

Fall 2009 Course Descriptions 8-11-09

##: indicates courses that satisfy the advanced writing requirement (Academic Regulations 2.1 (2))

******: indicates courses that satisfy the research requirement (Academic Regulations 2.1 (3))

^^: indicates courses that meet the skills requirement (Academic Regulations 2.1 (5))

B524 Representing the State ## (2 or 4: see below)– Fisher

State attorneys general have long represented and advised government officials, handled criminal appeals, and protected consumers from unfair trade practices. Nowadays, in many states they are expected to play a role in any social crisis that arises. This course will offer a systematic treatment of how and why state attorneys general function as they do. This is a writing class (satisfying the writing course graduation requirement) where, in lieu of a final exam, students will write three short papers (1000-1500 words) on subjects covered in class (with feedback provided between papers). Participants may also enroll in a clinical component for an additional two credit hours where they will work directly under the supervision of Indiana Deputy Attorneys General on a variety of matters for approximately 100 hours during the semester.

Updated 07/09

B528 Advanced Appellate Advocacy (2)– Lahn

This is the for-credit component of students' participation on the Moot Court Executive Board.

Updated 03/09

B544 Intellectual Property Licensing (2) - Faber

This course will focus on the business and law relevant to licensing of famous brands and personalities. Licensing of brands and personalities is a \$175 Billion industry. While it is highly-nuanced and often disorienting, licensing constitutes one of the most useful applications and outlets for intellectual property. The course will explore notable case law, the history of the licensing industry, trends and forecasting, valuations, infringement policing, and the various forms that licensing-related agreements can take (such as merchandise agreements, permission agreements, master licenses, sponsorships, and endorsements). The course will also examine industry customs and practices through case studies, guest speakers, and perhaps even class involvement in real licensing scenarios.

Updated 03/08

B553 Disability Law Clinic ^^ (3) – Weng

The Disability Law Clinic is a three-credit course open to second- and third-year students. Students will assist low-income clients with claims regarding Social Security and Medicaid disability benefits. Students will represent clients in teams of two, handling all aspects of the representation such as interviewing, discovery, brief writing, and conducting an administrative hearing. Students are expected to devote 10-12 hours per week to their clinic responsibilities. This time includes a weekly supervision meeting with the clinic director and office hours.

In addition, students will attend class twice a week for the first half of the semester to learn the laws governing Social Security and Medicaid disability benefits and administrative procedure, to discuss issues of professionalism, and to practice lawyering skills for their clinic fieldwork.

Students also will lead classes at the end of the semester on topics related to their clinical experience.

If a student has completed 44 credit hours and has taken or is taking the Legal Professions course, the student may be eligible for certification as a legal intern. Enrollment requires permission of the clinic director. To apply, please send a statement of interest and a copy of your resume to Carwina Weng (wengc@indiana.edu), two days before the deadline for 3L registration.

Updated 03/09

B545 Criminal Law Externship ^^ (2-3) – Main

The Criminal Law Externship allows selected second and third year students to receive 2-3 hours of academic credit for their work at various prosecutors' and public defenders' offices. The course is graded on a pass/fail basis. In order to "pass", a student must: (1) complete 50 hours of work for each credit hour to be earned (equivalent to 100 or 150 hours of work); (2) maintain a time/activity log; (3) submit 2-3 reflective essays about the clinical experience; (4) participate in 2-3 academic conferences; (5) submit a work-product sample; and (6) complete a final self-evaluation form.

Prerequisites: Students must be eligible for certification as a legal intern per Indiana Supreme Court Admission and Discipline Rule 2.1 (completion of one-half of the hours required for law school graduation and enrollment in or completion of "The Legal Profession" course).

Permission to enroll is required – Enrollment in the clinic is limited and participation is usually restricted to one semester, so students must obtain permission before enrolling. Interested students should submit a resume and schedule an interview with David Main (dmain@indiana.edu, 855-3028, Room 016B) as part of the approval process.

Participating Offices:

Monroe County Prosecutor

Monroe County Public Defender

Marion County Prosecutor

Marion County Public Defender Agency

Other offices by request

Updated 3/09

B554 Legislation ## (2)– Popkin

Most law today is found in statutes and it is therefore important to understand how courts deal with statutory law. The major emphasis in this course is statutory interpretation.

Part I deals with the history of statutory interpretation, from the early period when judge-made law dominated to the current period, when statutes dominate.

Part II discusses both the theory and technique of statutory interpretation. Part II-A focuses on text, external context, and change. We want to know what the modern textualists are trying to tell us and whether their efforts at controlling judicial discretion are successful. Textualism is contrasted with purposivism (the dominant approach during much of the 20th Century). We

also consider canons of construction, which is the technique by which judges bring substantive values to interpretation. An important question is how modern textualists with these canons.

Part II-B deals with legislative history and the shift from judicial enthusiasm for considering such history in the mid-20th Century to current suspicion about its use.

Part II-C discusses how statutes interact with the common law and with each other to create law. Now that most law is statutory, working out the interaction of statutes has become more important than the older problem of working out the relationship of statutes to traditional common law.

On a broader note, the course takes two approaches – the practical side of helping lawyers tell judges how to interpret legislation and the jurisprudential perspective of worrying about what approach is best in our constitutional democracy.

Updated 03/09

B558 Conservation Law Clinic ^^ (3)– Weeks, Director; Hyman, A. Need, Staff Attorneys

The Conservation Law Clinic is an opportunity for second and third year law students to serve as interns in the Conservation Law Center, a public interest law firm that represents clients who need assistance with natural resource conservation matters. The Clinic is a three credit hour course that includes work on client matters, readings and discussion relating to skills essential to conservation law practice, and weekly client team meetings with the Clinic Director or one of the Clinic's Staff Attorneys in which progress with clients, cases, and matters is reviewed.

Participation in the Clinic gives students interested in public interest law and/or conservation law valuable experience in advocating for clients and working in a public interest firm setting. The Clinic's clients include a variety of non-profit conservation organizations as well as governmental bodies. Clinic matters have included extensive work on the law of conservation easements; analysis of conservation related laws; development of new legislation and strategies to protect the Great Lakes from aquatic invasive species; and research and preparation of motions in matters to be litigated. Permission of the Clinic Director is required for enrollment. Preference will be given to students who have completed half of the required course work toward a degree or joint degree, and to students interested in enrolling in the Clinic for two consecutive semesters. To apply, please send a statement of interest and a copy of your resume to W. William Weeks (wwweeks@indiana.edu) prior to registration.

Updated 03/09

B561 Elmore Entrepreneurship Law Clinic ^^ (3)– Need

The Elmore Entrepreneurship Law Clinic is a joint program between the Law School and the Kelley School of Business. It is designed to provide students the unique opportunity to work on actual business formation, planning, and strategy issues in a multidisciplinary setting. Students interested in transactional law practice, advising entrepreneurs, or becoming entrepreneurs are typical candidates for participation in the Clinic.

The Clinic operates much like a small law firm, with Clinic interns working under the supervision of the Clinic Director, providing legal and business consulting to a variety of early stage companies. Client projects vary widely, but frequently include advising clients on appropriate business form; drafting necessary formation documents; obtaining permits and licenses;

researching and registering intellectual property rights; negotiating contracts and leases; and providing business planning advice.

Clinic interns meet with the Director in groups or individually to review project status and to discuss experiences and concerns. Occasional travel may be required.

Clinic interns also attend a two-hour class each week. The course surveys typical legal issues affecting entrepreneurial enterprises, including choice of entity issues; ownership and governance issues; employment issues; operational liabilities and insurance issues; intellectual property issues; financing issues; and employment issues.

Prerequisites for participation in the Clinic include Corporations, Corporate Taxation, and Business Planning, or equivalent preparations as determined by the Director. Per Indiana Supreme Court Rules, students participating in the Clinic must also have completed or be enrolled in a Professional Responsibility course. Enrollment in the clinic is limited, so students must, simultaneous with enrollment, submit a current resume and a brief statement of interest in order to obtain permission of the Director for participation.

Updated 3/09

B563 Domestic Relations Mediation Course (3) and

B691 Family and Children Mediation Clinic (3) combined ^^ – A. Applegate

This combined mediation course and clinical offering, offered for a total of six (6) credit hours, is generally available to eight (8) students each semester. Through this program, 2L and 3L students become eligible to serve as registered domestic relations mediators in Indiana, and mediate actual family law cases. **The special scheduling requirements for this offering are described below – please note that for the 2009-2010 school year, the clinic and its students will be participating in an interdisciplinary training and research program with faculty and students from the IU Department of Psychological and Brain Sciences (Psychology Department).** Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) explaining their interest in the program, and attaching a current resume. Students may only enroll in the program after receiving advance approval from Professor Applegate to enroll. Given the limited number of spaces, any interested student should contact Professor Applegate in advance of 3L registration.

Mediation Course: During the first three and a half weeks of the semester, class will meet on most weekday mornings from 8:45 a.m. to 12:00 or 1:00 p.m. This schedule will allow the students to (1) complete the three-credit hour skills-based course in family law mediation and be properly trained to start mediating real life cases for the remainder of the semester and (2) receive some additional interdisciplinary training for a child-informed mediation process that is being piloted in the clinic in the 2009-2010 school year. Through the basic course, Professor Applegate provides students with the necessary training to become registered domestic relations mediators in Indiana; after completing the course component, the students will apply to become registered domestic relations mediators in Indiana. In accordance with state licensing requirements, experts in communications and mental health issues will teach several of the classes during the first and a half weeks. In addition to Professor Applegate, several experienced local mediators will periodically attend to demonstrate and/or provide feedback to students during the role plays, thus exposing students to different styles of mediation. Interested students should understand that for state licensing purposes, attendance during the course is mandatory. In addition, there is a substantial amount of reading, as well as class

preparation and simulated role plays in the course. For the 2009-2010 school year, faculty from the Psychology Department will also be participating in the interdisciplinary training.

Mediation Clinic: After the first three and a half weeks of the mediation course, the three credit hour clinic component of the offering will begin. During the next ten weeks of the semester, students in the clinic will observe and then mediate actual cases referred by judges in local and nearby counties. Students will mediate custody, parenting time, child support, asset and debt division, and other disputes between parents in family law cases. Through the clinic, students should expect to have the opportunity to mediate between 5 and 8 real life disputes involving families with children. During these ten weeks, the students will mediate in teams of two; in some cases, the student mediators will also be working with child consultants (graduate students from the Psychology Department). Each week, students will generally be scheduled to attend (1) an introductory session for one case (approximately 2 hours) and a mediation session in another case (approximately 4 hours), (2) a supervision meeting, and (3) class on Monday mornings from 9 a.m. until noon. Class training in the clinic phase will focus on additional interdisciplinary training (with students and faculty from the Psychology Department), the development of the students' mediation skills, and exploration of advanced mediation topics, including drafting mediation agreements, effective mediation practice, domestic violence concerns, involvement of children in mediation, and the effect of certain ethical issues and concerns on mediation practice. Students will keep a reflective journal of their mediation experiences, and will share their experiences with Professor Applegate and the other students in case rounds during class. Mediations will be conducted at the law school or in the courts. The clinic will be taught and supervised by Professor Applegate. In addition, students who have successfully completed the clinic in a prior semester may also assist in mentoring and supervising clinic students, and family court coordinators may assist with supervision of students mediating cases in court.

Grading/Exam Policy: During the first three and a half weeks of the semester, students will take an open book proficiency examination in Indiana family law, and at the conclusion of the course, students will conduct a videotaped simulated mediation. Final grades in the course will be based on performance in the proficiency examination, the videotaped simulated mediation, and class attendance and participation. Final grades in the clinic will be based on a combination of factors, including students' mediation skills (and improvement of their skills), professionalism, preparation for mediations, the quality of student journals and other documentation, knowledge of Indiana law, and class attendance and participation. Although there is no final exam in either the course or the clinic, students will be tested on their level of knowledge about family law and social science, and will participate in focus groups two times during the semester in connection with inter-disciplinary training done through the clinical program. This knowledge testing and the participation in the focus groups done in connection with inter-disciplinary training are mandatory, but will not be considered in grading students.

Special Scheduling Requirements: Students wishing to enroll in the course/clinic must be available every weekday from 8:45 a.m. to 1:00 p.m. for the first three and a half weeks of the semester. Student attendance during the course is mandatory, based on state licensing requirements for mediators. For the remaining ten weeks of the semester, students will generally be scheduled to attend (1) an introductory session for one case (approximately 2 hours) and a mediation session in another case (approximately 4 hours), (2) a supervision meeting, and (3) class on Monday mornings from 9 a.m. until noon. Given the daily classes during the first and a half weeks of the semester, it is not possible for students enrolled in the course/clinic to take other courses that meet in the mornings.

Selection of Students in the Program: In the fall semester, preference for enrollment is generally given to 3L students. In the spring semester, preference for enrollment is generally given to 2L students. These preferences are designed to ensure that there are a sufficient number of students who will be available to continue on as student mentors in the semester following completion of the program. In addition to these preferences, students are selected on the basis of a number of criteria, including their level of commitment to the program, professionalism, work ethic, ability to work independently and as part of a team, interpersonal skills, organization skills, and background/special interest in the program.

Prerequisites: There are no prerequisites for this offering. However, students enrolled in this combined course and clinical offering must participate in all six (6) credit hours (i.e., students cannot choose to take just the course or the clinic). In addition, students enrolled in this clinical program must attend a mandatory clinic-wide orientation program at the Law School early in the semester.

Contact Information: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) explaining their interest in the program, and attaching a current resume. Students may only enroll in the program after receiving advance approval from Professor Applegate to enroll. Given the limited number of spaces, any interested student should contact Professor Applegate in advance of 3L registration.

Updated 03/09

B565 International Criminal Law: Legal Responses to Mass Atrocity and War (3) –Waters

What does it mean for criminal law to be international? Along with the monopoly on violence, the legal and bureaucratic power to define and sanction wrongful behavior is one of the core functions – and definitions – of the modern state. How does this function translate to an international institution and the realm of inter-state relations?

This course provides an introduction to the politics, institutions, processes, and substantive commitments of international criminal law. It will consider international criminal law in its broader political context, as one response (among many) to episodes of mass violence and social disruption, as well as a mechanism for control and replication of values, and will focus in particular on how the international aspect – the horizontality of legal relations in the state system – shapes that response.

The course surveys the historical development of legal responses to war and atrocities, especially through the politics and jurisprudence of the principal criminal tribunals of the modern era. Particular attention is paid to the issues arising out of the Yugoslav conflicts, as well as responses to mass atrocity and war crimes in World War II, Rwanda and the Great Lakes region, and West Africa. The entire course is a comparative legal exercise, examining various attempts to create international tribunals and domestic efforts to respond to international atrocities.

Students will complete a take-home final exam, with active participation in class discussion factoring significantly into the final grade. There are no prerequisites, but courses in area studies, history, political science, international law, human rights, criminal law, and international relations will all prove complementary.

Updated 03/09

B590 Entertainment Law (2) – Meitus

Overview: Entertainment law has been a respected area of legal practice for decades dealing with representation of both creative "talent" and entertainment business interests. Entertainment law has most notably come to the forefront of popular culture in the form of recent battles over music and video file sharing and questions about the alleged monopolistic practices of the increasingly small number of media conglomerates. This course will provide students with the opportunity to develop both a practical understanding of representing creative and business interests in the fields of music, publishing and film & television and a theoretical understanding of the broader intellectual property and constitutional issues at stake with regard to control of creative content. Entertainment law largely deals with the music, publishing and film & television industries, and this course will focus specifically on these three areas.

Either of the courses Survey of Intellectual Property Law or Copyright Law are recommended to be taken either prior to or concurrently with Entertainment Law (but are not required). The subject matter of Entertainment Law, though drawing on copyright law to some extent, does not significantly overlap with any other course to an extent that would preempt students from taking both.

Resources: Donald Biederman et al., *Law and Business of the Entertainment Industry*.

Grading and Attendance: Students will be evaluated through a final exam at the end of the semester and class participation in discussions and exercises. Students will also be expected to participate in several class exercises to be presented during the course. Exceptional class participation may raise a grade; poor attendance and poor class participation may lower a grade or prevent a student from sitting for the final.

Updated 03/09

B601 Criminal Process: Investigation (3) – Hoffmann

Criminal Process: Investigation is a three (3) credit course that covers the wide range of federal constitutional limits on police and prosecutorial investigations of crimes. In particular, the course deals primarily with the Fourth Amendment's requirements for searches and seizures (as discussed in *Mapp v. Ohio*), and the Fifth Amendment's prohibition against compelled self-incrimination (as discussed in *Miranda v. Arizona*). The course also covers the Sixth Amendment's right to appointed defense counsel (as discussed in *Gideon v. Wainwright*), and the general meaning of Due Process as guaranteed by the Fifth and Fourteenth Amendments. Together with Criminal Process: Trial, the course provides a comprehensive look at the way that criminal cases are handled by the modern American criminal justice system. There is also a third course, Criminal Process: Overview, that addresses many of the same issues otherwise covered in both Criminal Process: Investigation and Criminal Process: Trial; students who take Criminal Process: Investigation may not also take Criminal Process: Overview.

Students will be evaluated primarily on the basis of a three-hour, closed-book final examination, with minor upward adjustments for exemplary class participation.

Updated 3/09

B603 Remedies and Equity ## (2) – Conrad

This course will introduce students to a wide range of legal and equitable remedies, with attention to damages, restitution, and protection generally of property interests and economic rights. There will be two required textbooks for the course: (1) the classic hornbook Law of Remedies: Damages-Equity-Restitution, by Dan B. Dobbs (in hardback); and the companion textbook Problems in Remedies: Damages-Equity-Restitution, by Dan B. Dobbs and Kathleen Kavanagh (in paperback). As the foregoing indicates, the course will use the problem method, rather than the case method. With much briefer reading assignments than the case method allows, we can increase both breadth of coverage and narrowness of focus on the remedial elements of the litigation and settlement situations we address. The course textbooks and the planned pedagogical approach are very practice-oriented, with emphasis on "black-letter" law, policy factors, and strategy and tactics of litigation/settlement. Round-table class discussion is very important in the course. Satisfying the advanced writing requirement, this course has no final exam.

Updated 03/09

B608 Family Law (3) – Widiss

This course examines legal issues that arise from the government's regulation of the family. It focuses on the definition, creation, and dissolution of the family. Topics covered include who may marry, divorce, property distribution, child custody, and assisted reproductive technology. Among the themes we will explore are the tension between the need for fixed, predictable rules and the need for flexibility to accommodate increasingly diverse family forms; the significance of changing gender roles within marriage and within society as a whole; and the appropriate balance between the judicial and legislative branches in resolving public policy issues. Students are required to engage in a negotiation exercise and complete problems throughout the semester. Grades will be based primarily on performance on a final exam, but may also include consideration of performance on the assignments and in-class discussion.

Updated 03/09

B614 The Legal Profession (2) – Frohman

An ethical approach to the practice of law is an essential part of your future law practice. This course uses the ABA Model Rules of Professional Conduct, a textbook, guest speakers and many real-world examples, to introduce students to the ethical issues they soon will be facing. Active participation from the class can transform a seemingly dull subject into a thought-provoking look into what it means to be a lawyer. Can you reveal what your client just told you about a crime she committed? Can someone else force you to reveal that information? Why should you let your client decide what to do when you know what's best? Your client just told a lie in court—what do you do now? What if the senior partner asks you to do something you think is fraudulent?

This course is a graduation requirement and is a special prerequisite for any clinical course in which a student has contact with persons outside the law school in a representational capacity. It is also required for any student wishing to be certified for the Legal Internship Program of Rule 2.1 of the Supreme Court of Indiana and for similar programs in other states (Legal Internship Program form/explanation is available in Room 022).

Tom Frohman is an adjunct faculty member. He has practiced law at Indiana Legal Services in Bloomington for over twenty years, specializing in family law issues.

Updated 03/09

B615 Land Use Controls (3) – Stake

This course looks at issues of equity and efficiency that arise when governments or private agreements regulate land use and development. The principal topics covered include the common law of nuisance, servitudes, zoning, and the "takings" clause. The course applies principles from such areas as property, constitutional law, and administrative law. There are, however, no prerequisites for the course. The course should be useful to lawyers engaged in real estate practice or local government law, and interesting to anyone who cares about the ramifications of democratic decisionmaking. Students are expected to participate frequently on a voluntary basis. Students may wish to note that there are no overheads (unlike property and wills and trusts), and 1/3 to 2/3 of the exam will likely be essay.

Updated 03/09

B620 Negotiations ^^ (2) – Ardery

Class purpose/goal: *LEARN TO NEGOTIATE BETTER AND ENJOY IT MORE*

The class is designed to offer students an opportunity to increase their self-awareness and awareness of others and learn and practice concrete negotiation skills. Students should gain a theoretical understanding of negotiation and learn to transfer skills from the classroom to address conflict and engage in negotiation in a professional, ethical and effective way in professional and personal settings.

We will use the textbook as a springboard for class discussion. Much of the classroom time will be spent practicing different negotiation skills. We will consider evaluation, style, tactics and subtexts for negotiations.

A wide range of excerpts from texts other than the main book will be used including portions of the following books:

On Death and Dying

Getting to Yes

Descarte's Error

The Road Less Traveled

Blink

The Gift

The Science of Influence

We will discuss specific negotiations in which members of the class may have engaged in during the course of their daily lives, and we will also examine current events and the effective or ineffective negotiation skills of public figures.

Grades will be determined 25% attendance and class contribution, 25% result of final filmed negotiation exercise; 25% paper on final negotiation; 25% skills used in final negotiation.

Updated 03/09

B620 Negotiations ^^ (2) – Fromm

The goals of this course are: 1) to learn about negotiating theories and styles, 2) to give descriptions of negotiating methods used by practicing lawyers through the use of videotaped examples of negotiations, 3) to be able to recognize and critically examine basic negotiating strategies and tactics, and 4) to give some personal experience in the preparation, evaluation, and negotiation of selected legal problems. By most standards, any knowledge acquired in a negotiation course will be useful to a lawyer in diverse settings and interactions. Lawyers frequently negotiate, sometimes with little awareness of how they are perceived or how to improve their effectiveness. This course proposes to give students a knowledge base from which insights about the negotiation process generally and one's own performance specifically can be gained. Priority for space may be given to students who will not concurrently take or have not taken Mediation.

Updated 03/09

B632 Business Planning ## ^^ (3) – Henderson

This course focuses on the diverse array of legal issues that surround the formation, operation, governance, and financing of a business enterprise. Course readings touch on several substantives areas of law, including corporate, tax, and securities law, as well as basic accounting, business finance, and business strategy. The course will also highlight the relationship between the business client and counsel and attendant issues of professional responsibility. A substantial portion of the student's grade will be based on a semester-long business planning problem that follows a hypothetical client through the formation and growth of his business. Using the tools and background information covered in the reading, students will analyze the client's legal needs and draft appropriate memorandum, legal opinions, and transactional documents. Working on the problem may involve *limited* group exercises. However, the course grade is based upon individual class participation and a student's written work product. The course is designed to be complete on the last day of class; this course has no final exam. Business Planning can be used to satisfy the advanced writing requirement. Prerequisites: Corporations (B 653), Introduction to Income Tax (B650); upon instructor approval, one of these courses may be taken concurrently. Enrollment is limited to 28 students. The class will meet regularly for two hours per week with the potential for meeting longer (up to three hours) approximately three times during the semester.

Updated 03/09

B642 Appellate Advocacy ^^ (1) – Lahn

This Skills course examines the techniques and dynamics of appellate advocacy. The class will focus on oral argument – a key means of understanding legal advocacy at all levels – but also look at effective brief-writing and the appellate process as a whole.

Students will study past examples of oral arguments via video and audio tapes; design and practice arguments through both in-class and out-of-class exercises; and learn to critique and improve on their own performances. The course is designed to parallel students' participation, and improve the quality of argument, in the annual Sherman Minton Moot Court Competition.

This course is not required for those currently participating in the Sherman Minton Competition, but it is recommended. Class exercises may involve discussion of the current and past Moot Court case problems.

This is a Pass/Fail course. Course requirements include: participation in the 2009-10

Sherman Minton Moot Court Competition; attendance at all weekly classes; one or more evening practice arguments at a time consistent with students' schedules; a self-critique of the practice argument; and a follow-up review meeting with instructor. There is no final exam or major paper in this course, but there will be occasional short writing assignments connected to class exercises.

Please feel free to contact Prof. Seth Lahn, slahn@indiana.edu, with any questions about this course.

Updated 03/09

B645 Wills & Trusts (3) – Stake

Wills & Trusts will cover functions and purposes of wills and trusts; intestate succession; limitations on testation; execution, revocation, and revalidation of wills; creation, modification, and termination of trusts; construction of wills and trusts; present estates; future interests; and the Rule against Perpetuities. The intricate rules and extensive doctrinal material covered will afford little time for rambling class discussions. Nonetheless, policy issues involving both fairness and efficiency will be presented and discussed.

This course should be taken prior to any advanced courses in Estate Planning. It is intended as a basic introduction to the trusts and estates area and as elemental preparation for students hoping to enter general practice or specialize in estate planning or fiduciary administration.

Extensive use of an overhead projector is anticipated. Class attendance and preparation are required. The exam will be constructed from multiple-choice questions.

Updated 03/09

B646 Communications Law (3) – Cate

Communications Law addresses statutory, judicial, and administrative regulation of mass media, including print, electronic, and digital media, with particular attention to First Amendment issues. Part I of the course covers government regulation of media; Part II civil liability of media for defamation, invasion of privacy, and other harmful content; and Part III restrictions and limitations on information-gathering, including the recent explosion of tort actions arising from undercover reporting, surreptitious taping, and "ride-alongs." Grading is based primarily on a final exam. The class meets two days per week for two hours each day.

Updated 03/09

B648 Securities Litigation and Enforcement (3) – Nagy

This course examines private, SEC, and criminal enforcement of the federal securities laws, with an emphasis on the anti-fraud provisions of the Securities Exchange Act of 1934. Topics include enforcement remedies, insider trading, market manipulation, and class action litigation, as well as developments under the Private Securities Litigation Reform Act of 1995 and the Sarbanes-Oxley Act of 2002. Prerequisite or Co-requisite: Corporations (B653). This course can be taken in the second or third year, and can be taken before or after a course in securities regulation.

Updated 03/09

B650 Introduction to Income Taxation (4) – Lederman

The principal subject matter of this course is federal income tax law as it applies to individuals. Topics covered in this course include what constitutes income; what is deductible; the tax treatment of gains and losses; and which income items are taxed at preferential rates. Learning to read and apply the Internal Revenue Code and Treasury Regulations is an important focus of this course. The course uses the "problem method;" although some court cases will be discussed at length, class discussion will generally focus on application of the Internal Revenue Code, Treasury Regulations, cases, and other sources of tax law to the factual situations in the problems in the casebook. Policies underlying the tax law will also be discussed. This is an introductory course with no prerequisites. This course is a prerequisite for most other tax courses.

Updated 03/09

B651 Federal Estate and Gift Taxation (3) – M. Shreve

Federal taxation of wealth transfers during life (gift tax) and at death (estate tax). Property and interests subject to tax, valuation issues, deductions, credits, and exclusions. Return and administrative requirements; ethical issues in practice; issues related to possible estate tax repeal. A problem-method course with primary emphasis on the Internal Revenue Code and Regulations. Wills and Trusts is a prerequisite and Income Tax is a co-requisite.

Updated 03/09

B652 Accounting for Lawyers (2) – Hilycord

"Accounting for Lawyers" is designed to introduce basic accounting terminology and procedures. The course will step through the fundamental elements of financial statements and the standards within which the accounting profession operates. This knowledge obtained will be discussed in conjunction with current accounting issues in the media. Basic accounting knowledge should be beneficial for people taking the following courses: Wills & Trusts, Corporations, Family Law, Bankruptcy, Tax Law, Antitrust, Securities Law, Employment and Labor Law, Law and Economics, Commercial Law, Estate Planning, and International Law.

People who have already taken any basic accounting course are not eligible to enroll in this course. This will be a two hour pass/fail course. There will be two exams - one mid-term (40%) and one final exam (60%). The exams will be multiple choice format. No textbook.

Updated 3/09

B653 Corporations (3) – Gellis

The course concerns the laws (primarily state corporation and federal securities laws) that create the corporation as a separate legal entity and that govern the relations among management, shareholders and creditors as they participate in the financing and operation of the corporation. These laws will be examined both in terms of their ability to mediate equitably conflicts of interest among these participants and to induce corporate behavior which serves the best interest of society as a whole. The course serves as an introduction to the other courses in the area of business organization.

Updated 03/09

B658 Higher Education and the Law (3) – Gellis

This course examines the place of higher education institutions in American society, focusing

on the rights and responsibilities of its two main components: the faculty and the students. The course will cover legal issues related to tenure and academic freedom and financing of higher education, as well as issues related to admissions and the role of federal regulation. We will use the casebook, Higher Education and the Law by Judith Areen.

Updated 03/09

B659 Perspectives in American Legal History ## (3) – Conrad

Rather than any sort of survey or general overview, a sampling of scholarship in American legal history is what this course offers. The sampling will, however, touch on all four centuries of American legal history, and will attend to a wide range of areas of substantive law: property, contracts, torts; and administrative, criminal, family, and corporate law. The writing assignments will require analysis and evaluation of our authors' strategies of argumentation. More generally, the course will consider how law itself changes, and how law has mattered-- or not-- in social and political change. Many questions addressed should ring familiar, from reading that students have done in the notes and other supplementary materials found in standard casebooks that seek to give historical perspectives on doctrinal change. But in this course, without any need to "cover doctrine," there is an opportunity to pursue historical perspectives at length, and wherever the students' interests lead. Roundtable discussion is very important in the weekly proceedings and the final grading in this course. Satisfying the advanced writing requirement, this course has no final exam.

Updated 03/09

B662 Copyright Law (3) – Leaffer

This course provides an introduction to federal copyright law, beginning with a historical overview and leading to current day developments. Matters to be covered include the nature of protected subject matter, the idea-expression dichotomy, duration, the bundle of rights conferred by copyright, joint works, works made for hire, fair use, and remedies for infringement. Special attention will be paid to technological developments affecting copyright, including issues related to computer software and the Internet.

Updated 03/09

B663 Labor Law I ## (3) – Dau-Schmidt

The course examines the rights and obligations of unions, management, and individual employees in the private sector under the National Labor Relations Act. Covered topics include: permissible organizational activities, the negotiations and enforcement of collective bargaining agreements, and the permissible terms of economic pressure (strikes, boycotts, picketing, and lockouts). The course objective is to understand the basic statutory and judicial patterns of the modern labor law. No prerequisite. The course involves considerable statutory analysis and an example of the workings of a federal administrative agency. The course is fundamental to traditional labor law practice, helpful to general government agency practice, and a foundation for those planning practice which includes practice before federal agencies. This course may be taken as a writing course to satisfy that requirement for 10 students only or as a simple regular exam course for all remaining students.

Updated 03/07

B665 International Law (3)– Ochoa

International law is a vast, growing, and often controversial area of law. This survey course introduces students to the basics of international law through an examination of its fundamental elements. The course briefly covers the formative history of international law and then examines what makes up international law--the subjects of such law and the sources of the rules. The course also explores how international law is crafted to address specific international problems, such as the use of force, international economic activity, international environmental problems, and human rights. The course includes perspectives taken from the study of international relations in order to provide students with a deeper theoretical understanding of international law.

Updated 03/09

B666 International Securities Regulation (3) – Hicks

This three-credit hour offering is concerned with the effect that law and policy have on global financing by non-governmental, for-profit businesses and on global trading of securities that these business entities create and sell. The course begins with an introduction to financial markets and globalization, U.S. capital markets, international capital markets and theories of securities regulation. After providing students with a sense of the capital markets and the major participants in those markets, the course then explores the impact of U.S. securities law on domestic and foreign companies (including mutual funds), and their shareholders. The course examines the impact of U.S. securities regulation on broker-dealers, investment advisers and other intermediaries in the capital markets. It concludes with a study of statutory and administrative protections for investors, in connection with domestic and foreign transactions that violate registration, disclosure and anti-fraud provisions of U.S. law.

There are no prerequisites. Students are not expected to be familiar with finance, international business transactions, domestic or foreign securities markets or practices, or any aspects of securities law. Lectures and detailed course materials will discuss these and other preliminary topics. Course materials include sample disclosure documents, problems and judicial opinions. The subject matter of this course is not duplicated in Securities Regulation I or Securities Regulation II and, therefore, students who enroll in this course are eligible to enroll in either or both of those courses.

Students will be permitted to bring their course materials, class notes and non-commercial outlines into the final examination.

Useful but not essential for the general practice of law.

Updated 03/09

B668 Constitutional Law II (3) – Conkle

This course will focus on the First Amendment. We will spend the first 75-80% of the semester examining freedom of speech, including issues that arise from attempts to prohibit or regulate incitement to violence, "fighting words," defamation, racist speech, obscenity, pornography, offensive expression, and commercial speech. We also will discuss special problems that are posed by prior restraints on expression, by the regulation of symbolic acts of communication (such as flag burning), and by limitations on the use of such public areas as parks and streets. The remainder of the course will focus on the religion clauses of the First Amendment. Among other cases, we will consider the Supreme Court's decisions concerning school prayer, the teaching of evolution, public sponsorship of Christmas nativity

scenes and Ten Commandments displays, governmental funding programs that include private religious schools, and the application of drug laws to the sacramental use of peyote by Native Americans.

We will be using the most current edition of Kathleen M. Sullivan and Gerald Gunther, *Constitutional Law* (Foundation Press), supplemented by the authors' supplement and/or a small packet of additional course materials. The course will include both lecture and discussion. Constitutional Law I (first-year Constitutional Law) is a prerequisite, although there is no direct connection between this course and any particular section of Constitutional Law I, and it does not matter who you had as your professor for that course.

This course covers issues that are important for any lawyer. Indeed, the First Amendment is a required subject at many law schools.

Updated 03/09

B669 Immigration Law (3) – J. Krishnan

Immigration law consists of the body of statutes, regulations, administrative decisions, and reporting cases defining the rights of aliens to enter the United States, to remain in the United States after arrival, and to secure or retain citizenship. It also includes special restrictions imposed on aliens which restrict their opportunity to secure employment, welfare benefits, or other entitlements, and the judicial response to those restrictions. This course will devote considerable attention to the Immigration and Nationality Act of 1952 and to a number of amendments to that act, including the Refugee Act of 1980, major substantive and procedural changes to the INA in 1990 and 1996, and more recent modifications that have occurred in the aftermath of 9/11. It will also examine the more important federal regulations interpreting these statutes, and to a variety of cases interpreting the reach of these statutes and regulations. It will also treat a significant number of Supreme Court decisions that have addressed the many important constitutional issues lurking in immigration law.

Topics that will be covered include: the exclusion of "undesirable" aliens; the distinction between (and differing standards governing the admission of) immigrant and non-immigrant aliens; the effect of "quota" limitations and labor certification requirements on would-be immigrants and visitors; the grounds for deportation, basic deportation procedures, deportation "waivers" and other forms of equitable relief, and the due process rights afforded various governing the suspension and withholding of deportation, the admission of refugees, the granting of "political asylum", the "legalization" of undocumented aliens, "marriage fraud", the requirements for "permanent resident" status, and judicial review. Significant difficulties faced by aliens who admit to the commission of, or are convicted of, criminal offenses will also be covered. If time permits, limited attention will be given to the following topics: rules imposing "sanctions" on employers who hire undocumented aliens, the naturalization process, and the law governing naturalization, "denaturalization", and other means of losing of U.S. citizenship.

Grading:

- There is one final 3 hour exam that will be open book, open note (75%). (There will be 3 separate, 1 hour questions)
- Attendance and participation are worth 25% of the final grade

Updated 03/09

B672 Secured Transactions (3) – Long

This course examines Article 9 of the Uniform Commercial Code which governs the creation and enforcement of security interests in personal property. A security interest gives a lender the right to seize and sell a borrower's property (without the need for bringing a lawsuit) if the borrower defaults in the repayment of a loan. A common example of a security interest is a bank's right to repossess a borrower's automobile if repayment of the purchase loan is in arrears. On a larger scale, security interests are a central feature of virtually every transaction in which business lawyers participate.

The course is taught primarily through the solution of problems requiring a close reading of Article 9 and other articles of the Code. Students taking the course will not only gain familiarity with the law of secured transactions but will improve their skills for dealing with any complex interlocking statutory code. The bar examinations of most states include questions in the area of secured transactions.

The course grade is based on a three hour essay-type examination. There are no prerequisites for this course.

Updated 3/09

B681 Partnership Tax (2) – Halloran

This course focuses on the operating rules of Subchapter K of the Internal Revenue Code. Topics covered include the tax treatment of contributions made in conjunction with the formation of partnerships and LLCs, the taxation of partnership and LLC business operations, the taxation of partnership and LLC distributions, and the taxation of transfers of ownership interests in partnerships and LLCs. The course is aimed towards the practitioner who will advise upon the formation, operation, and/or disposition of a partnership or LLC, or an interest therein. Introduction to Income Taxation is a prerequisite.

Updated 03/09

B688 Community Legal Clinic ^^ (3) – Singleton

The Community Legal Clinic functions as a law firm comprised of second and third year law students who provide legal representation to clients while acting under the supervision of a licensed supervising attorney. The objective of the course is to allow students to gain practical experience while using the excellent intellectual and analytical skills gained elsewhere in the law school.

The course has two components: 1) a classroom seminar and 2) the actual representation of clients. Clinic clients are local residents with family law problems involving dissolutions of marriage, child custody, child support, parenting time, paternity, guardianship, adoption and abuse and neglect. Most, if not all, Clinic clients have limited incomes and may not be able to afford private counsel. Clinic students have primary responsibility for assigned cases and may be expected to perform some or all of the following tasks: client interviewing, drafting legal documents, engaging in discovery (including taking formal depositions), negotiating, motion practice and trials. Students have weekly office hours and supervision sessions with their supervising attorney to discuss progress in their cases.

The seminar component consists of a weekly class meeting during which the students are introduced to the relevant substantive and procedural areas of the law. To be eligible for the Clinic students must have completed one-half (½) of the hours required toward graduation and have completed or be taking the Legal Professions course. Enrollment is limited. Students may enroll for three (3) credit hours per semester, for a maximum of six(6) credit hours for this clinic.

Updated 10/08

B698 Federal Courts Clinic ^^ (2) – Lahn

Students in this Clinic spend one day (or two half-days) each week of the semester in the chambers of a United States judge or United States magistrate judge in the U. S. District Court for the Southern District of Indiana in Indianapolis. (Some placements may also be possible in the chambers of state appellate judges in Indianapolis.) Students share some of the duties of the judge's law clerks, including the responsibility for active case files. Students usually also observe trials, arguments, and other court proceedings such as pre-trial conferences and sentencings. Students' work is directed by the judge, supervised by the judge's law clerks, and reviewed by the professor.

Past years' Clinic students report that they have benefited from the experience of doing important legal work under skilled supervision and from the opportunity to observe closely the courts' work. In addition to performing their in-chambers legal research and writing work, students will also have periodic meetings during the semester with the supervising professor at a mutually convenient date and time.

Spaces for this Clinic are extremely limited. In order to enroll, students must first (a) obtain the permission of the professor, and (b) arrange their class schedules in order to have one complete day (or, if necessary, two half-days) free for their work in Indianapolis. The Clinic is graded on a pass/fail basis.

Before registering, please submit a resume and writing sample, and identify the day of the week that you would be available to work in Indianapolis, to Prof. Lahn, by e-mail: slahn@indiana.edu.

Updated 3/09

B708 Information Privacy Law (3) – Hughes

This course will examine a range of information privacy issues including privacy definitions, the values served and the costs imposed by privacy, the origins of privacy regulation, U.S. privacy laws, privacy protection in other countries, the need for new regulation in the face of alternative measures for protecting privacy, and the benefits and costs of such regulation. Our primary emphasis will be on financial privacy issues and comparisons with Canada and the European Union. Evaluation is based on class participation and an in-class final examination. There are no prerequisites.

Updated 03/09

B713 Administrative Law (2) – Craig

This course treats those aspects of the administrative process that are common to almost all administrative agencies. Primary consideration is given to the constitutional justification for the administrative agency and the agency's relationship to the legislature, the executive, and, in significant detail, the courts. Administrative discretion to formulate policy and the manner in which policies are made is stressed. Specific topics include the constitutional basis of administrative procedure, the scope of judicial review, the difference between rulemaking and adjudication, the limits of procedural due process, as well as the construction of the Administrative Procedure Act. The course emphasizes federal administrative law, but most of the concepts apply to state law as well. This is a second or third year course. There are no prerequisites other than completion of the required first year courses. This course will meet for only 5 weeks, with the exam likely to be given on

the first Saturday following the end of the course. (Professor Paul Craig is a renowned British teacher and scholar of administrative law. He has been teaching here for several years.)

Updated 03/09

B720 Advanced Trial Practice ^^ (3) – Tanford

Advanced Trial Practice is a limited enrollment course for third-year students who are especially interested in litigation. It provides students with the opportunity to work on the preparation and trial of a case in far greater depth than is possible in Trial Advocacy. It focuses on the theory, law and ethics of trial practice, as well as the skills and techniques. Advanced Trial Practice introduces students to new material not usually covered in Trial Advocacy, including jury selection and expert witnesses, and gives advanced instruction in difficult parts of the trial, such as cross-examining evasive witnesses, and the effective use of exhibits. Evidence and Trial Advocacy are prerequisites. Advanced Trial Practice is offered in the fall of the third year, and is the third course in the trial practice sequence of Evidence, Trial Advocacy, Advanced Trial Practice, and Trial Competition. The grade for the course comes both from a written exam and trial performances.

Updated 3/09

B722 Trial Advocacy ^^ (3) – Kellams, Vaidik

Trial Advocacy is one of the core courses in the litigation curriculum. It covers the techniques, tactics and performance aspects of the trial, including jury selection, opening statements, direct and cross-examination, exhibits, expert witnesses, and closing arguments. Students learn by doing, and our goal is to have every student perform every week. Students are also instructed on courtroom demeanor and conduct, relationship with court officials, and the ethical considerations of trial. In lieu of a final exam, students conduct a full trial. Trial Advocacy is the second course in the trial practice sequence. Evidence is taken first, and is a prerequisite to Trial Advocacy. Trial Advocacy is taken second, and is a prerequisite to Advanced Trial Practice and Trial Competition. Trial Advocacy is also useful as preparation for clinical courses that involve litigation, such as Community Legal Clinic. Trial advocacy is taught by experienced trial lawyers and judges.

Both sections will meet together on Tuesday at 7:45 for a one hour lecture, allowing all students to be exposed to the teaching style and experience of both instructors.

Updated 03/09

B723 Evidence (3) – Tanford

The rules of Evidence regulate the proof of facts at trial and in other phases of litigation. Knowledge of the law and procedure governing the admissibility of evidence is essential for lawyers in all fields that involve litigation, from criminal law to family law to business law. Evidence is a standard bar exam subject.

The Evidence course focuses on the Federal Rules of Evidence (which have been adopted in most states), how they are typically interpreted, and how to apply them when making, responding to, or ruling on objections. Evidence serves as the introductory course to the litigation curriculum, and is a pre-requisite to Trial Advocacy. It is the first of a sequence of four trial practice courses: Evidence, Trial Advocacy, Advanced Trial Practice, and Trial Competition, and so is usually taken in the first semester of the second year. Evidence is

not recommended for accelerated 1-Ls because it assumes that students have completed basic courses in criminal law, property, contracts and torts. Course materials will be distributed in electronic form via a course website, so a computer and the ability to work over the Internet are required.

Prof. Tanford offers two tracks for students taking his Evidence class. There will be a traditional classroom track, primarily for those who are serious about trial practice. It will be taught on a problem-solving method, not the case method. It will make extensive use of transcripts, videotapes, and trial simulations. Students will learn to make and respond to objections. There are extensive drills and exercises, class participation is required, and homework is assigned. Second, there will be a non-classroom electronic track in which students may take the entire Evidence course electronically over the Internet. This track is aimed primarily at students who commute, are taking Evidence as a bar exam course, or need scheduling flexibility. The electronic track is also recommended for LL.M. students who may have difficulty following and participating in rapid simulated courtroom performances because of English language difficulties.

Updated 3/09

B725 Bankruptcy (3) – Long

This course examines the general nature of the legal relationship between debtors and creditors under nonbankruptcy law as well as under the bankruptcy code. It is intended to serve either as an initial introductory course supporting subsequent detailed study of bankruptcy procedures and strategies or as a general basis for advising clients wishing to avoid detrimental impacts of bankruptcy filings. Subjects covered include debt collection procedures under state law, the purposes of bankruptcy, liquidation under Chapter 7 of the Bankruptcy Code, individual debt adjustment under Chapter 13 of the Bankruptcy Code, business reorganization under Chapter 11 of the Bankruptcy Code, recovery of fraudulent transfers and preferential transfers, and the jurisdiction of the bankruptcy courts.

Bankruptcy is an extraordinarily rewarding area of practice. Even in large cities, the bankruptcy bar is a small subset of the legal community with a strong sense of collegiality, shared expertise and their own specialized courts. Bankruptcy practitioners enjoy a pleasant mix of litigation and transactional practice centered around a unified code which takes years of effort to fully master.

The course is taught through consideration of case opinions and solution of client-focused problems. The course grade is based on a three hour essay-type examination. Familiarity with secured transactions under Article 9 of the Uniform Commercial Code will be beneficial to students taking this course but is not a prerequisite.

The course is excellent preparation for Course B631 Advanced Bankruptcy - Business Reorganization, but is not a prerequisite for that course.

Updated 3/09

B734 Advocacy (Moot Court) (1)– Lahn

This is the for-credit component of students' participation on the Moot Court general Board or an external team that participates in an interscholastic competition. Enrollment is by permission of the instructor only; before enrolling under this course number, please confirm your participation with Prof. Lahn by e-mail: slahn@indiana.edu. Credit is awarded on a pass/fail basis.

Updated 03/09

B735 International Business Transactions (3) – Buxbaum

This course is a survey of the legal aspects of international business transactions. It will introduce students to the mechanics of such transactions and to the commercial law environment within which they are negotiated and executed. We will examine in a practical way the documentation necessary to execute various types of transactions and issues that the international lawyer is likely to confront. At the same time, we will discuss the theoretical and policy concerns raised by the conduct and regulation of international business.

Specific topics to be covered include the financing of international trade; franchising, licensing and other forms of technology transfers; foreign direct investment; and the resolution of international disputes. Although we will touch on certain issues regarding the regulation of international trade, this is not a course in trade law.

Updated 03/09

B743 Patent Law (3) – Janis

Why do we give inventors the right to exclude others from making, using, or selling the inventions that they introduce into the world? Is the patent regime performing the purpose laid out for it in the Constitution, namely to "promote the Progress of ... Useful Arts"? How are patent rights structured to speed the delivery of new medicines, computers, and mousetraps to eager consumers?

With an emphasis on these questions, this class surveys United States patent law as codified in Title 35 of the United States Code and as interpreted by the Federal Circuit Court of Appeals and the Patent and Trademark Office. The structure follows the basic steps of a patent infringement suit, addressing claim construction, claim validity (including novelty, nonobviousness, the disclosure requirements, utility, and statutory subject matter), infringement, defenses and remedies.

No technological or scientific background is assumed or required. The growing importance of patents in corporate practice and the ever-increasing infiltration of technology into our everyday lives makes patent law an important subject even for students who do not intend to continue onto a practice that focuses on intellectual property.

Updated 03/09

B748 Comparative Constitutional Law (2) – Zoller

This course provides both grounding in the methodology of comparative constitutional law and experience in comparison between the two leading western constitutional traditions, the monarchical tradition with the gradual evolution of England towards constitutional monarchy, and the republican tradition with the United States and France respectively based on popular and national sovereignty. The comparison is conducted by reference to three key features of all constitutional arrangements: constitutional foundations (notion of constitution); organization of power (separation of powers); rights of citizens (models of rights protection; judicial review). The course explores the extent to which theory and history are essential to proper comparison and adequate understanding of constitutional systems. (Note that this course meets from August 26 to September 29, 2009.)

Updated 03/09

B748 Comparative Law– Law in Modern China ##(2)– Harper Ho

This course will explore the role of law in contemporary Chinese society from a historical and comparative perspective. It will begin with consideration of China's traditional legal order and an assessment of the historical influences on China's legal institutions and attitudes

toward law from the early twentieth century to the present. The majority of the course will focus on China's formal and informal legal institutions and legal reform efforts. Issues to be examined in this part of the course include the role of lawyers and the judiciary; criminal, civil, and administrative legal processes; concepts of human rights and the relationship of the individual to the state; developments in the legal framework governing business entities, investment, and the financial markets; and the use of law to address labor and environmental issues. As a writing course, this course will satisfy the law school's writing requirement but will not satisfy the seminar requirement.

Updated 10/08

B751 Survey of Intellectual Property (3) – Collins

This course provides an introduction to the policy and doctrine of intellectual property. The course is intended primarily for students who do *not* plan to specialize in intellectual property and secondarily for students who plan to specialize in one type of intellectual property and who want an overview of the other types. This course assumes no technical or artistic background, only an interest in understanding how intangible assets are propertized and controlled. Because of the increasingly important role that intellectual property plays in the economy, intellectual property law is becoming an increasingly important component of legal practice and education. Students who are interested in virtually any area of practice--criminal law, commercial law, litigation, etc.--should become familiar with basic intellectual property law.

This course focuses principally on three federal statutory regimes: patents, copyrights and trademarks. In addition, it addresses a number of state-law doctrines, including trade secrecy, contractual restrictions on the use of intellectual property, misappropriation, and the right of publicity.

Updated 03/09

B755 European Union Law (2) – Craig

This course will begin with a short historical overview of the European Union. The course will then consider the institutions and legislative process of the EU, the scope of EU competence, direct effect, supremacy, fundamental rights, preliminary rulings and free movement of workers. The exam will be at the end of this five week course, the exact day and time to be determined. (Professor Paul Craig is a renowned British teacher and scholar of administrative law. He has been teaching here for several years.)

Updated 03/09

B767 Law of Democracy: Voting Rights ## (3)–Fuentes-Rohwer

This is a survey course of the law governing the American political process. Topics will include the right to vote, apportionment of legislative districts, campaign finance, political and racial gerrymandering, the regulation of political parties, direct democracy, *Bush v. Gore*, the Voting Rights Act, and alternative electoral systems. This course satisfies the advanced writing requirement.

Updated 3/09

B768 Water Law (3)– Fischman

Water Law explores the ways in which the United States addresses conflicts over water use. This course examines the legal control of water resources, focusing on water's special status as partially public and partially private property. Topics include riparian water rights (eastern U.S. water law), prior appropriation water rights (western U.S. water law), the

historical evolution of water rights, federal water rights, the public trust doctrine, recreational uses, and groundwater use. With the exception of riparianism, most of the water law issues arise from disputes in the western United States; however, water scarcity is increasingly an issue in the east. **Though the class will discuss the intersection of water quality and quantity concerns, Water Law focuses on access and allocation policy.** Students principally interested in water pollution should take a course in environmental law instead of water law.

Most class sessions will be discussion-oriented. Generally law students the class have the opportunity to work with SPEA graduate students on law-policy problems

Most required reading will be from the case book, *Legal Control of Water Resources* (4d ed. 2006), by Sax, Thompson, Leshy, and Abrams. The table of contents reflects the materials we will consider in this course and is available at:

<http://www.westacademic.com/Students/ProductDetails.aspx?tab=1&productid=136673>

updated 3/09

B771 Mediation ^^ (2)– O'Connor

This course explores mediation as a method of dispute resolution and lays a foundation for the development of advocacy skills in a mediation environment. Class sessions will explore the text materials and the theories discussed therein about mediation and negotiation strategies in the mediation context. In addition the class will participate in role playing exercises. This course will cover relevant authority and rules governing mediation, and will include a discussion on legal ethics in mediation.

As stated, role playing in various areas of practice (i.e. divorce, personal injury, business dispute) will be used to reinforce mediation skills that have been discussed in class. These role playing sessions will be assigned to groups, may be enacted on videotape, and conducted on days that the class would otherwise meet for a general class session, and may be conducted off site in a law office setting.

Written work will consist of three assignments: a Confidential Mediation Statement; a research paper about mediation, confidentiality and enforcement of agreements; and preparation of a detailed mediation agreement. These written assignments will count for 50% of the course grade, with the remaining 50% of the course grade based on participation in class discussions and role playing exercises. There will be no end of the semester course examination.

This course will be limited to 20 participants. Satisfactory completion of this course will enable the new lawyer to understand the role of mediation in the justice system and prepare the lawyer to represent a client in a mediation session.

Updated 03/09

B775 Real Estate Development (2) – O'Bryan

Property Law is the only prerequisite for Real Estate Development, but it is recommended that students have taken either (a) one or more undergraduate or graduate business school courses in finance, accounting, business organizations or real estate, or (b) one or more of the following law school courses: Real Estate Finance, Land-Use Controls, Environmental Law Survey, Introduction to Income Taxation, Pass-Thru Taxation, Corporate Taxation, Corporations, Securities Regulation I, Bankruptcy, Negotiations, Environmental Issues in Business Transactions, or Law and Economics.

Attorneys who represent real estate businesses, real estate investors, or other businesses involved in real estate development projects must first build a solid foundation of real property and real estate finance law, together with negotiation, drafting and writing skills. Those who aspire to leadership in the field ultimately must acquire an integrated working knowledge of (or at least familiarity with) business organizations law, income taxation principles applicable to real property and pass-through entities, land use, environmental regulation, creditors' rights and bankruptcy law.

Real Estate Development will be helpful to law students considering a career concentrated in real estate law practice, whether in a law firm, on the legal staff of a real estate development firm, real estate investment trust or title insurance company, or in the real estate department of a financial institution or general business corporation. It may also appeal to law students generally seeking a course that provides an interdisciplinary focus to a number of seemingly unrelated law courses.

The course will begin with an introductory overview, probably presented in the form of a case study of an actual or potential real estate development project presenting numerous problems (e.g., environmental, wetlands, property assemblage, access to roads and utilities, zoning, impact fees, raising capital, selecting a business organization, and so on). The overview exercise will emphasize the identification and discussion (but not ultimate resolution) of potential issues. The course will then proceed through segments focusing on a number of specific real estate development issues gleaned from reported or hypothetical cases, statutes, ordinances and other resources in most or all of the following areas: (a) real property estates and conveyancing (e.g., easements, licenses, leases and ground leases, horizontal property division, mortgages, land contracts, title insurance issues), (b) purchase and sale contracts, options and rights of first refusal, (c) financing (e.g., mortgages, sale-leasebacks, subordination and releases of liens, conduit financing), (d) environmental and wetlands, (e) zoning and land use (e.g., re-zoning, variances, historical and other special zoning districts, restrictive covenants and comprehensive declarations of easements, covenants and restrictions), (f) business organizations and related income taxes, (g) property taxes (e.g. tax abatement and tax increment financing), transfer taxes and mortgage taxes, (h) commercial leasing and (i) real estate in bankruptcy. I also anticipate augmenting the substantive law studies with handouts and assigned or optional reading concerning the economics and creative aspects of the development, leasing, operation and sale of income-producing real estate.

Updated 10/07

B782 Introduction to Environmental Law (3) – Barnes

This course introduces students to the regulatory regime developed in the United States to address environmental problems. Although the course will touch on common law approaches, the primary focus will be on key concepts and issues in the design, implementation and enforcement of the major environmental statutes. The majority of class time will be devoted to the Clean Air Act and the Clean Water Act; the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Recovery Act ("Superfund"), the Safe Drinking Water Act, the National Environmental Policy Act and water rights will receive more limited coverage.

This is a hands-on course and the course materials include edited Federal Register preambles, copies of permits and actual court filings along with edited cases and selected statutory and regulatory provisions. These materials allow students to see the process by which environmental law is made and enforced--and to become familiar with the materials they would work with if their subsequent practice involves environmental law.

As part of their preparation for some classes, students will be expected to work through

problems that involve application of course materials to actual or hypothetical situations. These exercises will serve as the basis for class discussion.

This core course is a prerequisite for advanced environmental law offerings such as the Advanced Environmental Law and Practice course.

Updated 03/09

B788 Labor Arbitration ^^ (3) – Bethel

The course will focus on labor arbitration as a method of settling disputes that arise under a collective bargaining agreement. The first few weeks will cover the law that created and governs labor arbitration in the private sector. We will also discuss public sector arbitration and employment arbitration. The latter is arbitration of contractual and statutory claims brought by individual employees. The rest of the course is advocacy training for arbitration. Each student will participate in arbitration advocacy exercises, including the trial of an arbitration case. The grade is based principally on performance in the skills component. There are no prerequisites. Enrollment is limited.

Updated 03/09

B789 Feminist Jurisprudence (3) – S. Williams

This class will explore a variety of feminist approaches to law. We will begin with a review of the development of several schools of feminist legal theory, including liberal feminism, cultural or relational feminism, dominance feminism, postmodernist feminism, and the intersection of feminist theory with critical race theory and lesbian theory. We will examine the perspectives offered by these approaches on central issues in the philosophy of law, including the meaning of equality, the possibility of objectivity or neutrality, and the role of power. We will then apply these feminist theories to a range of legal issues, such as rape, sexual harassment and other employment discrimination, child custody, spousal abuse, the regulation of reproduction, and work/family conflict. The class will include both lecture and discussion. There will be one final examination which will be a take-home exam.

Updated 03/09

B792 Internet Law (2) – Rose

Overview. This course examines a wide variety of legal and policy issues raised by the collision of Internet technology with “terrestrial” law. We will examine many subject areas (generally one per class session), including copyright, trademark, free speech, defamation, contracts, computer trespass, crime, and personal jurisdiction. This is a survey designed to provide a basic overview of the key legal issues involved in Cyberlaw, while enhancing your ability to identify and analyze new issues as they will undoubtedly develop in coming years.

Prerequisites. There are no prerequisites to this course. We will concentrate on intellectual property law (copyrights and trademarks make up 80% or so of the content), so having some background in this area is helpful, but is not required. In fact, this is a good introduction to basic IP law. Similarly, having prior knowledge of Internet technology helps, but is not required. There are three levels of inquiry/comprehension/knowledge at work in this course: (1) preexisting IP law, (2) Internet technology, and (3) the body of law resulting from the collision between the first two. Usually, students in this course bring different levels of prior knowledge of IP law, ranging from “none whatsoever” to “fairly experienced.” Knowledge of Internet technology tends to run along a spectrum as well,

ranging from “total newbie” (you are welcome here) to folks who write Ubuntu enhancements (don’t ask). Obviously, the more you know about IP law and the Internet, the more readily you will grasp the content of this class. But that’s true of Securities Regulation too! I try to tread a middle path among these, providing the basics of both (1) and (2) as tools to focus on the real subject matter here, which is (3): how terrestrial law is being forced to respond to Internet technologies. Most students have very little background in that area 3. It’s a challenge to both student and instructor to be both “beginning” and “advanced” at the same time, but it all seems to work out pretty well. You will learn a lot and have fun doing it.

Course Materials. We will not use a casebook. Instead, we will consult statutes and cases, all of which are available online. On average, we’ll cover 3-4 cases per class session. I will post most of the cases on a dedicated website for the course. Since Internet law is dynamic and frequently changing, I may also send periodic email updates on news and legal developments during the course. I may occasionally ask you to locate and read some additional works, such as news articles and recent cases. You will need to use OnCourse, your Westlaw or Lexis account, or one of several Inter–net databases in order to locate the reading and complete your assignments.

Grading and Attendance. There will be one final examination comprised of questions based on the assigned readings, lectures and in-class discussions. The exam format will be multiple choice, true/false, and short answers. There may also be one or two short essay questions. I will confirm the exam format as the date approaches. This will be a closed book, closed notes, and closed Internet exam. Grading will be based on the exam and class attendance/participation. The topics we will discuss are timely and interesting. All students will be expected to be prepared to discuss all assigned readings in class. Exceptional class participation may raise your grade; poor attendance and poor class participation may lower your grade.

Updated 03/09

B793 Introduction to Human Rights Law (3) – Waters

The idea of human rights has become one of the dominant organizing principles of the modern international system – and in particular, the idea that human rights are a legal construct. Though its provisions are often ignored and its content contested, the claim that humans have certain rights which law must respect has proved a powerful rhetorical and political device; its propositions are appropriated by actors across the political spectrum.

In this course, students will examine the foundational and practical contours of international human rights law. The first part of the course will provide a general introduction to basic concepts: sources, assumptions, justifications, aspirations and challenges for human rights. Then, through a small number of focused themes, students will explore the practical operation of those concepts as a legal-political system, agent of change, and instrument of power. In addition, the readings provide examples of the rhetorical, legal and institutional modes in which rights are discussed and implemented.

Current issues will be considered in historical and comparative perspective, with emphasis on the competing claims about the meaning and function of human rights in an international legal system, from both mainstream and outside perspectives. Two major themes will be explored throughout: political and theoretical challenges to the human rights orthodoxy, especially its notions of universalism and legitimacy; and the critical role of the inter-state system in defining and enforcing human rights.

Updated 03/09

L640 Seminar in Law & Architecture ** (3)– Collins

One strain of contemporary legal theory suggests that law can most effectively regulate behavior by understanding that law is only one of several tools in the regulatory toolkit and by paying attention to extra-legal regulation. This course focuses on one potential extra-legal tool: architecture.

The fundamental premise of the field of law and architecture is that both individuals and groups are to some degree "regulated" by the built environment in which they live. Cities, offices, neighborhoods, and homes are not merely neutral containers for housing activity. They impact how we behave, both instrumentally (by allowing certain affordances for individual conduct and social interaction, while preventing others) and symbolically (by serving as a sign system or language). Given this premise, there are two principal lines of inquiry that the field of law and architecture should follow. The first is to understand the mechanisms through which this architectural regulation occurs. This first inquiry involves thinking about architecture as a substitute for law (or, at least, thinking about a type of regulation that occurs in parallel to the law, as they may often be closer to complements than substitutes in the economic sense). How—and how strongly—does built form affect behavior and social structure? Given a tentative answer to this "How?" question, the second inquiry is a classic legal inquiry: If architecture has a regulatory impact, and if we can achieve different ends through regulation by architecture than we can through direct regulation by law, how should we choose to regulate the built environment with law in order to harness architecture's regulatory capacity?

Class readings are comprised of writings by architects, urbanists, social scientists and scholars in other disciplines postulate that architecture, urbanism and the built environment shape individual and collective behavior.

Updated 003/09

L644 Seminar in Energy Law and Policy ** (3) – Richards

Energy services are a vital element of our economy. In theory, energy law is intended to promote efficient investment in the development of energy production and delivery – energy for the transportation, industry, commercial and residential sectors. In practice, the common law and regulations related to energy have struggled to cope with the complex and dynamic nature of the energy industry. In this class we will examine the basic structure of the energy industry, the trends in energy production, and the laws that guide, promote, and constrain the evolution of this vital sector. In addition to examining the basic common law principles and the landmark energy legislation, we will consider the law and policy related to areas such as renewable energy, deregulation of the electricity sector, oil exploration and extraction, climate change and other environmental issues. The primary assignment in the class will be a student paper on a law/policy topic related to the energy field.

Professor Richards holds a Ph.D. in Public Policy from the Wharton School and a J.D. from the Law School, University of Pennsylvania. He is an associate Professor at the School of Public and Environmental Affairs in Bloomington where he teaches and conducts research on environmental and natural resource economics, law and management. He is the associate director of both the Richard G. Lugar Center for Renewable Energy in Indianapolis and the Center for Research on Energy and the Environment in Bloomington.

Updated 003/09

L684 Seminar in Constitutional Design: Rights, Gender, and States of Emergency ** (3) – S. Williams

This seminar will consider several topics in constitutional design. Readings will consist of scholarship and commentary, as well as cases and constitutions from a range of countries. This year, the course will focus on the following areas of law:

1. Rights -- the structure of individual rights, including positive rights and horizontal application of rights; a comparative look at some core fundamental rights, such as freedom of speech and religion; types of equality rights and the constitutional provisions that implement them.
2. Gender – constitutional mechanisms for assuring political representation for women; gender “mainstreaming”; conflicts between religious or cultural rights and gender equality; the incorporation of international law into constitutions and its use to promote gender equality.
3. States of Emergency –the conditions under which the constitution authorizes actions or powers that would otherwise be unconstitutional; the concerns raised by such provisions and the limitations that can be used to cabin them.

Each student will write one long research paper on a topic of his or her choice related to the subjects of the course. There are no prerequisites for this course and students who have taken the other course on Constitutional Design are welcome to take this class, as there is little overlap in coverage.

L684 Seminar in Constitutional Design in Multiethnic Countries ** (3) – D. Williams

In the twenty-first century, more countries than ever before are searching for a constitution tailored to their own challenges and traditions, in the hope that proper constitutional design can improve their politics and social relations. This course will consider how such countries can design a constitution. It will consider the choices open to constitutional designers on a range of subjects, such as the different electoral systems, styles of federalism, and approaches to civil/military relations, and it will examine what we know (or think we know) about the likely consequences of the various choices. Students will then put this knowledge to work: in teams, they will choose a real country in the world and design a good constitution for it, through several short papers and one long paper written over the course of the semester. Extensive research into the constitutional history, traditions, politics, and social relations of the chosen country will be required, so as to draft a constitution closely tailored to conditions on the ground.

Updated 003/09

L693 Seminar: Courts and Legislatures ** (2)– Geyh

This seminar explores the nature of the relationship between courts and legislatures in the state and federal systems. We will look at such issues as judicial selection (including elections and appointments), judicial removal (including impeachment and discipline), and judicial administration (including the regulation of court structure and jurisdiction). A unifying theme of the seminar will be the inherent tension between judicial independence and accountability that manifests itself in each of the contexts described above.

Students are to write a first and final draft of a paper on an issue of their choice (provided that it is within the scope of the seminar), that will comprise 75% of the grade. The remaining 25% of the grade will be awarded for class participation, which includes 1) general participation in seminar discussions; and 2) an oral presentation of the paper to the class toward the end of the semester.

Updated 03/09

L728 Seminar in Globalization ** (3) – Aman

Note: this is an old description and will be updated soon. This seminar will first examine the many meanings of globalization through a set of readings designed to introduce students to the legal and law related literature in this field. In so doing, we shall assess the impact of global processes on international and domestic law, generally, noting, for example, the rise in importance of non- state actors in international legal arenas and the increasingly significant role played by private actors in the provision of domestic social services. After several introductory classes devoted to the globalization literature, this year's seminar will then focus especially on two perceived externalities of globalization: poverty and democracy deficits. What is the relationship of globalization to growing wealth disparities among citizens within countries and wealth differences between developed and developing countries? Has globalization increased wealth dramatically for some but not for others? What is the relationship of globalization to democracy in the U. S. as well as in other established and emerging democracies around the world? In this respect, how does the increasing role of non governmental actors in policy matters affect democracy and the role of citizens? The seminar will conclude with a study of citizenship in a global context.

Students' grades will be based on their participation and their presentations in this seminar, as well as the major research paper they will write in this seminar. Students will be encouraged in their papers to suggest and draft the language necessary to make constructive reforms at various levels of government---domestic or international-- and to help create a new legal architecture for the future.

Updated 03/06

L730 Seminar in Intellectual Property: Current Developments in Copyright Law, Domestic and International ** (3)– Leaffer

This seminar will focus on recent developments in copyright law, both domestically and internationally. We will emphasize digital age issues but not exclusively. Students will be assigned material to present for weekly sessions and will be expected, at the end of course, to present an overview of their seminar paper.

Updated 03/08

L750 Seminar in Law and Development ** (2)– Istrabadi

This seminar explores selected topics related to the establishment of the rule of law in emerging democracies. Readings in the course will examine the scholarly literature relevant to considering the conditions necessary for the establishment of the rule of law, questions of legitimacy, and the role of women and minorities. Particular attention will be paid to the

relationship, if any, between economic development and the rule of law, including strategies employed by the international community to promote its establishment. Some consideration will also be given to the use of force in promoting democratization (e.g., through the "right to protect"). Law students will have an option either to write a research paper that would satisfy the advanced research/writing, graduation requirement or to take a 24 hour take home examination, as scheduled. This seminar would be particularly good for 3Ls and LLM students, but would also work well for second year students who are on a journal or who have interest in this topic. For second year students, it is unlikely that this seminar will be offered in the following year of 2010-11. Please contact me at fistraba@indiana.edu if you have any questions.

Updated 08/08

L766 Seminar in Children and the Law in Modern America ** (3)– Grossberg

This course is a research seminar that will examine the legal construction of childhood from the late nineteenth century to the present. The examination will take two primary forms. First, a series of books, articles, films, and legal sources will be used to explore the changing legal context of childhood during these years. Topics to be discussed include child custody, tort, juvenile delinquency, disability, child abuse, and civic rights. These topics will be examined chronologically as well as in terms of other relevant variables such as race, gender, class, and region. Second, each student will develop a research project that investigates some aspect of children and the law during the period under study. These research projects will supplement the collective work of the seminar by allowing each student to examine in greater detail a topic of her or his own choice. Together the collective and individual activities of the seminar are designed to acquaint students with the central developments and recurrent issues in this body of law over the last century.

Updated 03/09

L776 Seminar in Criminal Law ** (2)– Bradley

The Seminar in Criminal Law is divided into two parts. In the first four weeks the students will read an assigned, recent, Supreme Court criminal procedure case as well as the commentary on that case in the book, *Criminal Procedure: Recent Cases Analyzed*. Each student will make an oral presentation based on the case and the commentary. Students will also be preparing a brief (2 pp) "Petition for Certiorari" for a Supreme Court case based on information on conflicts in the circuits provided by the professor. Half of these petitions will be granted, and the students whose petitions were not granted will be assigned to oppose the students whose petitions were granted. Students will write a brief of no more than 30 pp. either as petitioner or respondent during the 5 week period when the class doesn't meet. During the last four weeks the class will resume for oral arguments of the cases.

Updated 03/09

L776 Seminar in Criminal Law: Death Penalty ** (2) – Madeira

This seminar will study capital punishment through an interdisciplinary perspective, blending law, sociology, psychology, and cultural studies. This seminar will begin by examining the

trends in death penalty jurisprudence since 1976. It will then explore how contemporary understandings of capital proceedings and execution have been impacted by theatrical and media representations of policies and procedures; today, capital punishment is the focus of movies such as Last Dance and Dead Man Walking, as well as news media coverage of executions. This evolving cultural backdrop informs how those unaffected by capital crimes understand capital punishment and evaluate the families of victims and offenders, and it is against this backdrop that the families of victims and offenders step into the "unknown" of capital proceedings. The seminar will then turn to exploring the psychological and emotional characteristics of victimhood, the politics of victims' rights, and the social functions of punishment. The seminar will then explore victim participation in criminal proceedings through private prosecutors and victim impact testimony. Finally, the seminar will turn to the effects of witnessing executions upon victims' and offenders' families, with specific emphasis on the effects of the 2001 execution of Timothy McVeigh upon families of Oklahoma City bombing victims and survivors. This 2-credit seminar will satisfy the advanced writing requirement.

Updated: 03/09

L778 Seminar in American Legal History: The Rise of the Modern American Fiscal State ** (2) – Mehrotra

Law, legal processes, and legal institutions have long played a pivotal role in American political and economic development. One of the fundamental aims of this seminar is to examine how the law – broadly conceived – has affected, and been affected by, the emergence of a market economy in the United States from the late-nineteenth century to the present. While the course will survey a range of topics, the primary focus will be on the development of U.S. tax policy. In addition to class discussion, each student will be responsible for a brief formal presentation, a short book review, and a final research paper.

Updated 03/09

L724 Seminar in the Law and Society of Japan ** (3)– Hoffmann

The Seminar in the Law and Society of Japan is not about Japanese law as such, but instead about the role that law plays in Japanese society, in comparison with the role that law plays in American society. The seminar focuses on important social issues -- such as religious freedom and toleration, gender roles, crime and social deviance, discrimination, and militarism -- and examines the various ways that these social issues are addressed by the constitution, laws, judicial and administrative decisions, and informal rules and social customs of Japan. Comparisons with the treatment of similar issues in America will help students to learn more about their own legal system and social values, as well as about the legal system and social values of another, quite different society.

The Seminar will be conducted as a traditional research seminar, and will be offered for three (3) credits. Each week during the semester, I will assign reading materials designed to introduce students generally to the law and society of Japan. We will discuss the assigned readings during the seminar meetings. All students must also write a research paper. All papers must be comparative in nature, but they need not be about Japanese law and society; students may also write about any other country or countries in Asia, as long as the paper employs a comparative law-and-society approach to the chosen topic.

Updated 03/09

L799 Constitutional Law Seminar: Sexuality, Reproduction and the Law ** (2) – Johnsen

This course will explore governmental regulation of sexuality and reproduction in the United States. We will focus on regulation aimed at sexual activity, reproduction and sexual orientation, with particular attention to the constitutional protections afforded in those areas. Requirements include a research paper (which satisfies the advanced research requirement). No exam. All class meetings will be held before Fall Break, beginning with five three-hour meetings to discuss assigned reading. Students will devote the remainder of the semester to their research papers.

Updated 08/09

Lxxx Seminar in The Supreme Court as an Institution: Empirical and Model-Based Approaches to Understanding the Work of the United States Supreme Court ** (3)– Fuentes-Rohwer and Hook

The purpose of this seminar is to help students develop an understanding of the Supreme Court as an institution. Institutional aspects of the Court – its mechanisms, procedures, and traditions – proceed and often influence the doctrinal legacy of the Court. Therefore, they are worthy of study. This course provides an understanding of these mechanisms through the vehicles of various legal models and empirical analysis. The seminar will explore descriptive, empirical and normative insights into the work of the Supreme Court. Students will complete the course with a better understanding of how the Court works as well as a critical appreciation of other ways in which the Court could work.

Updated 03/09