Disability
70128		Copyright	70369	603F	Election Law
70129	655	Equitable Remedies	70371	618	Conflict of Laws
70130		Intellectual Property Transactions	70372		Federalism
70131	640	Copyright and Trademark	70373	561	Federalist/Anti-Federalist
70132		Information Technology Law	70401	633	International Law
70133	640A	Trade Regulation/Intellectual Property	70403	549	International Criminal Law
70134		Intellectual Property Law Survey	70405	611B	Int'l & Comp Labor Law
70135	640B	Cyberlaw	70407	620A	Comparative Legal Traditions
70136		Trademarks & Unfair Competition	70409	633C	Acct/Gross Violation Human Rgts
70201	604	Evidence	70411	594A	Int'l Crim Justice, Human Rights & Humanitarian Law
70203	655A	Remedies	70413	696	Intro to Human Rights Research & Writing
70205	604A	Criminal & Scientific Evidence	70415	696A	Human Rights Practice
70207	615C	Advanced Legal Research	70417	694A	Intro to Int'l Human Rights Law
70301	652A	Immigration Law	70419	696B	International Humanitarian Law
70303	652F	Asylum Law	70421	671A	Regional Human Rgts Protection
70304		Freedom of Religion	70423	684C	International Tax
			70429	549B	Restorative Justice: New Paradigm
			70430	633B	Law of Treaties
			70431	637A	International Environmental Law
			70433	640H	Law of International Trade
			70434	549C	Law Enforcement & Challenge of Terrorism
			70435	679I	Int'l Commercial Arbitration

70437	684A	International Bus Trans	73145	663A	Law and Economics Seminar
70441	694B	Int'l Humanitarian Law	73147	639B	Law & Accounting Seminar
70450		Comparative Criminal Procedure	73308		American Constitutional History
70467	694	International Human Rights Law	73311	585	Judicial Process Seminar
70468		Post-Conviction Remedies	73312	676	Appellate Review Trial Court Decisions
70501	616A	Juvenile Law	73313		Law of Higher Education Seminar
70503	616	Family Law	73314		Appellate Advocacy Seminar
70507	608	Trusts & Estates	73320		Gender Issues & International Law Seminar
70509	687A	Canon Law of Marriage	73326		Regulatory Reform & Innovation Seminar
70525	505A	Urban Property Law	73353	611C	Advanced Topics in Labor Law
70605	605	Federal Tax	73370	650B	Statutory Interpretation Seminar
70607	605B	Estate & Gift Taxation	73372		Federalism Seminar
70609	614	Taxation of Bus. Enterprises	73402		International Art Law Seminar
70718		International Dispute Resolution	73428		Intl Law and Use of Force Seminar
70726		Applied Mediation	73449	620	Comparative Constitutional Law
70727	679	Negotiation	73524		Property Theory Seminar
70801	591C	Clinical Ethics- Legal Aid Int	73726	652E	Elder Law Seminar
70803	592B	Externship w/Public Def Ethics	73727	613A	Poverty Law Topics
70807	581	Professional Responsibility	73807	644C	Soc/Pol/Legal Thought-Shakespeare
70809		Legal Malpractice	73809	644A	Soc/Pol/Legal Thought -Aquinas
70813	606A	Jurisprudence	73827	660	Mercy & Justice Seminar
70815	606D	Jurisprudence	73828		Bioethics & The Law Seminar
70816		Jurisprudence	73830		Complicity Seminar
70817	606E	Jurisprudence	73835	688	Medieval Legal History
70823	606B	Jurisprudence	73907		Sports Law Seminar
70825	606F	Advanced Jurisprudence	73908		Sports & Inequality Seminar
70827	515	Ethics II	75700	623	Galilee
70829	648B	Religious Freedoms	75709	695	Trial Ad Comprehensive
70833	687B	Intro to Canon Law	75710		Trial Ad Intensive Workshops—Trials
70835	644B	Catholic Social Thought	75712		Personal Injury Litigation
70837	656	American Legal History	75715	678A	Deposition Skills
70838		History of Common Law	75717	679A	Alternate Dispute Resolution
70843	648E	Morality & the Law	75718		International Dispute Resolution
70844		Faith, Morality, & Law	75721	591A	Legal Aid I & Ethics
70845		Law & Psychology	75723	591B	Legal Aid II
70901		Advanced Torts	75725	591	Legal Aid Co-Curricular
70907	629C	Sports Law	75727	686	Law and Poverty
70909	645	Patent Law	75729	592D	Legal Externship-Prosecutor
70910		Insurance	75730		Asylum Law Externship
70911	638C	Law of Medical Malpractice	75731	592	Legal Externship (Summer)
70912		Products Liability	75732	647	Street Law
70913		Law and Mental Health	75733	592A	Legal Externship Public Defend
71300	652G	Legal Aid Asylum Clinic	75735	592C	Legal Externship Public Defend
71301	591E	Legal Aid Immigration Clinic I			Co-Curricular
71302	591F	Legal Aid Immigration Clinic II	75739	597	Journal/College/University Law
71303	591J	Asylum Clinic	75741	653	Journal Law/Ethics/Public Policy
71304	591I	Legal Aid Immigration Clinic	75743	594	Moot Court Appellate
73124		Corporate Governance Seminar	75745	595	Moot Court International
73125		Advanced Topics in Corporate Law Seminar	75747	596	Moot Court Trial
73135		Cyberlaw Seminar	75749	590	Law Review
73136		Commercial Law of Intellectual Property Seminar	75751	598	Journal Law/Ethics/Public Pol
			75753	593	Journal of Legislation
73141	626A	Securities Litg & Enforcement	76101	615A	Directed Readings
73142		Securities Enforcement Process	76103	615B	Directed Readings
73143	602D	Securitization Seminar	76105	615	Directed Readings

83429	701A	J.S.D. Seminar
85701	566	J.S.D. Externship
88700	634	LL.M.Thesis
88701	634A	Human Rights Honors Paper
88703	699	J.S.D. Dissertation
88705	700	Nonresident Dissertation Rsrch

COURSE DESCRIPTIONS FOR THE 2009–10 ACADEMIC YEAR

This alphabetical list of course descriptions consists of courses that the Law School plans to offer during the 2009–10 academic year. The Law School administration reserves the right to alter the course offerings to meet faculty interest, student interest, and the administrative needs of the Law School.

Lecture hours per week, laboratory and/or tutorial hours per week, and credits each semester are in parentheses.

Instructors listed for each course are accurate at the time this catalog was published. Instructors may change to meet the needs of the faculty and administration.

Accountability for Gross Violations of Human Rights [70409]

(3-0-3) Cassel

Compares the approaches followed in different countries to deal responsibly with past violations of human rights, in order to assess the benefits and shortcomings of each. Draws upon selected readings as well as upon the individual experiences of course participants. Examines the various means of establishing accountability, including “lustration” laws, truth commissions, and national and international prosecutions. Also considers the influence of obstacles such as political instability, amnesty laws, statutes of limitations, and claims of superior orders.

Pre- or corequisite: International Law (LAW 70401 or 74401)

Accounting for Lawyers [70100]

(3-0-3) M. Barrett

Highlights the importance of issues involving accounting to the practice of law. To practice law effectively, every lawyer should understand certain fundamentals about accounting and financial statements. Topics include the bookkeeping process; the basic financial statements; the evolving nature of generally accepted accounting principles; audit reports and accountants’ legal liability; the time value of money; financial statement analysis and financial ratios; drafting and negotiating agreements and legal documents containing accounting terminology and concepts; responses to an auditor’s request for information about legal contingencies and related discovery issues; and cost allocation issues. Designed for students who have little or no accounting background as an aid to the study of Business Associations, Federal Taxation, Business Planning and other courses.

Enrollment: limited to students who have not earned more than six semester hours of college credit or the equivalent in accounting courses.

Administrative Law [70315]

(3-0-3) P. Bellia/Kelley

Studies the powers and procedures of administrative agencies including: the operation of the Administrative Procedure Act; the functioning of the administrative process at the federal and state levels; and the methods and extent of judicial control over agency action.

Advanced Legal Research [70207]

(2-0-2) Rees

Examines the statutory and administrative law processes and how to perform legal research using the materials that are produced by the government. Research using printed and online sources will be considered along with the factors to consider when deciding whether to search in print or online.

Advanced Topics in Corporate Law Seminar [73125]

(2-0-2) Velasco

This seminar provides an in-depth examination of various issues in corporate law that are not covered adequately (if at all) in Business Associations. Corporate governance issues feature prominently. Assignments will consist primarily of law review articles. Active class participation is mandatory. Students are required to write a paper that satisfies the upper-level writing requirement and to present it in class.

Prerequisite: Business Associations (LAW 70101) is a strict prerequisite.

Advanced Topics in Labor Law [73353]

(2-0-2) Fick

Provides an introduction to various federal labor statutes such as the Fair Labor Standards Act, the Occupational Safety and Health Act, and the Family and Medical Leave Act among others. Also examines state statutory and common law such as unemployment insurance, workers' compensation and privacy at work. The specific topics covered will be determined considering the interests of the students enrolled in the course.

Alternate Dispute Resolution [75717]

(3-0-3) Brinig

Surveys the growing alternative dispute resolution field, with a focus on negotiation, mediation, and arbitration. Considers the theoretical foundations for the processes, and teaches the strategies, tactics, and skills required for lawyers to participate in these processes through readings, videos, and simulation exercises.

Analytical Methods for Lawyers [70124]

(3-0-3) M. Barrett

This course, designed for students with no training or experience, explores the application of analytical methods from the social sciences and the business profession to the practice of law. The course introduces essential concepts and analytical methods from economics, game theory, accounting, finance, and statistics to prepare students for legal practice in the modern world. These methods provide especially important and useful tools to lawyers practicing law; failure either to recognize an opportunity for using a method or to question the improper application can adversely affect a client's interests. The course seeks to apply analytical methods to real legal problems, such as the appropriate measure of damages or the decision whether to settle a case. In addition to litigation and negotiation, legal applications include environmental law, corporate law, criminal law, employment law, antitrust, and intellectual property. Ultimately, the course seeks to train students to recognize when an analytical method might apply to a legal situation and to understand generally how to use that method effectively. The course includes a final examination. Students who have majored, minored, or earned advanced degrees in accounting, economics, or finance must obtain the permission of the instructor to enroll in the course.

Antitrust Law [70117]

(3-0-3) Bauer

Surveys the legal and economic principles and policies developed by the courts in applying the major federal antitrust laws including the Sherman, Clayton, Robinson-Patman, and Federal Trade Commission Acts.

Appellate Review of Trial Court Decisions [73312]

(2-0-2) Smithburn

Examines various types of appellate review—findings of fact and conclusions of law; pure question of law; constitutional error; mixed questions of law and fact; review of administrative decisions; and judicial discretion. Each student will write a research paper.

Applied Mediation [70726]

(2-0-2) Jenuwine

This course is open to second- and third-year law students interested in providing mediation services to individuals currently litigating disputes in the courts of St. Joseph and surrounding counties. Through this course, students will have the opportunity to serve as mediators in actual cases involving both civil and domestic relations matters, including child custody, support, parenting time, landlord-tenant disputes, contract disputes, and other matters referred by the courts for mediation. The classroom component of the course will focus on the development of mediation skills and exploration of advanced mediation topics.

Pre- or corequisite: Alternative Dispute Resolution (LAW 75717)

Asylum Law Externship [75730]

(1-0-1) Jones

The Refugee and Asylum Law Externship Program is a spring semester practical training course offered by Heartland Alliances National Immigrant Justice Center (NIJC) for law students interested in immigration law. Students will attend weekly evening classes and will be assigned an asylum case to prepare for presentation before the Asylum Office.

Students will prepare cases of asylum applicants previously interviewed and accepted by NIJC. Each student will interview an asylum seeker and assist in the preparation of the client's affidavit. After researching domestic and international law, as well as country conditions pertinent to the claim, students will assemble an I-589 asylum application with supplemental documentation and draft a legal memorandum in support of the application. At the end of the program, each student will file an application with the Department of Homeland Security and accompany his or her client to the interview at the Asylum Office.

Bankruptcy [70119]

(3-0-3) Alexander

Course begins with a review of the debtor-creditor relationship and then addresses state debtor-creditor collection law remedies. Emphasizes the 2005 Amendments (Bankruptcy Abuse Prevention and Consumer Protection Act) and Chapter 7, 11, and 13 bankruptcy law and the legal relationship between the debtor, the creditors, and third parties affected by a bankruptcy case. Explores the different treatment between individuals and artificial legal entities such as corporations. Covers the procedural rules of bankruptcy, but concentrates on how bankruptcy law affects potential clients in a large number of legal areas, including real estate, commercial and business law, torts, family law, environmental law, and intellectual property.

Biodiversity and the Law [70348]

(2-0-2) Nagle

Examines the evolving legal rules protecting the vast but shrinking number of species of wildlife and plants in the United States and throughout the world. Focuses on the U.S. Endangered Species Act, which imposes strict duties upon governmental and private actors whose conduct threatens rare wildlife or their habitats. Also considers the growing body of international legal rules that address the preservation of biodiversity, along with other federal statutes and illustrative state and local laws that seek the same end.

Bioethics and the Law [73828]

(2-0-2) Snead

This course will explore the ethical, legal, and public policy issues arising from various advances in biomedical science and biotechnology. Students will be invited to consider the ways in which such developments affect law and public policy, as well as the issues that may arise in attempts to govern and regulate science according to ethical principles. Topics covered will include human reproduction (including maternal/fetal conflicts and assisted reproduction), stem cell research, human cloning, genetic screening and modification, research involving human subjects, neuroscience/neuroethics, end-of-life matters, and relevant issues touching and concerning both intellectual property and constitutional law. No prior experience with science, medicine, philosophy, or related disciplines is assumed or necessary. Students' final grades will be based on classroom participation and a research paper.

Business Associations [70101]

(4-0-4) Casey/Velasco

Examines the law of business organization and of agency. Explores the various forms of business organization, including sole proprietorships, partnerships, corporations, and limited liability companies, with special emphasis on corporations. Underlying themes include the purposes of business organization; formation, maintenance, and dissolution of business entities; the agency problem and fiduciary duties; federalism; the role of law and contract; and business planning.

Business Torts [70109]

(2-0-2) Peralta/Pruitt

Addresses a form of commercial litigation that has become popular in federal and state courts. Covers commercial defamation, trade libel, deceptive advertising, and fraudulent transfers. Also analyzes enforcement of and defense against Uniform Trade Secrets Act claims, claims concerning employment covenants-not-to-compete, and covenants-not-to-compete ancillary to the sale of a business. Paper requirement.

Canon Law of Marriage**[70509]**

(2-0-2) Coughlin

Studies the principal canons on matrimony of the 1983 Code of Canon Law in their historical and doctrinal contexts. Topics covered include the canonical definition of marriage and its ends and properties; canonical preparation for marriage; the requirement of faith; the nature of consent; impediments; mixed marriage; dissolution of the bond; separation; convalidation; and sanation. Includes an examination of the procedural canons pertinent to matrimonial cases, and of jurisprudence regarding *capita nullitatis* (grounds for nullity) of particular relevance to practitioners in church courts.

Civil Procedure**[60308]**

(4-0-4) Bauer/A. Barrett/Tidmarsh

Examines the procedures used to resolve civil litigation, with an emphasis on litigation in federal courts and on federal constitutional provisions also relevant in state court. Addresses jurisdictional principles and procedural doctrines involved in structuring a lawsuit; commencing a lawsuit; developing facts and narrowing legal claims during pretrial; trying a lawsuit; and determining post-trial consequences of a judgment. Also considers the extent to which state law must be applied in federal court. If time permits, explores settlement and other alternative methods for resolving disputes.

Civil Rights**[70360]**

(3-0-3) Mason McAward

Primarily examines the processes by which federal constitutional and statutory rights are enforced in federal and state court against officials and private citizens. Focuses on 42 U.S.C. sec. 1983 and the doctrines that surround this statute. Also focuses on other Civil War-era legislation that grants substantive civil rights—especially 42 U.S.C. sec. 1981, 1982, and 1985. If time permits, examines selected aspects of modern civil rights legislation concerning sex discrimination, and of how civil rights remedies are enforced in cases of structural reform.

Comparative Constitutional Law**[73449]**

(2-0-2) Kommers

Comparative constitutional law will focus primarily on the United States and Germany. Where important and relevant, however, constitutional cases from Canada, Africa, and the European Court of Human Rights, particularly as they relate to free speech, church-state relations, and right-to-life issues, will also be discussed. Three reasons explain the seminar's particular focus on Germany during the spring semester. First, Germany's Basic Law (i.e., its Constitution) and its Federal Constitutional Court (FCC) have replaced the U.S. Constitution and Supreme Court as the leading models of constitutional governance around the world. Second, and relatedly, other leading constitutional courts, from Eastern Europe to Asia, have been heavily influenced by the FCC's constitutional case law. Finally, the instructor is revising *The Constitutional Jurisprudence of the Federal Republic of Germany* (2nd ed., 1997), this time with a coauthor and would like to share with the seminar several new and updated chapters currently in preparation. The seminar's limited geographical focus during the semester also allows the class to spend more time on various contextual factors, e.g., the political system, judicial organization, legal culture, and constitutional history, that may illuminate the work-product of the German and American courts. The seminar will be limited to 12 students. Course materials will consist of *The Constitutional Jurisprudence of the Federal Republic of Germany* (2nd ed.) and distributed materials consisting of revised and updated chapters of *Constitutional Jurisprudence* along with full English translations of selected FCC decisions handed down since 1997. A major seminar paper, which members of the seminar will present toward the end of the semester, will be required in lieu of a final examination.

Comparative Criminal Procedure [70450]

(1-0-1) Bennett

The legal systems of the United States and the United Kingdom, although derived from a common source, have nevertheless diverged in the way they deal with issues that are at the heart of the system of criminal justice. This course will examine topics such as the jury, double jeopardy, sentencing, the treatment of terrorists, and how character is dealt with in criminal trials and consider how the United Kingdom and the United States deal rather differently with such key concepts. The aim, as with any comparative course, is to give a different perspective on both systems and to explore the relative advantages and disadvantages of the way in which courts in different jurisdictions deal with these issues.

Comparative Legal Traditions [70407]

(3-0-3) Carozza

Introduces students to the comparative study of law through an examination of the basic features of Western European legal systems, including their principal legal institutions and actors, sources of law, procedures, and characteristic methods of legal reasoning and analysis. Covers both the civil law (or Romano-Germanic) legal traditions of Continental Europe and the English common law tradition, as well as the supranational law and institutions of the European Union and the European human rights system. Concludes with case studies comparing selected substantive legal norms in those legal systems to U.S. law.

Conflict of Laws [70371]

(3-0-3) Bauer

Studies the problems inherent in multi-state legal transactions or litigation. Studies and explores the interrelationship between jurisdiction, the recognition and enforcement of foreign judgments and choice of law methodology. In particular, emphasizes modern choice-of-law approaches.

Constitutional Criminal Procedure [70359]

(3-0-3) Smith/Snead

Examines the manner in which, and the extent to which, the U.S. Constitution—particularly the Fourth, Fifth, and Sixth Amendments—regulates the investigation and prosecution of crime. Topics include the incorporation of the Bill of Rights, search and seizure, interrogation, the right to counsel, pre-trial procedure, trial-by-jury, and double jeopardy. Although no longer required for graduation, this course is recommended for students interested in advanced study and/or practice in the criminal-law field. While not a formal prerequisite, the course is highly recommended for students interested in enrolling in Federal Criminal Law (LAW 70362), Criminal and Scientific Evidence (LAW 70205), or Complex Criminal Litigation (LAW 70361).

Constitutional Law [60307]

(4-0-4) A. Bellia/R. Garnett/Kelley

Examines the structure of our government as defined by the federal Constitution, Supreme Court precedents interpreting that document, and the traditional practice of the elected branches. Focuses on the distribution of power among the three branches of the federal government, and the division of power between the federal government and the states.

Constitutional Law II [70305]

(3-0-3) Bradley/Kelley

Covers the individual rights secured by the fifth and fourteenth amendments to the United States Constitution, with a primary focus on the right to due process of law (its procedural and substantive components) and the right to equal protection of the laws (including scrutiny of race- and gender-based classifications).

Contracts [60105]

(4-0-4) A. Bellia/Kaveny

Presents a comprehensive study of the creation, transfer, and termination of contract rights and duties.

Corporate Reorganization [70115]

(2-0-2) Murray

Studies in depth the law of business reorganizations under Chapter 11 of the Bankruptcy Code. Focuses on the steps that must be taken to resurrect a distressed business under Chapter 11, including the decision to file a Chapter 11 case; the initial steps of staying proceedings against the debtor; finding cash with which to operate; the actual turnaround of the business; the adjudication of claims by and against the estate; the restructuring of the estate's capital structure; the confirmation of a restructuring plan; and the issues that arise after the consummation of the bankruptcy.

Criminal and Scientific Evidence [70205]

(3-0-3) Gurulé

For the student interested in criminal law, explores how the law of evidence is applied in criminal cases. Considers how certain rules of evidence are used more often (if not exclusively) in the criminal context. Examines the admission of co-conspirator statements; prior bad acts evidence offered to prove the defendant's "motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident"; evidence of a pertinent character trait; evidence of an alleged rape victim's past sexual history; autopsy and crime scene photographs; and courtroom demonstrations. Additionally, helps students develop an understanding of scientific techniques used in the courtroom beyond just the basic tests for admission of expert testimony (i.e., DNA testing, "profile" evidence and "syndrome" evidence.)

Criminal Law [60302]

(4-0-4) Blakey/Dutile/Smith

Deals with the basic principles of American criminal law such as the definition of crime, defenses, proof, and punishment, and the basic structure and operation of the American criminal justice system.

Cyberlaw [70135]

(3-0-3) P. Bellia

Focuses on fundamental questions about how, if at all, existing legal rules should apply to new technologies. Explores various legal and policy problems that arise in cyberspace, including: issues of sovereignty and jurisdiction; legal and technological regulation of online speech; issues of privacy, anonymity, and accountability; computer crime; and ownership and protection of intellectual property in digital form.

Deposition Skills [75715]

(3-0-3) Conway/K. Gallagher/Gozdecki/Kalamaros/

Kuehn/La Due/Mueller/O'Rear/Seckinger/Sullivan
Studies the skills, techniques, tactics, strategies and ethical considerations of witness preparation for depositions and the taking and defending of depositions under federal and state rules of civil procedure. Meets twice a week: One meeting consists of a 60-minute lecture, demonstration, and discussion of the analytical framework for the preparation, taking, and defending of depositions; the other meeting consists of a 75-minute learning-by-doing laboratory session. Each laboratory session will be videotaped, with each student receiving an individual videotape.

Directed Readings [76101]

(V-0-V) Faculty

Allows independent research under the supervision of one faculty member. Letter grading system.

Directed Readings [76103]

(V-0-V) Faculty

Allows independent research under the supervision of one faculty member. Satisfactory/Unsatisfactory grading system.

Employee Benefits Law [70357]

(2-0-2) DeJong

Studies the key sources of law and policy issues relating to employer-sponsored retirement and welfare-benefit plans, including primarily the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and case law. Gives special attention to employee-benefits issues arising from the Enron bankruptcy, the treatment of employee benefits in major corporate transactions, and ethical issues arising in the practice of employee-benefits law.

Employment Discrimination Law [70355]

(3-0-3) Fick

Studies the substantive and procedural aspects of federal legislation dealing with employment discrimination, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

Environmental Law [70349]

(3-0-3) Nagle

Provides a survey of most of the major federal environmental laws, exploring foundational issues of environmental ethics, politics and economics in these various legal contexts. The course focuses on analyzing the variety of existing and potential regulatory mechanisms for protecting and regulating usage of the environment, including more recent initiatives like market-based schemes, cost-benefit analysis, information disclosure, and technology forcing. In addition, the course will use hypothetical simulations to explore applications of environmental law as practiced from the perspective of environmental groups, government agencies, and regulated entities.

Ethics I [60801]

(1-0-1) Coughlin

Studies and analyzes law as a profession, as well as the duties and responsibilities of lawyers to society, clients, and the profession. Develops in prospective lawyers an awareness and an understanding of their relationship with and function in our legal system, and the consequent obligation of lawyers to maintain the highest standards of ethical and professional conduct.

Ethics II [70827]

(1-0-1) Rodes

Applies the principles of ethics to practical legal problems and situations.

Evidence [70201]

(4-0-4) Alexander/Smithburn

Studies the legal principles governing the proof process in judicial proceedings, with an introduction to techniques of presentation. Analyzes common-law and federal rules of evidence.

Faith, Morality and Law [70844]

(V-0-V) Kaveny

Looks at the relationship between faith, morality, and law at key points in the Christian tradition, as well as in relationship to contemporary issues. Section One will examine the relationship between the moral law and Christian life by looking at key passages from the New Testament in their historical context, as well as classic Protestant and Catholic views of the subject. Section Two will consider the relationship of law and morality in a pluralistic society. Section Three will look at the responsibilities of Christians who find themselves in an unjust legal system. We will consider the possibilities and limits of civil disobedience (e.g., Martin Luther King, the Berrigans), and the call to martyrdom (e.g., Sophie Scholl and the White Rose Movement).

The course will be a combination of lecture and discussion. There will be an open-book exam, and the possibility of meeting the upper-level writing requirement for students who wish to do so. Enrollment limited to 25.

Family Law [70503]

(3-0-3) Smithburn

Explores the relationship between law and the most fundamental human institution. Covers the law of marriage, annulment, and divorce; other less traditional adult relationships; the relationship between family autonomy and state or third party intervention; contracts between family members (before, during, and after relationships); courtship and cohabitation between unmarried adults; the interaction between constitutional law and family law, especially concerning privacy; the law of parent and child; custody, adoption, and surrogacy; state intervention to protect child welfare; child support and its enforcement; and the accommodation of family law to pluralism in race and religion. Students are encouraged to think in terms of pervasive themes and functions of families and family law and to address family law problems through legal and non-legal materials.

Federal Courts**[70311]**

(3-0-3) A. Barrett/Tidmarsh

Focuses on the federalism and separation-of-powers issues created by the existence of dual state- and federal-court systems. Topics covered include constitutional and statutory limits on the jurisdiction of the federal courts; appellate and collateral review of state-court judgments; and federal common-law rulemaking; and the scope of the immunity of governments and government officials from suit.

Federal Courts—Contemporary Problems/Practices**[70312]**

(2-0-2) Ripple

Focuses on several contemporary issues involving the federal courts and federal practice. Examines the history, traditions, and contemporary institutional problems of the federal courts. In class sessions that will include both lecture presentations by the instructor and class discussion, those aspects of present-day federal practice that have precipitated significant public policy debate and that will shape the nature of federal practice in the future will be explored. Emphasizes evaluating current practice and assessing alternative approaches. Requires a term paper on a topic approved by the instructor.

Federal Criminal Law**[70362]**

(3-0-3) Blakey

Considers through lectures, readings, and class discussions the development of federal criminal law. Examines the Hobbs Act, Travel Act, mail fraud, drugs, tax evasion, and RICO (both criminal and civil aspects). Students conduct a simulated criminal investigation that culminates in the preparation of a prosecutorial memorandum and draft indictment. Students must also complete a substantial essay.

Federal Criminal Practice**[70365]**

(2-0-2) Gallo

Taught by a former federal prosecutor and present white-collar defense attorney, focuses on strategic thinking in federal criminal litigation, as well as topical issues facing federal-criminal practitioners today. In particular, the course focuses on critical substantive issues in federal criminal law. The course further analyzes the chronology of complicated federal-criminal investigations beginning with issues relating to the start of investigations by federal authorities, continuing with grand-jury proceedings and indictment, and finishing with strategic issues relating trial and sentencing. With regard to these stages, the instructor will present issues that the government, corporate counsel, and criminal-defense counsel face, such as the propriety of various undercover techniques, decisions regarding joint representation of targets and relating to joint-defense agreements, and strategies regarding plea negotiations.

Federal Income Taxation**[70605]**

(4-0-4) M. Barrett/Kirsch

Functionally introduces basic concepts of federal income taxation including gross income; exemptions; allowable deductions and credits; accounting methods; assignment of income; capital gains and losses; and certain nonrecognition transactions.

Federalism Seminar**[73372]**

(2-0-2) A. Bellia

This seminar examines what the Supreme Court has described as the oldest question of constitutional law in America: the relationship between national and state governmental authority. It considers the history, political theory, and constitutional doctrine of federalism, addressing relationships between and among political and judicial institutions in the American federal system. Though the focus of the seminar is on American federalism, the matters examined implicate questions involving international law and comparative analysis. Readings include historical materials, scholarly analyses, and judicial cases.

Financial Institutions**[70120]**

(3-0-3) Hockett

Introduces the legal rules and principles, as well as some of the economic, technological, and related factors that pattern the conduct of financial intermediation in the United States. Insofar as financial institutions can be viewed as discharging identical or closely related functions, much about their structures and operations can be learned by studying the ensemble as it has become increasingly clear as a practical matter as well as legal practice matter that the proliferation of financial understanding, technological development, financial practice, “globalization” and legislative response now carry us toward a world in which singular financial conglomerates offer more or less all forms of financial service under one roof. It will facilitate our conceptual understanding of finance and financial regulation, to study financial institutions and their regulation all together—as one set of closely related functions, institutional or departmental performers of those functions, public concerns implicated by the performance of those functions, and regulatory responses to those public concerns.

Freedom of Religion**[70304]**

(3-0-3) R. Garnett

The Freedom of Religion is widely regarded as a fundamental human right and as Americans’ “first freedom.” But what, exactly, are the content, implications, and foundations of this freedom? This course examines the precedents and doctrines relating to the Religion Clauses of the First Amendment, the history and purposes of these provisions, and the theoretical foundations of the freedom they protect. The approaches taken to religious-freedom questions in other legal regimes will also be considered. Topics include public funding for religious education, religious expression and activity in public spaces, exemptions from generally applicable laws for religious believers and religiously motivated conduct, the extent to which state action and laws may reflect religious purposes and values, the autonomy and independence of religious institutions, and the ability of government to protect and promote religious freedom as a human good.

GALILEE (Group Alternative Live-in Legal Education Experience) (cocurricular) [75700]

(V-V-1) Jones

Provides students with the opportunity to live for a few days in the inner city (Chicago, New York, Los Angeles, and other cities) to learn the legal needs of the urban poor, and to observe the ways in which these needs presently are met. As a result, students develop ways to incorporate their religious and ethical value systems into their future practice of law.

Gender Issues & International Law Seminar**[73320]**

(3-0-3) Venter

Focuses primarily on the Convention for the Elimination of All Forms of Discrimination Against Women, (CEDAW), and the Optional Protocol to the Convention. Students will explore the status of CEDAW as an international treaty, and familiarize themselves with the kinds of reservations that signatories to CEDAW have entered. The Beijing Declaration and Platform for Action will also be briefly covered, as will other international instruments such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Since CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination, the course will explore how successful CEDAW has been in encouraging states:

1. to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws, and adopt appropriate ones prohibiting discrimination against women;
2. to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
3. to ensure elimination of all acts of discrimination against women by persons, organizations, or enterprises.

The course will also explore the kinds of remedies and recourse women have when states fail to meet their obligations under CEDAW, and examine cases that reflect tensions between the rights articulated in CEDAW, and various cultural practices.

Human Rights Honors Paper [88701]
(0-0-1) Cassel

This elective is available to participants in the human rights LL.M. program who wish to undertake an extended writing assignment within the framework of a particular course and with the permission and supervision of its instructor. If chosen, this assignment may be substituted for the program's independent research requirement.

Enrollment: limited to participants in the human rights LL.M. program

Human Rights Practice [70415]
(3-0-3) O'Brien

Examines the practice of human rights reporting and monitoring, including the methods used in fact finding, the use of statistics, and the evolution of evidentiary rules and standards. Carefully considers the ethical issues of professional responsibility and confidentiality. This course is required of, but not limited to, the participants in the human rights LL.M. program.

Information Technology Law [70132]
(2-0-2) Flanagan

Provides a broad-based analysis of the legal issues confronted in today's information technology (IT) arena. It provides a foundation of the basic intellectual property concepts upon which IT activities and transactions are based; the transactions, such as the licensing of software or information resources, the outsourcing or hosting of services or information, development of software or websites (along with the allocation of associated rights); and the challenges posed by e-commerce. It also addresses existing and pending laws and regulations impacting the use of IT systems, including electronic privacy and security mandates, commercial law related to IT, and the use of electronic signatures. The course examines potential liabilities based on the operation of IT systems, including Internet-based problems (e.g., hacking, denial of service, cyber-torts), domain name/trademark issues, and intellectual property concerns, including the impact of the Digital Millennium Copyright Act. The course also addresses the attorney's and client's responsibilities in potential or actual litigation with respect to electronic discovery and handling of electronic evidence.

Insurance Law [70910]
(3-0-3) Brinig

Insurance combines concepts from contracts with the idea of risk in a setting where regulation is important. We will discuss the common kinds of insurance—property, casualty, life, health, and automobile—and will probably have time to briefly examine the reinsurance market.

Intellectual Property Survey [70134]
(3-0-3) McKenna

Provides an overview of U.S. intellectual property law along with some exposure to the relationships between U.S. law and various international regimes. It will provide roughly one credit of exposure to federal patent law and one credit to federal copyright law with the third credit devoted to trade secrets, trademarks, and unfair competition. Relying on a combination of cases and problems, the course aims to give students a working familiarity with the foundational principles of intellectual property law and practice.

International and Comparative Labor Law [70405]
(2-0-2) Fick

Examines the structure and operation of the International Labour Organization, a specialized agency of the United Nations system charged with promulgating and enforcing international labor standards. Places particular focus on the content and interpretation of ILO conventions 87, 98, and 111. Includes a comparative examination of the labor-law systems of selected countries (based on student interest), with an analysis of whether those systems comply with the relevant ILO conventions.

International Business Transactions [70437]
(3-0-3) Hockett

This problem-oriented course explores the issues faced by American lawyers counseling clients who buy, sell, invest, or otherwise do business abroad. Topics covered include the role of the lawyer in such transactions; international sales of goods; financing and payment mechanisms; trade regulations as they affect private transactions; import restrictions and export subsidies; international technology transfers; international franchising; joint ventures and foreign direct investment; and international dispute resolution.

International Criminal Law [70403]

(3-0-3) Gurulé

Examines international crimes, including: genocide, crimes against humanity, war crimes, torture, and terrorism. The course covers other important issues such the doctrine of command responsibility, political offense exception, extraterritorial jurisdiction, extradition, irregular rendition (fugitive snatching), and the application of the U.S. Constitution to law enforcement activities abroad. The course also includes a discussion of international criminal tribunals such as the International Criminal Tribunals for the Former Yugoslavia and Rwanda, and the International Criminal Court.

International Dispute Resolution [70718]

(3-0-3) O'Connell

The purpose of law is the peaceful settlement of disputes. This is as true of law in the international community as any national or local one. The international community has developed sophisticated rules and procedures to resolve every type of human question from how to enforce an international contract for the sale of goods to how to prevent an inter-state dispute from escalating to nuclear war. Indeed, some procedures, such as arbitration, have been used at the international level long before they became common within states. This course concerns the full range of the procedures developed under international law for resolving international disputes. The course will introduce students to international negotiation, mediation, fact-finding, conciliation, arbitration, and judicial settlement. These methods are used daily by lawyers, diplomats, business people, and anyone confronted with a dispute that implicates an international boundary. We will learn about the range of problems and the way the methods work by studying a wide variety of disputes.

The course will also have a practical aspect. To give students experience in using the methods of international dispute resolution (IDR), teams of students will be assigned to work on several of the most dangerous territorial disputes currently challenging the world's diplomats. Students will research the facts of each dispute and recommend a method for resolving it. They will then attempt to reach a settlement using the method selected together with students representing other interests implicated in the dispute.

The dispute between Pakistan and India over the region of Kashmir is an example of a territorial dispute likely to be assigned in the course. One team will represent Pakistan and another India.

The final grade in the course will be based on regular participation in class, participation in the territorial dispute resolution exercise, and a final paper of about 25 pages on the student's assigned problem.

We will use the casebook, *Mary Ellen O'Connell, International Dispute Resolution, Cases and Materials* (Carolina Academic Press 2006) and handouts.

The course is also designed to introduce students generally to international law as well as to provide a more thorough understanding of IDR for students who have already had a course in international law. There are no prerequisites for the course. It is open to all law students and students earning the M.A. in peace studies.

International Environmental Law Seminar [70431]

(2-0-2) O'Connell

International environmental law is today one of the core subfields of international law. The international community employs substantive rules, institutions, and processes of international law to attempt to preserve and protect the global environment. The seminar will examine those efforts. Our focus will be in the four major environmental sectors: biosphere, atmosphere, hydrosphere, and lithosphere. We will study and discuss the development of IEL for each sector, assessing the effectiveness of the law for each sector. We will also identify ongoing issues and consider how the law needs to develop in the future. This last question will be the general subject of the research paper each student will prepare. The more detailed topic will be developed in consultation with the professor. Throughout the seminar, we will also consider our normative obligations as stewards of the earth.

This is an advanced international law seminar. A prior course on international law or international dispute resolution is a prerequisite to taking the course.

Evaluation will be based on class participation and the research paper.

International Law [70401]

(3-0-3) O'Connell

We live in a world where knowledge of international law is increasingly essential. Think only of such commonplace legal issues as foreign adoptions, pirate attacks on cargo vessels, international bank failures, government subsidies to troubled industries, defective products manufactured abroad, flu pandemics, or water shortages. This is the world of today. It is a world where boundaries matter less and international law matters more. For this reason, international law is increasingly a required course at American law schools. Even where it is not required, virtually every student takes the course at many top law schools. These students want to be ready for the practice of law in the 21st century.

International law is the relevant law for activities that cross national boundaries. It is a complete system of law with its own methodology for law-making, application, and enforcement. No course in the first-year law curriculum prepares students for law practice involving international matters. Only a course in international law can do that. Our course is designed to introduce students to the international legal system in general, the source of international law's authority, the source of its rules, and its primary processes. The course will also introduce students to major subfields of international law such as diplomatic law, law of the sea, human rights, law of armed conflict, environmental law, international organization law, and international dispute resolution. International law is a prerequisite for several advanced courses offered at Notre Dame, including International Law & the Use of Force (LAW 73428), International Environmental Law, and International Art Law (LAW 73402).

The course will use a new edition of one of the leading international law casebooks: *The International Legal System* (6th ed. 2010). The first authors were Joseph Modeste Sweeney, Covey T. Oliver, and Noyes Leech. The current authors are Mary Ellen O'Connell, Richard T. Scott, and Naomi Roht-Arriza. The book will be going through final editing during the fall and will be available to students in the course at a deep discount as a course pack.

International Taxation [70423]

(3-0-3) Kirsch

Examines U.S. income tax laws and policies relating to transnational transactions. Covers taxation of U.S. income received by foreign individuals and entities, as well as taxation of foreign income received by U.S. citizens, residents, and corporations. Emphasizes fundamental issues in international tax, including jurisdiction to tax, source of income, foreign tax credit, tax treaties, and the use of controlled subsidiaries and other entities to conduct business overseas.

Prerequisites: Federal Income Taxation (LAW 70605) and International Law (LAW 70401 or 74401)

Introduction to International Human Rights [70417]

(3-0-3) Carozza

A foundational course in international human rights law. Focuses primarily on examples from United Nations-related human rights regimes, and examines the historical and jurisprudential bases of international human rights law; the normative frameworks of the principal universal human rights treaties; and of customary international law and the institutional mechanisms for interpreting, monitoring compliance with, and enforcing those norms.

Prerequisite: There are no prerequisites for this course, although it is recommended that students take International Law (LAW 70401) before taking this course.

Introduction to International Human Rights Research and Writing [70413]

(1-0-1) O'Brien

Introduces participants to the resources available within the University to aid research in the field of human rights. Also provides ideas and suggestions for the choice of research topics, methods, and writing styles.

Enrollment: required of, and limited to, participants in the human rights LL.M. program

JOURNAL OF COLLEGE AND UNIVERSITY LAW (cocurricular) [75739]

(V-0-V) Robinson

Student staff members may earn academic credit by researching, writing, or editing material for publication in the *Journal of College and University Law*.

**JOURNAL OF LEGISLATION
(cocurricular)**

[75753]

(V-0-V) Nagle

Student staff members may earn academic credit by researching, writing, or editing material for publication in the *Journal of Legislation*.

Judicial Process Seminar

[73311]

(2-0-2) Ripple

Affords students the opportunity to confront the question that Justice Cardozo presented in his famous work on the judicial process: “What is it that I do when I decide a case?” Through class discussion, explores the intellectual roots of the American judicial tradition and addresses the problems that confront that tradition in the modern American courtroom. Explores critically the judicial role in the common-law context, in modern statutory interpretation, in administrative practice, and in constitutional adjudication. Helps students appreciate how the judicial mind goes about the craft of deciding a case in the hope that the student, once admitted to practice, will be able to better respond to the needs of that mind and therefore, will be a better advocate. While constitutional law is not a required prerequisite, it is helpful to have a background in that area. Some time is spent in acclimating students to the responsibilities of a federal or state clerkship. Requires a term paper on a topic approved by the instructor.

J.S.D. Dissertation

[88703]

(0-0-V) Carozza

Enrollment: limited to students in the J.S.D. program in international human rights law.

J.S.D. Nonresident Dissertation

[88705]

(0-0-1) Carozza

Enrollment: limited to students in the J.S.D. program in international human rights law.

J.S.D. Seminar

[83429]

(1-0-1) Carozza

Seminar devoted to the work of J.S.D. students engaged in the writing of their dissertations.

Enrollment: limited to students in the J.S.D. program in international human rights law.

Jurisprudence

[70813]

(3-0-3) Rodes

Studies different accounts of the nature of law and the place of non-legal elements—moral, historical, sociological, economic—in legal decision making. Emphasizes concrete legal cases and attempts to relate philosophical and theological insights to professional insights developed in other courses. Aims to help students relate their personal commitments to their professional lives, and to give students a better understanding of particular legal dispositions through studying them within the context of the whole fabric of the law.

Jurisprudence

[70815]

(3-0-3) Blakey

Examines through lectures, readings, and class discussions the fundamental theories of the meaning of the rule of law in Western society, including skepticism, natural law, natural rights, positivism, realism, economic analysis, critical legal studies, feminist jurisprudence, critical race theory, and postmodernist jurisprudence. Critiques the contributions of Aristotle, Plato, Pyrrho, Cicero, Justinian, Aquinas, Bacon, Locke, Hume, Bentham, Austin, Hart, Posner, Jhering, Pound, Holmes, Llewellyn, Frank, Marx, Wittgenstein, Habermas, Quine, James, Nietzsche, and others. Requires a substantial essay evaluating a major person in the history of jurisprudence or on another topic with the permission of the instructor.

Labor and Employment Law

[70353]

(3-0-3) Fick

Examines how both the common law and the statutory law impact the employment relationship in the private sector. Gives special attention to contract- and tort-based exceptions to employment-at-will, the National Labor Relations Act, and the role of unions in the workplace.

Law and Disabilities [70367]

(2-0-2) Hull

Emphasizes federal legislation and implementing regulations together with Supreme Court decisions interpreting those statutes and rules. Considers selected state authorities in connection with topics such as appropriate placement and treatment of institutionalized mentally disabled persons and appropriate public education of disabled students. Other topics include the Social Security disability system and issues pertaining to accessibility of public buildings and transportation services. A significant part of the course concerns the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Considers difficulties encountered in implementing the Rehabilitation Act, Supreme Court interpretations of that act, and the resulting effects on the Americans with Disabilities Act.

Law and Mental Health [70913]

(3-0-3) Jenuwine

Examines the interrelationship between legal doctrine, procedural rules, and medical, cultural, and social scientific understandings of mental disability as well as institutional arrangements affecting the provision of services to the mentally disabled. Material covered in this course will build on knowledge acquired in Torts, Constitutional Law, Criminal Law, and Civil Procedure. Topics covered will include admission to and discharge from mental health facilities, competency to consent to or to refuse treatment, surrogate decision making for those found incompetent, the rights of the mentally disabled in the criminal justice system, the rights of those confined in mental health facilities, and discrimination against the mentally disabled.

Law and Poverty [75727]

(2-0-2) Broden

Examines the situation of the poor in the American legal system. Includes field work and clinical work with clients in northern Indiana and southern Michigan.

Law of Education [70313]

(2-0-2) Dutille

Examines selected legal aspects of education including students' rights, teachers' rights, desegregation, educational finance, and church-state matters.

Law of Higher Education Seminar [73313]

(2-0-2) N. Garnett

This seminar course will canvass a number of legal issues faced by colleges and universities, including academic freedom, tenure, religion and higher education, financial aid, admissions and affirmative action, finances, students' rights and responsibilities, universities' responsibilities to students, intellectual property questions, and collegiate athletics. Where appropriate, students will be asked to engage in a comparative evaluation of these issues at public v. private/religious colleges and universities. Research paper required.

Law of Medical Malpractice [70911]

(2-0-2) Spalding

Provides a practical review of medical liability. Examines the elements and defenses of a medical malpractice claim and considers issues of insurance, access, product liability, and peer review. While not a trial-advocacy course, most topics are reviewed from a litigation or trial perspective.

Legal Aid I and Ethics [75721]

(5-0-5) Fox/Jenuwine/Jones

Legal Aid I and Ethics is a 5-credit, graded course providing training in basic lawyering skills, including interviewing and counseling, as well as ethics, substantive law, and procedural law relevant to the representation of low-income clients in the courts and administrative agencies. Students represent clients under the close supervision of a clinical faculty member. Students typically represent two to five clients during the course of a semester. The classroom component of the course uses a combined lecture and mock exercise format. This course satisfies the upper level ethics requirement.

Different sections focus on different types of cases. Cases include consumer protection, mortgage fraud, mental health, and disability cases, including guardianship, Social Security disability, poverty law cases, and landlord-tenant law.

Legal Aid II [75723]

(3-0-3) Fox/Jenuwine/Jones

Allows students who have satisfactorily completed Legal Aid I and Ethics to progress to more advanced lawyering skills. Enrollment is by permission of the instructor.

Enrollment: limited at the discretion of the clinic faculty.

**Legal Externship
(summer only; cocurricular) [75731]**
(V-V-1) Faculty

Students may earn one unit of cocurricular externship credit for student volunteer legal work of six weeks or more during the summer months in any court, agency, or public or private law office. Externship work must be conducted under faculty supervision, conform to the approved standards of the faculty, and have the advance approval of the assistant dean for students. This one unit of cocurricular credit may count as one of the four maximum allowable cocurricular credits toward graduation requirements but cannot count toward the minimum hours required during any semester for residency. It will be reflected on a student's transcript.

Legal Externship—Public Defender [75733]
(2-0-2) Bradley

Involves assisting actual public defenders in representing indigent clients at the St. Joseph County Courthouse—Trial and Misdemeanor Division. Students can expect to represent clients in many capacities, some of which include negotiating plea bargains with prosecutors; preparing and conducting bench trials; interviewing and subpoenaing witnesses; writing and filing discovery motions; and other activities within the administration of justice. Students are expected to work at the courthouse one full morning or afternoon each week. Besides the courtroom experience, students must attend class sessions that feature prosecutors, police officers, public defenders, judges, and probation officers lecturing on their duties as officers of the court.

Enrollment: limited each semester at the discretion of the instructor.

**Legal Externship—Public Defender
(cocurricular) [75735]**
(2-0-2) Bradley

Students who have completed the externship requirements of LAW 75733 may enroll for additional cocurricular credit. Students may work in the Trial and Misdemeanor Division at the St. Joseph County Courthouse or may assist felony public defenders. Those who work for the felony public defenders must agree to work at least 60 hours over the course of the semester.

Prerequisite: Legal Externship—Public Defender (LAW 75733)

Enrollment: limited each semester at the discretion of the instructor

**Legal Externship—Public Defender—
Ethics [70803]**
(1-0-1) Bradley

Involves formulating solutions to ethical problems in the criminal justice system. Meets once per week. May be graded at the option of the instructor. Satisfies Ethics II requirement.

Pre- or corequisite: Legal Externship—Public Defender (LAW 75733)

Legal Research [60703]
(1-0-1) Edmonds/King/O'Byrne/Ogden/Rees

Designed to introduce first-year students to the tools and methodology of legal research and to help develop the research skills that are essential both in law school and in law practice.

Legal Writing I [60705]
(2-0-2) Callahan/Douglas/Griffin/Martin/Simon/Venter

Introduces students to the world of legal discourse and provides instruction, experience, and guidance in learning to write legal documents. Emphasizes writing as a process and focuses on prewriting, drafting, and revising strategies designed to produce effective written work.

Legal Writing II (Moot Court) [60707]
(2-0-2) Callahan/Douglas/Griffin/Martin/Simon/Venter

Introduces students to techniques of appellate advocacy. Requires each student to brief and argue one appellate moot court case.

LL.M. Thesis [88700]
(V-0-V) Cassel

Requires written work of substantial quality completed under the direction of a faculty sponsor.

Enrollment: limited to students in the human rights LL.M. program

Local Government Law [70317]
(3-0-3) N. Garnett

Examines the laws regulating the relationships between local governments and their citizens and between local governments and state and federal governments. Covers forms of local government; the scope of local governmental power; statutory and constitutional limits on local governments; provision, financing, and privatization of services; annexation, secession, and other boundary issues; inter-local cooperation and conflict, especially between cities and their suburbs; and the growth of "private" regulatory bodies.

Medieval Legal History Seminar [73835]

(2-0-2) Rodes

Studies the formative period of the Anglo-American legal system using 14th-century yearbooks and other materials from the same period.

Mergers & Acquisitions [70127]

(3-0-3) Velasco

Explores federal and state law governing business combinations. The main areas of study include the legal requirements and mechanics of business combinations and the fiduciary duties of management in connection with friendly and hostile transactions.

Prerequisite (or corequisite with permission): Business Associations (LAW 70101 or 74101)

Moot Court—Appellate (cocurricular) [75743]

(1-0-1) Palmer/Tamashasky

Second- and third-year students may earn academic credit through participation in moot court arguments and as members of the Law School's National Moot Court Team, as well as through the representation of indigent defendants at the appellate level. Includes brief writing and oral arguments. Students will participate in weekly workshops to develop their skills in all aspects of trial practice.

Moot Court—International (cocurricular) [75745]

(1-0-1) Venter

Students will be assigned a problem at the end of the first week of fall semester and will write a bench memo on the problem, to be graded anonymously. Students will then present a brief oral argument on the bench memo. Team members will be chosen based on the bench memo and oral performance. Students who are chosen for the team write a brief in conjunction with a partner based on a problem assigned by ILSA in November. There are usually four issues (each person writes on two). Briefs are due by early January and the oral competition known as the Jessup International Moot Court Competition is held in Chicago in February. If the team advances, the finals are held in Washington, D.C., in early April and consist of teams from all over the world.

Pre- or corequisite: International Law (LAW 70401 or 74401)

Moot Court—Trial (cocurricular) [75747]

(V-0-V) K. Singer/Williams

Class is designed to prepare second- and third-year students for the National Trial Competition and the AAJ Trial Competition. Tryouts for the NTC team are held during the first week of class in the fall. Moot Court—Trial is a mandatory class for members of the NTC team. This class is suggested, but not required, for students who wish to try out for the AAJ team. Tryouts for the AAJ-2L Trial Team are held in the first two weeks of the fall semester.

The class focuses on trial skills using one case file for the semester. To be a member of the NTC team, students must have completed Trial Advocacy and may do so by being concurrently enrolled in the fall Intensive Trial Advocacy Class. It is strongly suggested that they either take concurrently or have completed Evidence. The NTC team will consist of six third-year students and the AAJ team will consist of eight second-year students. (Enrollment in this class is limited to 16 students in the fall, those being only second-year students and members of the NTC team.)

Morality and the Law [70843]

(3-0-3) Rice

Examines in detail the central jurisprudential issue of this century—the relation between the human law and the higher law as that law is seen in the natural law and revelation. Focuses on the Treatise on Law by St. Thomas Aquinas and its intellectual foundations. Emphasizes original sources in the examination of Marxist, natural rights, utilitarian, positivist, and other theories of law. Readings include Aristotle, Cicero, Aquinas, Kant, Hobbes, Locke, Rousseau, Jhering, Savigny, Bentham, Mill, Stephen, H.L.A. Hart, Devlin, Kelsen, Austin, Holmes, Pound, Rommen, Solzhenitsyn, and Pope John Paul II. Studies the theoretical and practical differences among the various approaches, with particular reference to issues involving legal personhood, the inception and termination of life, the legal status of the family, economic justice, national defense, and other matters. Includes an evaluation of these issues with reference to the social teachings of the Catholic Church.

Negotiation [70727]

(3-0-3) Fick

Provides a grounding in negotiation theory, examines negotiation strategies and tactics, and provides students with an opportunity to implement theory and practice through a series of negotiation simulation exercises.

Not-for-Profit Organizations [70121]

(3-0-3) Mayer

Examines the legal regulation of not-for-profit organizations under both state law and federal tax law. Topics covered include an overview of the not-for-profit sector; formation and dissolution of not-for-profit organizations; operations and governance, including the legal duties and liabilities of directors and trustees; regulation of charitable solicitation; requirements to qualify and maintain tax-exempt status under federal and state law; the unrelated business income tax; the distinction between public charities and private foundations; and basic charitable giving strategies. The course will include a final examination.

NOTRE DAME JOURNAL OF LAW, ETHICS and PUBLIC POLICY (academic credit) [75741]

(V-0-1) Rougeau

Second-year staff members may earn academic credit by successfully completing staff work and by writing a publishable article for the *Notre Dame Journal of Law, Ethics and Public Policy*.

NOTRE DAME JOURNAL OF LAW, ETHICS and PUBLIC POLICY (cocurricular) [75751]

(V-0-1) Rougeau

Third-year staff members may earn one unit of academic credit each semester for editorial work on the *Notre Dame Journal of Law, Ethics and Public Policy*.

NOTRE DAME LAW REVIEW (cocurricular) [75749]

(V-0-V) A. Bellia

Second- and third-year students may earn academic credit by researching, writing, and editing material in conjunction with the preparation for publication of the *Notre Dame Law Review*.

Patent Law [70909]

(3-0-3) Hall

Studies statutory subject matter of and conditions for a patent (Title 35, U.S. Code); infringement of claims; protection of know-how; licensing, including property and contract interests in patents and know-how; and litigation procedures, remedies, defenses, and judgments. Introduces practical aspects of patent law such as forms and agreements where relevant. This course has no prerequisites, either scientific or legal.

Payment Systems [70104]

(3-0-3) Baxter

Focuses primarily on the law of negotiable instruments—checks and promissory notes—as set out in Articles Three and Four of the Uniform Commercial Code. Also deals with credit and debit cards, letters of credit, and electronic fund transfers.

Personal Injury Litigation [75712]

(2-0-2) Salvi

Gives the students an initial purchase on the basic skills required in the prosecution or defense of a personal injury case. After a brief introduction to the types of case—e.g., professional negligence, product liability, premise liability, wrongful death—usually encountered in this practice area, the students will study the ethics and pragmatics of case selection, fact development, complaint drafting, written discovery, client relations, deposition practice (involving both parties and experts), settlement practice, and trial practice, with special attention to proving (or contesting) damage claims. Because it is a skills course, enrollment will be limited to 16 students. Grades will be based on the quality of each student's drafting work, on the quality of each student's in-class performance, and on the quality of each student's performance on an end-of-semester take-home exam. The basic texts for the course are Friedman and Malone, *Rules of the Road: A Plaintiff Lawyer's Guide to Proving Liability* (Trial Guides LLC, 2006) and Ball, *David Ball on Damages: The Essential Update* (NITA, 2005). Supplemental reading material will be provided to the students during the course of the semester.

Post-Conviction Remedies [70468]

(2-0-2) Mason

Examines the writ of *habeas corpus* and the processes by which prisoners may challenge criminal convictions and sentences on constitutional grounds. Focuses substantial attention on the procedural doctrines governing *habeas* litigation in federal court. Concludes with an overview of recent developments in areas such as capital sentencing, DNA and actual innocence claims, and the indefinite detention of enemy combatants.

Poverty Law Topics: The Planning and Drafting of Wills and Trusts [73727]

(2-0-2) Shaffer

In this two-credit clinical seminar, students will represent clients who need help with estate planning, health care powers, and other arrangements for themselves and their families. This seminar will not involve litigation. Students will engage in client interviewing and counseling and will draft and execute appropriate planning documents. Each student will be expected to represent at least two clients in such estate planning matters. The seminar will meet weekly in the Legal Aid Clinic at a mutually-agreed-upon time.

Professional Responsibility [70807]

(3-0-3) Baxter/Coughlin

Takes an in-depth view of certain ethical issues in the legal profession. Among the issues discussed are: confidentiality, conflict of interests, unpopular clients, lawyers' speech and advertising, admission to and regulation of the bar, and responsibilities to some special clients. The course examines the ABA Model Rules of Professional Conduct and relevant cases. In an attempt to uncover the foundation that might be claimed to underpin the rules, a spectrum of philosophical, theological, pragmatic, and utilitarian theories are considered. The course thus deals with the application of the rules of professional responsibility to real ethical conflicts and critically examines the possibilities of the moral values reflected in the law. This course satisfies the Ethics II requirement for graduation.

Property [60906]

(4-0-4) Kelly/Nagle/Waldeck

The course deals with the nature of and justification for the ownership of property, including land, personal property, and intellectual property. It considers which things may be treated as property, how property is acquired, and the rights included with property ownership. Much of the course considers the ownership and use of land, covering such topics as the estates system, easements, covenants, and servitudes, zoning, the government's eminent domain power, and takings law.

Property Theory Seminar [73524]

(2-0-2) D. Kelly

Explores several of the fundamental issues in property law: the origin and evolution of property rights, the problem of externalities, and the nature and morality of property. We will examine these issues in the context of a number of recent controversies, including competing claims to Barry Bonds' milestone home run baseball, the assembly of land using eminent domain in *Kelo v. City of New London*, the use of damages to deter "patent trolls" in intellectual property law, and the reliance on emissions trading systems to regulate pollution in environmental law. Readings will include excerpts from legal scholars such as Guido Calabresi, Robert Ellickson, and Carol Rose, economists like Ronald Coase, Harold Demsetz, and Steven Shavell, and political scientists and philosophers ranging from Aristotle and John Locke to Michael Sandel and John Rawls. Students are required to participate in class discussions and write a final paper (approximately 20 pages). There are no prerequisites for this course.

Regional Human Rights Protection Seminar [73421]

(3-0-3) Carozza

Studies the regional systems that currently exist to protect human rights in the Americas, Europe, and Africa. Compares the rights guaranteed and the procedures established to enforce them. Addresses selected topics such as the death penalty, impunity, and disappearances. Emphasizes the mechanisms for bringing a case and the remedies available. Includes discussions of a potential Asian human rights protection system.

Prerequisite: International Law (LAW 70401 or 74401)

Remedies [70203]

(3-0-3) R. Gallagher

Substantive courses (Contracts, Torts, Property, etc.) address the question of what rights will be recognized and enforced by courts. This course addresses the bottom line—what form will that enforcement take: damages for a plaintiff's loss, recovery of the defendant's unjust enrichment (restitution), or an order to a party to do or refrain from doing something (injunction). Since the system of measurement of any monetary recovery is important to any litigant, that topic will be explored in detail. The court's power to use contempt in aid of enforcement of its decrees will also be considered.

Secured Transactions [70103]

(3-0-3) R. Gallagher

Covers Article 9 of the Uniform Commercial Code on security interests in personal property to secure repayment of an obligation and the sales of certain types of payment obligations. Analyzes the creation and perfection of security interests; the continuation of security interests in collateral transferred by the debtor and in the proceeds of any disposition of collateral; the priority of interests in collateral among secured parties, lien creditors, and buyers; and the remedies of the secured party against the collateral in case of default. Also briefly addresses those elements of the Bankruptcy Code that affect secured transactions. Includes detailed analyses of problems under the applicable statutes, as well as discussions of the policy reasons behind the statutes, the incentives that different rules create, the methods of avoiding uncertainties in the statutes, the business background behind transactions, and the ways in which transactions can be structured to effect the intentions of the parties.

Securities Litigation & Enforcement Seminar [73141]

(2-0-2) Casey

Explores the various ways that securities laws are enforced to protect investors and to further the public's interest in maintaining fair markets for the purchase and sale of securities. Considers the enforcement powers of the government, the prosecution of criminal actions for violations of the securities laws as well as the investigation and institution of civil enforcement actions by the SEC, and self-regulatory organizations such as the NYSE and NASD and by state authorities. Examines private civil litigation brought against corporations, their directors and officers, and their professional advisors for violations of the securities laws. Includes an assessment of the substantive and procedural laws governing securities class actions and Congressional efforts to reform private enforcement of the federal securities laws.

Prerequisite (or corequisite with permission): Business Associations (LAW 70101 or 74101)

Securities Regulation [70107]

(3-0-3) Casey

Examines the federal law governing the distribution of and trading in securities. Focuses primarily on the Securities Act of 1933 and its regulation of public offerings and exemptions from such regulation, with an emphasis on transaction planning. Also covers portions of the Securities Exchange Act of 1934 dealing with securities fraud, with an emphasis on litigation.

Prerequisite (or corequisite with permission): Business Associations (LAW 70101 or 74101)

Sports Law Seminar [73907]

(3-0-3) Edmonds

This course focuses on the response of the legal system to the particular problems of the sports industry. The course will cover contractual obligations in professional sports, antitrust aspects of professional sports, regulation of agents, sports violence, labor relations and collective bargaining in professional sports, arbitration, the National Collegiate Athletic Association and the regulation of intercollegiate sports, the regulation of amateur sports, and gender equity in athletics.

Statutory Interpretation Seminar [73370]

(2-0-2) A. Barrett

Explores and critically evaluates leading contemporary approaches to statutory interpretation, paying particular attention to the constitutional and public-choice theories that drive the modern debate. Topics include purposive interpretation, dynamic statutory interpretation, textualism, canons of construction, and the use of legislative history.

Taxation of Business Enterprises [70609]

(3-0-3) Mayer

Introduces the federal income tax rules for corporations, partnerships and their owners. Specific topics include the tax treatment of corporate and partnership operations, of distributions from corporations and partnerships to their owners, and of contributions by owners to new or ongoing businesses enterprises. Other topics include how to choose the appropriate tax classification for a new business, the sale of interests in a business, and the liquidation or termination of a business.

Pre- or corequisite: Federal Income Taxation (LAW 70605).

Torts**[60901]**

(4-0-4) McKenna/Tidmarsh

Addresses the legal rules that determine whether civil liability attaches to conduct that results in harm to others.

Trademarks and Unfair Competition [70137]

(3-0-3) McKenna

This course will provide an in-depth treatment of trademark and unfair competition law, including protection of trademarks and trade dress, federal registration of trademarks, trademark and trade dress infringement, trademark dilution, misappropriation and unfair competition, and the right of publicity. Students will develop and analyze the theories underlying protection of various types of indications and consider the implications of possible substantive changes.

Transnational Corps and Human Rights [70443]

(3-0-3) Cassell

Whether in their treatment of the labor rights of employees and subcontractors, or in their relations with military and police who may commit atrocities while providing security for their operations, or by cooperating with internet restrictions imposed by nations like China, transnational corporations increasingly have an impact on human rights. The question of the extent to which human rights obligations, originally designed for governments, also bind private corporations, remains controversial. Examines how the practices of transnational corporations affect human rights, the extent to which such firms are or should be regulated by international human rights law, and alternative approaches to improving their human rights performance.

Trial Advocacy Comprehensive [75709]

(4-2-4) Brook/Grimmer/Marnocho

This course, which starts during the first week of each semester and which meets twice weekly during the course of the semester, is designed for those students who wish to see what trial lawyering is like. This course is intended to help students develop a familiarity with the techniques by which evidence of controverted facts is presented in trials.

Classroom sessions in conjunction with a jury trial for each student provide an examination and analysis of trial advocacy skills. Involves workshop sessions and learning-by-doing through simulated courtroom exercises. Studies trial advocacy techniques through student participation, faculty critique, lectures, and demonstrations by practicing lawyers. The various trial advocacy skills are put together in a full trial at the end of the semester.

Trial Advocacy Intensive Workshops & Trials [75710]

(4-2-4) Conway/Jourdan/Scopelitis/Seckinger/K. Singer/T. Singer/Woodward-Miller

This course starts nine days before the regular semester does. Working for several hours on each of those days, students learn basic litigation skills, which they will sharpen over the course of the semester. This course is designed for students whose primary career interest is litigation. It is intended to help students develop a familiarity with the techniques by which evidence of controverted facts is presented in litigation before judicial tribunals. Classroom sessions in conjunction with a jury trial for each student provide an examination and analysis of trial advocacy skills and issues of professional responsibility. Involves workshop sessions and learning-by-doing through simulated courtroom exercises. Studies trial advocacy techniques through student participation, faculty critique, lectures and demonstrations by practicing lawyers. The various trial advocacy skills are put together in a full trial that proceeds from the initial stage of client and witness interviews through a jury trial and verdict.

Trusts and Estates [70507]

(3-0-3) Shakour/Waldeck

Introduces students to the fundamentals of the law governing the intergenerational transfer of wealth. Using the Uniform Probate Code as a model, surveys the law of intestacy, wills, will substitutes, and trusts. As time allows, also touches upon the law of future interests, perpetuities law, and the rudiments of estate and gift taxation. At every point, is sensitive to the ethical challenges that are inherent in the practice of this body of law.

Urban Property Law Seminar [72525]

(2-0-2) N. Garnett

Explores a number of important issues facing cities today including: legal efforts to develop more livable communities such as suburban growth controls, “anti-sprawl” initiatives, “greenbelts” and other environmental measures; laws designed to increase the availability and improve the quality of affordable housing; the regulation of private behavior in public spaces; economic development efforts; and innovative uses of property law to prevent and control crime.

White Collar Crime [70363]

(3-0-3) Gurulé

White collar crime is one of the fastest growing legal specialties in the United States, with prestigious law firms building new litigation sections devoted to the civil prosecution or defense of white collar crimes. At the same time, the prosecution and defense of white collar crime is vastly different from the prosecution and defense of street crime. The principal objective of the white collar crime course is to thoroughly cover the substantive law of white collar crime, including mail fraud, RICO, money laundering, asset forfeiture, fraud upon financial institutions, securities fraud, tax fraud, computer fraud, health care fraud, and criminal liability of corporations and corporate executives. White collar criminal cases are document cases that involve following the paper and money trail. These types of cases are often preceded by months, if not years, of grand jury investigation. The course will further examine multiple issues associated with the use of the grand jury: grand jury powers in general, grand jury secrecy, Fifth Amendment protection against self-incrimination, and prosecution of immunized witnesses. Finally, issues and problems that arise in litigating white collar crime cases will be examined through case studies of actual white collar crime cases.