The City University of New York
School of Law

Fall 2015

Course of Study For Second and Third Year Students

Course Descriptions
and
Program Planning
Information

Office of Academic Affairs Room 4/106– Ext. 84370
To: Second and Third Year Students  
From: Academic Affairs Office  
Re: Course Descriptions and Program Planning Information  
Date: April 9, 2015

This packet contains descriptions of elective courses for second and third year students as well as information about program planning and registration. Please review it carefully. We strongly suggest that students meet with their academic advisor about course selections to help ensure their course of study satisfies graduation requirements and prepares them both for the area of practice they wish to pursue and for the bar exam.

General Program Planning Information
Students must have passed 86 credits, be in good academic standing, and have successfully completed all required courses to graduate. A student must have successfully completed 53 credits and be in good academic standing to enroll in a clinic or concentration. To be in good academic standing a student must obtain a 2.5 gpa or better at the end of each semester.

No more than a combined total of 10.5 credits towards graduation may be earned in the following courses: Teaching Assistant, Independent Study, Law Review, Moot Court, and Public Interest/Public Service (counted as 1.5 credits towards this limit). In general, students may take 3 credits of independent study and 4 electives Credit/No Credit. However, students on probation may not take courses Credit/No Credit.

Required Courses
All students are required to take Mastery of Core Legal Doctrine (CORE Doctrine) although students with a 3.3 or higher cumulative gpa at the end of their fifth semester may opt out of this requirement. CORE Doctrine may not be taken Credit/No Credit. Although Applied Legal Analysis (ALA) is not required, it is a highly recommended one-credit bar exam skills course, which runs concurrently with CORE Doctrine. ALA provides extensive individualized feedback and many third year students have found it very helpful.

Bar Electives
All students are required to take four bar electives, although students with a cumulative gpa of 3.3 or higher at the end of their third semester may opt out this requirement. Thus 2L students should plan their course of study knowing that they must take four bar electives prior to graduation and also take CORE Doctrine and a clinic or concentration during their third year. The current bar electives are: Business Associations, Criminal Procedure I, Criminal Procedure II, First Amendment, New York Domestic Relations Law, New York Practice, Real Estate Transactions, UCC Survey and Wills and Trusts. CORE Doctrine and ALA if taken together, also count as a bar elective. Professional Responsibility is only a bar elective for students who matriculated before fall of 2015.
This packet "Fall 2015 Course of Study for Second and Third Year Students," contains descriptions of required and elective courses for second and third year as well as helpful information about program planning and registration. Please review it carefully. It is strongly encouraged that students meet with their academic advisors for assistance in planning their course of study. Meeting with an academic advisor about your course selections can help to ensure that your course of study prepares you for the area of practice you plan to pursue as well as for success in law school and on the bar exam. An advisor can help you to choose wisely from among the available lawyering seminars, clinics and concentrations, and help you make your elective choices.

**Recommended Criteria to Consider**

We recommend that you consider the following criteria in developing your program:

- courses that provide you with the doctrinal coverage necessary for practice and
  for the bar exam;
- courses that enhance practical lawyering skills;
- courses that prepare you for the particular area of practice you plan to pursue;
- courses that enrich and round out your law studies and prepare you for public interest
  practice; and
- courses that appeal to your interests and background and that will enable you
  to connect intellectually and emotionally to the study and practice of law.

**Electives in Areas Tested on the Bar Exam**

You will need to plan your schedule to accommodate the four bar elective requirements. While the Office of Academic Affairs tries to offer most bar electives each semester that is not always possible.

In addition to the bar elective requirement in spring of your third year, unless you are able to opt out, you must take Mastery and Application of Core Legal Doctrine (CORE Doctrine). Other courses highly recommended for preparation for the New York Bar and which we suggest you consider taking in your third year are Applied Legal Analysis (ALA), New York Practice, and Wills and Trusts. If you are planning to take the bar exam in another state, New York Practice and other New York law focused courses are less useful for your bar preparation.

*Professional Responsibility is required to sit for the New York Bar exam and an in-class professional responsibility course may also be a requirement for admission to practice in other jurisdictions. If you are considering practicing in another jurisdiction upon graduation you will need to determine that jurisdiction’s requirements.*

**Graduation Requirements**

The course of study required of all students for graduation includes:

- Passing grades in all required courses;
- Successful completion of four bar electives;
- Successful completion of CORE Doctrine;
- Completion of clinic or concentration; and
- Successful completion of 86 credits.

**Second and Third Year Requirements**

The first year program totals 30 credit hours. Thus, to meet graduation requirements, you need to take and pass a minimum of 56 credits during your second and third years.

Second year required courses include:

- Evidence (Lawyering and the Public Interest) (fall only, 4 cr.)
• Constitutional Structures (fall only, 3 cr.)
• Property (Law and the Market Economy III (fall or spring, 4 cr.)
• Administrative Law: Public Institutions (fall or spring 3 cr.) *
• Fourth Semester Lawyering Seminar (spring only, 4 cr.)

*This fall, we will offer Public Institutions in Context Education. It will satisfy the Administrative Law: Public Institutions requirement. In the spring, the regular Administrative Law: Public Institutions course will be offered.

Each year, between six and eight fourth semester lawyering seminars are offered, each focusing on a different area of public interest practice. Second year students will receive information about the fourth semester lawyering seminar offerings next Fall.

In the third year, you must enroll in a clinic or concentration. Some of the clinics are one-semester, 12-credit courses; others are two-semester courses with 8 credits in each semester. The concentrations are one-semester, 12-credit courses. The clinic and concentration offerings vary slightly from year to year. **Second-year students will receive more information about the clinic and concentration offerings during the spring semester.**

**Bar Electives**

All students must take four bar electives. The current bar electives are:

- Business Associations (3cr.);
- Criminal Procedure I (3cr.);
- Criminal Procedure II (2 – 3cr.);
- First Amendment (3cr.);
- New York Domestic Relations (3cr.);
- New York Practice (4cr.);
- Professional Responsibility (2)**;
- Real Estate Transactions (3cr.);
- UCC Survey (3cr.); and
- Wills, Trusts & Estates (3cr.)
- ALA taken with Core Doctrine (4+1 Cr.)

** Professional Responsibility is only a bar elective for student matriculating before fall of 2015.

Real Estate and Wills, Trusts & Estates are open only to students who have passed Property. New York Practice may be offered both semesters but is often restricted to third year students only. We generally design the class schedules on the assumption that students will take Criminal Procedure I and/or II, Business Associations, New York Domestic Relations and/or UCC Survey in their second year. You may take these courses as third-year students, but one or more of them may be scheduled against other third year courses.

Deciding which of the recommended bar elective courses deserves careful attention. Some of the courses—Criminal Procedure I and II, and Business Associations—are courses that are fundamental to the development of the basic legal literacy every lawyer needs. Others—UCC, for instance—involve areas of the law that many students find difficult to learn on their own in bar review because the vocabulary, legal concepts, context, and policy considerations are unfamiliar. Most bar electives are useful not only for bar preparation, but preparation to practice in particular interest areas.

**SECOND YEAR SPECIFIC PROGRAM INSTRUCTIONS**

• The Individual Skills Development course is designed to reinforce legal analysis, writing and test-taking skills. It is recommended that those students struggling academically enroll in the ISD program.
• If you plan to pursue a career in criminal law, you should seriously consider timing your program so that you will be eligible for the Defenders’ Clinic in your third year. Defenders’ Clinic enrollment is limited to students who have successfully completed the Criminal Defense Lawyering Seminar in the spring semester of second year (one of the fourth semester lawyering seminars). Only those students who have successfully completed or are currently enrolled in Criminal Procedure I may apply to take the Criminal Defense Lawyering Seminar. Thus, if you are considering applying for the Defenders’ Clinic down the road, you should take Criminal Procedure I either in the summer after your first year or in the fall of your second year.

• Other clinics have Fourth Semester Lawyering pre-requisites which will be explained in the upcoming fall semester. However, no other clinics also require completion of an additional course.

If you have a particular area of interest for which a course is offered, it makes sense to take a course in that area in your second year. Some courses are only offered once a year; others are only offered once every two years. Therefore, if you see a course offered that is in your area of interest, you should register for it.

Grades and the Credit/No Credit Option

Courses at CUNY School of Law (except Individual Skills Development, and other specifically designated courses) use the following grading scale: A, A-, B+, B, B-, C+, C, C-, D and F. These grades will be used to determine a student’s academic status. After completing the first year, a student may elect to take up to 4 elective courses including Individual Skills Development, Moot Court and Academic Legal Writing for Credit/No Credit. To elect the Credit/No Credit option, the student must notify the Office of Registration and Records Management no later than the date designated by the Academic Calendar for each semester.

Here are some factors you might want to consider when deciding to elect the Credit/No Credit option:

• Keep in mind your individual career goals. Consider whether you want to be able to point to an “A” or a “B” in an elective course, in a subject matter related to the area in which you want to practice. Transcript information provided to employers will include a description of the “Credit” grade as encompassing all passing work.

• Assess your total workload for the semester to determine whether electing the “Credit/No Credit” option for a particular course is likely to enhance the picture presented on your transcript or to detract from it. If “Credit/No Credit” in one course gives you the space you need to do very well in all your other courses, this is certainly a relevant consideration. On the other hand, if you’re likely to do well anyway, you may want to take courses for a grade.

• Think about whether during a particular semester you will have a very heavy workload in courses, extracurricular activities, job search activities, or in outside employment. You may want to save your Credit/No Credit option for that semester.

• If you are considering electing Credit/No Credit for a bar-related course, you may want to think about whether you will be motivated enough to have your work in that course translate into adequate preparation for the bar exam.

Best of luck as you proceed with your coursework!
**Some Sample Programs to Consider**

**Sample A** – This is a possible program for a student who wants to take six of the bar electives before graduation (including Core and ALA taken together) and plans to take a one-semester clinic or concentration. (Required courses are in bold.)

<table>
<thead>
<tr>
<th>Third Semester</th>
<th>Fourth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Const’l Structures</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Bar Elective</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Bar Elective</td>
<td>3 cr.</td>
</tr>
<tr>
<td></td>
<td>13 cr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Third Semester</th>
<th>Fourth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13 cr.</td>
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</table>

<table>
<thead>
<tr>
<th>Fifth Semester</th>
<th>Sixth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Elective</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Clinic/Concentration</td>
<td>12 cr.</td>
</tr>
<tr>
<td></td>
<td>15 cr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fifth Semester</th>
<th>Sixth Semester</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>3L Bar Elective</td>
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</tbody>
</table>

| Note: This schedule reflects the decision to take Property in the fourth semester, rather than the third semester. Many students have reported that the third semester is very difficult even without Property. Other students have carried the load including Property successfully. Because there is no lawyering seminar or required small section in the third semester, you should think carefully about your readiness to take on a difficult program without the individual and small-group learning opportunities you had in the first year. |

**Sample B** – This is a possible program for a student who wants to take four bar electives (including Core doctrine and ALA) before graduation and plans to take a two-semester clinic. (Required courses are in bold.)

<table>
<thead>
<tr>
<th>Third Semester</th>
<th>Fourth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Const’l Structures</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Property</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Elective</td>
<td>2 cr.</td>
</tr>
<tr>
<td></td>
<td>13 cr.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Third Semester</th>
<th>Fourth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13 cr.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fifth Semester</th>
<th>Sixth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinic</td>
<td>8 cr.</td>
</tr>
<tr>
<td>Prof Resp</td>
<td>2 cr.</td>
</tr>
<tr>
<td>3L Bar Elective</td>
<td>4 cr.</td>
</tr>
<tr>
<td></td>
<td>14 cr.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fifth Semester</th>
<th>Sixth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8 cr.</td>
</tr>
</tbody>
</table>

| Clinic         | 4 cr.          |
| Prof Resp      | 1 cr.          |
| 3L Bar Elective| 3 cr.          |
|                | 16 cr.         |
Note: This schedule reflects the decision to take Property in the third semester.

**Sample C** – This is a program for a student who wants to take four bar electives (including Core Doctrine and ALA) before graduation and plans to take a one-semester clinic or concentration. (Required courses are in bold.)

<table>
<thead>
<tr>
<th>Third Semester</th>
<th>Fourth Semester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Const'l Structures</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Public Institutions</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Elective</td>
<td>3 cr.</td>
</tr>
<tr>
<td></td>
<td>13 cr.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence</td>
<td>4 cr.</td>
</tr>
<tr>
<td>4th Sem. Law Sem</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Property</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Bar Elective</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Prof Resp</td>
<td>2 cr.</td>
</tr>
<tr>
<td>Ind. Study</td>
<td>1 cr.</td>
</tr>
<tr>
<td></td>
<td>14 cr.</td>
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</table>

**Fifth Semester**

<table>
<thead>
<tr>
<th>Clinic/Concentration</th>
<th>12 cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Elective</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Clinic/Concentration</td>
<td>16 cr.</td>
</tr>
</tbody>
</table>

**Sixth Semester**

| CORE Doctrine         | 4 cr.     |
| ALA                   | 1 cr.     |
| Bar Elective          | 3 cr.     |
| Elective              | 3 cr.     |
| Elective              | 2 cr.     |
|                      | 13 cr.    |

**Elective Offerings (Bar and Other) Offered Most Semesters**
The following electives are usually offered each semester. However, we reserve the right to deviate from these predictions if budget, enrollment, or staffing constraints require that we do so.

<table>
<thead>
<tr>
<th>Course</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Associations</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Criminal Procedure I</td>
<td>3 cr.</td>
</tr>
<tr>
<td>Law Review</td>
<td>2 cr.</td>
</tr>
<tr>
<td>Moot Court</td>
<td>2 cr.</td>
</tr>
<tr>
<td>New York Practice</td>
<td>4 cr.</td>
</tr>
<tr>
<td>Professional Responsibility</td>
<td>2 cr.</td>
</tr>
<tr>
<td>Wills, Trusts, and Estates</td>
<td>3 cr.</td>
</tr>
</tbody>
</table>

**Electives Usually Offered Once Each Year or Once Every Two Years (budget & staffing permitting)**

- Advanced Evidence
- Advanced Torts: The Law of Medical Malpractice
- Capital Punishment & the Courts
- Contemplative Practice: An Exploration of Mindfulness
- Criminal Procedure II
- Employment Law
- Environmental Law
- Federal Courts
- First Amendment
- Health Law or Health Law Policy
- Immigration and Citizenship
- Individual Skills Development (ISD)
- Intellectual Property
- International Law
- Jurisprudence
- Labor Law
- Legislation and Legislative Process
- Mastery and Application of Core Doctrine
- New York Domestic Relations
- Prisoners’ Rights
Race and the Law
Real Estate Transactions
Reproductive Rights
Rights of Low Wage Workers
Sexuality and the Law
Voting Rights
UCC Survey

**Summer 2015 Evening Elective Offerings**
To facilitate your planning, listed below are the electives being offered in the Summer 2015. *We reserve the right to deviate from these predictions if budget, interest, enrollment or staffing constraints require that we do so.*

<table>
<thead>
<tr>
<th>Course</th>
<th>Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Procedure</td>
<td>Zeidman</td>
</tr>
<tr>
<td>New York Landlord-Tenant Law</td>
<td>Alums Stuart/Kessler</td>
</tr>
<tr>
<td>Professional Responsibility</td>
<td>Goode</td>
</tr>
<tr>
<td>Public Interest/Public Service</td>
<td>Siegel</td>
</tr>
<tr>
<td>Health Care Advocate</td>
<td>Gentile, L.</td>
</tr>
<tr>
<td>TIL: Intro to International Criminal Law</td>
<td>Alums Gallagher/Spes</td>
</tr>
<tr>
<td>TIL: Trial Practice from a Judicial Perspective</td>
<td>Sup. Ct. Justice Duffy</td>
</tr>
<tr>
<td>UCC Survey</td>
<td>Kerner</td>
</tr>
<tr>
<td>Wills, Trusts &amp; Estates</td>
<td>Zorn, S.</td>
</tr>
</tbody>
</table>

**Elective Offerings Projected for Spring 2016**
(Not yet finalized and will vary depending on budget and staffing)

<table>
<thead>
<tr>
<th>Course</th>
<th>Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Legal Research</td>
<td>Legislative Advocacy</td>
</tr>
<tr>
<td>Applied Legal Analysis (3L’s only)</td>
<td>New York Domestic Relations Law</td>
</tr>
<tr>
<td>Mastery &amp; Application of Core Legal Doctrine (3L’s Only)</td>
<td>New York Practice</td>
</tr>
<tr>
<td>Business Associations</td>
<td>Prisoner’s Rights</td>
</tr>
<tr>
<td>Contemplative Practice</td>
<td>Professional Responsibility</td>
</tr>
<tr>
<td>Criminal Procedure I</td>
<td>Real Estate Transactions</td>
</tr>
<tr>
<td>Criminal Procedure II</td>
<td>Rights of Low Wage Workers</td>
</tr>
<tr>
<td>Disability Law</td>
<td>Small Firm Practice</td>
</tr>
<tr>
<td>Environmental Justice</td>
<td>Transactional Legal Drafting</td>
</tr>
<tr>
<td>First Amendment</td>
<td>UCC Survey</td>
</tr>
<tr>
<td>Immigration &amp; Citizenship Law</td>
<td>Wills, Trusts &amp; Estates</td>
</tr>
</tbody>
</table>
SECOND YEAR REQUIRED COURSES

Administrative Law/Public Institutions and Law
3 credits – Professor F. Deale
This course explores the phenomena of bureaucracy and regulation that combine to shape the impact of public institutions. The course covers the rules of administrative procedure, which very often form the core opportunity for legal intervention in public interest lawyering, and examines the role of public interest lawyering from inside as well as outside institutions. Students examine the stages of rule-making and adjudication governing executive and legislative administrative agencies. Using analysis of the sources of authority and the premises of expertise and efficiency in regulation as touchstones, students explore the federal statutory schemes that allocate power and order implementation across a broad range of substantive areas.

Administrative Law/Public Institutions in Context Education
3 credits – Prof. N. Gomez-Velez
This course offers an introduction to and overview of administrative law – the legal structures and procedures associated with public agencies and institutions through the lens of education law. This course will lay a solid foundation of general principles of administrative law and process, including the structure of administrative agencies, their rulemaking, adjudicatory, and policymaking functions, and the operation of executive and legislative oversight and judicial review. It will build on that foundation through the lens of education law and policy, drawing on current issues in state and local education law to engage students in more detailed study of administrative law and procedures from an education law perspective, with an emphasis on notions of education as a public good. This course satisfies CUNY Law School’s administrative law graduation requirement.

Constitutional Structures and the Law
3 credits – (Fall)
The course examines federalism as a core value and structural element of the Constitution. It examines the separation of powers within the federal government, as well as the distribution of powers among local, state and federal governments. In this connection, the public-private distinction gets explicit examination. The public power emerging from the commerce clause and the increasing role of public regulation in the market place are also considered.

Evidence and Lawyering in the Public Interest
4 credits – (Fall)
The content of the course centers on three areas: evidence, advocacy skills, and theoretical understanding of dispute resolution. In each area, the emphasis is on combining a focus on litigation with a broader context. Thus, this course explores alternatives to adjudication, settlement and enforcement efforts as well as litigation. The central objective of this course is to enable students to acquire some of the skills and understanding they need for practice.

Evidence (Hybrid)
4 credits – Professor S. Bryant (Fall)
This section of evidence is designed to teach the traditional evidence course using a different
method of learning and teaching. The course will be a hybrid course using both on-line and in-person instruction. Like the traditional evidence course, this course will focus on three areas: evidence law, advocacy skills, and theoretical understanding of how facts are developed through the introduction of evidence and the limitations of that process.

In a hybrid form, the course will meet in class 2 times a week for 75 minutes each. Those classes will focus primarily on applying the law to problems and evaluating its reach and impact on the fact-finding process. This problem-focused learning allows you to see the law in action and to self-assess your understanding in each class. In addition to these class meetings, students will engage in on-line learning that would have happened in class-time that has been reduced by 90 minutes to create space for on-line and other learning.

The online work will involve watching short films that I create focused on the law and youtube recordings of real lawyers’ work. I will also ask you to submit from time to time short essay problems or to do multiple choice questions – both of these activities are designed to prepare you for the quizzes and exams in class and for the bar exam. I will also order a couple of good books and students can pick and choose among the resources on-line and in book form for the out-of-class learning.

The class will involve relatively frequent feedback on learning through quizzes and short essays of the type that I have used in the traditional class. A final exam will be comprehensive and give you the opportunity to show all that you have learned. Many of the students who took the class last fall reported that they liked having the videos to review and consolidate their learning and enjoyed the format. I hope to build on the work done this past year and invite you to participate in making the course better through your feedback and work. Please feel free to email me any questions you may have about the course. Bryant@mail.law.cuny.edu Enrollment requires frequent access to a computer and the internet.

**Property: Law and the Market Economy III**

*4 credits – Professor R. Bratspies*

This course surveys the fundamentals of property law. We will begin by studying the rules for creating rights in property (both real and personal), such as discovery, capture, creation, find, gift, and adverse possession. The majority of the course will then be spent studying the myriad estates and interests that represent the different ways that a person can legally own something. Topics will include possessory estates, future interests, joint tenancies, and leaseholds. The course will conclude by examining ways of transferring interests in land as well as different types of land-use controls, including the law of servitudes, nuisance, zoning and eminent domain. The goal of this course is to provide students with the basic rules of property law, as well as the social, moral and economic policies that give rise to these legal rules and that affect their continuing application today. As we work through the semester, keep in mind the central point that property law governs the relations of human beings vis-à-vis things.

**Second Year Lawyering Seminars**

*4 credits – (Spring)*

These seminars, similar in structure to the first-year Lawyering Seminars, provide a framework for studying the ways that lawyers work and think. Built around specific doctrinal areas and skills, they teach the fundamental lawyering skills of legal analysis, legal research and writing,
fact investigation and presentation, and advocacy or mediation. Beyond that, the courses introduce students to qualitative skills such as: listening (to clients, adversaries, others), exercising judgment and reflecting on one’s decisions, and engaging in the process of ethical reasoning. While focusing students' attention on the development of their skills as lawyers through student work on simulated or real client problems, the courses are also designed to develop students’ critical awareness of the social, legal, ethical, and psychological content of their work. Students examine the philosophical, political and psychological premises of the lawyer's status and role, as expressed in the Code of Professional Responsibility. The objective is to teach what has been thought of simply as "skills" training in a way that does not fragment skills from values, but combines the acquisition of skills with the beginning of an inquiry into professional role and responsibility that will be carried on throughout the three-year program. All seminars are offered for 4 credits and provide students with the opportunity for substantial legal writing experience.

FALL 2015
SECOND AND THIRD YEAR
ELECTIVE COURSES

Advanced Torts: The Law of Medical Malpractice
2 credits – Professor A. Gentile
This course addresses the substantive law of medical malpractice, including physician's liability, informed consent, causation and vicarious responsibility. As a result, the course becomes the equivalent of an "advanced torts" review with special consideration given to joint and several liability, vicarious liability for the acts of others, complex statute of limitations, and other procedural concepts. After the substantive law is covered, the course becomes a "trial practice" seminar in which students will participate in an actual examination before trial of a board-certified physician, based upon actual medical records from a trial record. Thereafter, students, as part of their final examination, will perform an opening statement based upon the discovery obtained from the deposition. By the end of this course, students will understand not only substantive and procedural issues with respect to medical malpractice, but also how to prepare and present a trial of a medical malpractice action. In the past, videotaped reproductions of actual trials and depositions have been used to demonstrate proper practice and procedure for depositions and opening statements.

Advanced Trial Practice
2 credits – Professor R. Rossein
The Advanced Trial Practice seminar is open to eight (8) students who have completed either Professor Rossein’s Trial Practice fourth semester lawyering seminar or Professor Howell’s Trial Advocacy fourth semester lawyering seminar. The students will engage in advanced trial practice skills development culminating in participating in the ABA Section on Labor and Employment Regional Trial Competition held at the U.S. Courthouse for the Southern District of New York. The students will examine the law of the case, develop a litigation plan, explore the factual theories, examine the exhibits, develop ideas about demonstrative exhibits, explore advanced
evidentiary issues and workshop objections, develop a trial plan, participate in three moot trial experiences, and the Trial Competition at the U.S. Courthouse.

**Business Associations**
3 credits – Professor C. Borgmann
Corporations, both large and small, are the major structures through which business is carried out in the United States today. The influence of business corporations on politics, on the environment, and on the health of communities is immeasurable. This course is designed to provide students with a basic understanding of the structure, rights, and responsibilities of the American corporation. While the course looks primarily at small business corporations, some attention is paid to large corporations, and to charitable, religious, and other uses of the corporate form. The course covers only briefly sole proprietorships, partnerships, and other non-corporate forms of doing business. The major focus will be on shareholder rights and duties, on the duties and responsibilities of corporate directors and officers, and on the capital structure of the corporation. Students will learn to apply statutory and case law to problems concerning the formation, development, and structuring of a typical small corporation.

**Civil Disobedience**
3 credits – Professor D. Khosla
The extermination camps of the Nazis, the incineration of Hiroshima and Nagasaki, the My Lai massacre (Vietnam), the ongoing torture and rape of innocent civilians and the violence waged by governments against their own citizens in various parts of the world are all testimonials proving that men are entirely capable of committing yet greater catastrophes in the name of "superior orders." In this age of nuclear and other weapons of mass destruction, an unyielding, "NO" may prove to be our sole password to the future. Students of law know that radical changes in the social, political and legal consciousness of societies are caused not by incremental change-oriented lawyers but by those who say and continue to say "NO" to the unjust commands of duly constituted authority. In this course, we will engage in learning the theory, practice and legal justifications of civil disobedience. Case studies and our imaginations about challenging the select, oppressive rules of law will be the food for thought in this course. In particular, we will discuss issues such as the necessity defense; jury nullification; the fugitive slave law; the Kvorkian phenomena (aiding one to take one's life); Operation Rescue and its impact on choice, the Stonewall riots aimed at asserting the issue of the dignity of gay and lesbian lifestyles; the civil rights movement; and objections to war based on conscience. Please join if you really believe in the theology of liberation and CUNY motto: Law in the Service of Human Needs.

**Contemplative Practice: An Exploration of Mindfulness and Social Justice Lawyering**
2 credits – Professor V. Goode
This course is designed to introduce students to the growing movement of contemplative practice and to explore its application to those who use the law for the pursuit of social justice. Contemplative practice includes a variety of practices that quiet the mind and draw one’s consciousness inward in order to better enable one to address the obstacles that inevitably occur in life. While this “movement” is ongoing in a number of disciplines our focus will be on lawyers who integrate the traditional skills of lawyering and contemplative practice to their career and to social justice.
This course will focus on meditation and mindfulness as a particular form of contemplative practice and will address various techniques that one can learn to develop a meditation practice. We will also read and discuss a number of articles that raise contemplative questions about the challenges typically faced by lawyers and how they integrate contemplative practice with their traditional legal skills. Students must complete a weekly journal and a short research paper for the class.

**Criminal Procedure I**

3 credits – Professor D. Lee

This course explores the constitutionality of various investigatory techniques used by law enforcement agencies to acquire evidence, and it includes discussion of the effectiveness and propriety of such techniques in a democratic society. The Supreme Court decisions featured in the course address important rights protected by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution. Subjects covered will include stops, arrests, searches, police interrogations, *Miranda* warnings, the right to counsel, identification procedures, and the exclusionary rule as a means of deterring unconstitutional police conduct. This course is an elective that is highly recommended as preparation for the bar exam.

**Independent Study**

1, 2, or 3 credits

*(Faculty Permission Required)*

To meet the credit requirements for graduation a student, with the permission of the Academic Dean, may take up to 3 credit hours of independent, faculty-supervised study. (A student may take fewer than 3 credit-hours of independent study at a time and may do so more than once, as long as the total number of independent study credit hours during the student's tenure at the Law School is not more than 3 or meets the requirements outlined below.) A student may also register for more than 3 credits of Independent Study if the credits are not used to meet the credit requirements for graduation. In exceptional circumstances, the student may, with the permission of the Academic Dean, register for up to 3 additional hours of Independent Study credits to meet the credit requirements for graduation.

A judicial clerkship, internship, or a law office clerkship does not satisfy the requirements of an Independent Study. However, these experiences may form the basis of further research for an independent study project. This research and writing must be done under direct faculty supervision in order to gain Independent Study credit.

Procedure for Registration for Independent Study:

1. Student obtains an Independent Study Form
2. Student identifies faculty member willing to supervise the student’s work
3. The student and teacher fill out the sections on the form
4. The student obtains the signature of the Academic Dean.
5. The student brings the form to the Office of Records and Registration.

Note: Students must complete the registration process for this course during the regular registration and add/drop periods for the semester during which they hope to obtain credit for the course.
Individual Skills Development
3 credits – Professor S. Lung
(2L’s Only)
The Individual Skills Development course is aimed at giving second-year students an intensive opportunity to reinforce and refine the array of analytical, test-taking, and study skills needed for successful performance in law school, on the Bar, and in the practice of law. All skills in the course will be taught through material drawn from Constitutional Structures and Evidence. We will work heavily on the analytical skills that are stressed throughout the second-year curriculum, which include analyzing, interpreting, and synthesizing cases; integrating legislative history and case law into the analysis of a statutory standard; and developing legal arguments by analogizing, distinguishing, and reconciling cases. In addition, we will use hypotheticals and problems that require students to use doctrine to construct legal and factual arguments on behalf of clients on all sides of an issue. Of equal importance to the course are the study skills that enable students to cogently structure and understand new doctrine. We will explore how to create context and framework for learning new doctrine, as well as how to map and outline the relationships between concepts. Students will have ample opportunity to apply what they have learned by taking practice multiple-choice and essay exams.

International Law
3 credits – Professor D. Khosla
In the post-Second World War period, international law has become one of the central facts of modern legal and political life. International legal norms and processes have increasing impact on the practice of domestic law. Despite its growing familiarity, however, international law continues to be one of the most intellectually difficult and frustrating parts of the law school curriculum because the international politics which shape international norms are rooted in extremely diverse cultural, social, religious ethos that make them both more volatile and violent. This course seeks to provide students with an intellectual framework for comprehending the processes of contemporary international law, equipping them with the tools for understanding how and why past decisions were made; for assessing how future decisions are likely to be made; and for influencing the decision processes in order to advance world order and human dignity. Specific areas of study would include, but not be limited to, international law; relationship of international law with domestic law; idea of a nation state and how it is undergoing radical transformation; human rights; international environmental law; the United Nations system, and the International Court of Justice.

Land Use and Community Lawyering
2 or 3 credits* – Professor A. McArdle
*Students have the option to register for the course for three credits, which in addition to the two-hour weekly seminar entails either (1) participating in a placement or project approved by the instructor at an outside organization (described below) and completing several journal entries and end-of-semester reflection addressing connections between the seminar and the work of the placement or (2) producing an additional ten pages of a final written report relating to the student’s chosen small-group case project, as described below.

Land Use and Community Lawyering Seminar
(2 credits) – Professor A. McArdle
This New York City-focused seminar is intended to help prepare students who will represent
community stakeholders in controversies related to urban redevelopment involving the state’s power of eminent domain, zoning, and urban renewal, or that implicate the environmental impact of land use decisions. Drawing on the perspectives of law, urban planning and politics, critical geography, environmental justice, and public health, the seminar places contemporary contests over urban land use in historical context, relating them to legal issues generated by post-war urban renewal, displacement, fiscal crisis, and gentrification.

To develop a situated knowledge of how law intersects with questions of political economy, the dynamics of community formation, and the built environment, the seminar models a literally grounded study of urban space by a planned walk for students through a New York City neighborhood that is undergoing transition/development. Guided by this grounded approach, seminar students will participate in small-group case studies to generate knowledge about, and potential approaches to, a contested local land use issue. The seminar addresses the various roles of law as conservatizing force, mechanism for determining access to resources, and strategic tool for mobilizing community advocacy in contests over equity and access.

Among other topics, the course will:
- consider the various contested meanings of “community” and efforts to expand meaningful community participation in local land use decisions and environmental justice advocacy;
- analyze the role and authority of local government structures in the land use planning process;
- study recent New York Court of Appeals decisions addressing the use of the eminent domain power in the Atlantic Yards (Brooklyn) and Columbia University (West Harlem) expansion projects;
- examine the role of community benefits agreements in these cases;
- consider ongoing efforts to finance, create, and preserve affordable housing and the increasingly tenuous position of public housing in the larger landscape of housing options;
- study the land use implications of climate change and the responsibilities of a coastal city in relation to the risk of storm surges, disaster planning, and vulnerable populations at the urban periphery.

The seminar will address concepts in property law, constitutional law, contract law, state and local government law, New York civil practice, and administrative law relating to urban land use. It will provide opportunities to build skill in legal writing, negotiation, and informal advocacy through role plays derived from actual cases implicating local land use decisions.

Instead of a midterm and a final examination, assessment is based on a number of writings, including a written reflection following the neighborhood walk (3 pages), a law office memo connected with a negotiation simulation (7 pages), and a final report based on the student’s contribution to a small-group project (10 pages), and in-class performance.

**Land Use and Community Lawyering Seminar and Placement (3 credits) – Professor A. McArdle**

Students enrolling in the course for three credits will, in addition to participating in the seminar class described above, participate in a placement approved by the instructor. Subject to
confirmation, placements will be available at the following organizations, among others: 
Brooklyn Legal Services Corp. A, Community and Economic Development Program
Housing Conservation Coordinators
New York City Department of Information Technology and Telecommunications, 
Telecommunications Planning and Resiliency
New York Lawyers for the Public Interest, Environmental Justice Program
New York State Attorney General’s Office, Real Estate Finance Bureau (1 or 2)
New York State Division of Homes and Community Renewal, Tenant Protection Unit ((1 or 2)
Queens Legal Aid, Housing Unit
Urban Justice Center Community Development Project (land use and housing practice areas) (1 or 2)

(As noted, students may also enroll in the three-credit version of the seminar without participating in a placement if they opt to produce an additional ten pages of the final 10-page written report relating to the student’s chosen small-group case project.)

Law, Media, and Public Discourse
2 cr. - Professor N. Gomez-Velez

“In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it nothing can succeed. Consequently, he who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions.” Abraham Lincoln, 1858.

A critical understanding of the role of communications media and public discourse in shaping law is essential to effective social justice lawyering (and indeed all law practice). This course will explore the interplay among law, media, and public discourse, noting key examples of the importance of “molding of public sentiment” in election campaigns, the enactment of legislation and public policy, the selection of judges, and judicial decision making. Because this is a vast topic, this is a survey course. Key coverage areas will include an introductory discussion of the role of public relations, persuasion and marketing in engineering consent in both the private and public spheres, the role of the press and public discourse in policymaking, legislation, and judicial selection; the tension between free press and fair trial rights (noting key First Amendment cases), and the impact on (or insulation from) public opinion in high-profile cases. The course will include examples from recent and/or current trials, policy efforts, and social movements.

Law Review Editing
1 credit – Professor A. McArdle Co-Faculty Advisor Professor Lisa Davis
(Faculty Permission Required)
A CUNY Law Review Editor who is leading an editing session or, as determined by a Faculty Advisor, substantially editing a writing for publication with the CUNY Law Review in either its print or digital format, is eligible to receive one credit. One of the Faculty Advisors will review and provide feedback on the work of enrolled students a minimum of three times during the semester and provide a final evaluation of their work at the end of the semester. This course is offered Credit/No Credit.
**Prerequisite:** Enrolled students must be third-year students in good standing and have completed two semesters on the Law Review staff.

**Moot Court**

2 credits - Professor J. Kirchmeier  
(Faculty Permission Required)

This two-credit course features structured assistance to students who wish to improve their advocacy skills through participation in a moot court competition. The course requirements include the completion of an appellate brief and oral argument of professional quality prepared for an external competition or the equivalent thereof. While students will meet regularly as a group and individually with the instructor, each student is expected to work independently toward completion of the course requirements, including participation in oral argument practices. Before registering for a competition and for credit, students must have successfully completed the CUNY Moot Court training program and competition to earn membership in Moot Court. Students must obtain permission from the Moot Court faculty advisor before enrolling in this course. This course is graded Credit/Fail.

**New York Practice**

4 cr. – Professor S. Valentine

Knowledge and strategic use of rules governing civil procedure are essential for any attorney to be successful. This course is designed to provide a foundational understanding of the Civil Practice Law and Rules (CPLR) governing New York Supreme Court Practice. The class will roughly follow the course of a civil matter as it moves through the court system, from the initiation of an action to the taking of an appeal. Topics covered include: the organization of New York courts; jurisdiction (subject matter and personal); statute of limitations; service; pleadings; parties; contribution and indemnification; provisional remedies; motion practice; pre-trial discovery; judgments; and appeals. We will also cover two articles of the CPLR often relied on by counsel representing the poor and impoverished Article 78 (challenging administrative actions) and Article 4 (governing actions under the RPAPL). The final grade will be based on a midterm and final exam as well as class participation. **This is a bar-elective course.**

**Pre Bar Seminar (PBS Students Only)**

5 credits – Professor F. Kerner and A. Robbins

Pre-bar is an intensive bar exam preparation program designed for the self-motivated student. This course will cover some of the most frequently tested doctrine on both the NY bar and the Multistate Bar Exam (MBE). Subjects covered may include contracts and UCC sales, corporations, criminal law, criminal procedure, New York practice, professional responsibility, real property, torts, and wills. Pre-bar will also have a heavy skills focus - working through skills for completing NY bar exam essays, the MBE and the Multistate Performance Test (MPT). This course will require significant work outside of class time including synthesizing doctrinal material, writing and rewriting several essays and MPTs, and doing multiple sets of multiple choice questions, along with an MBE process tracker and learning journals. While the course focuses primarily on the New York bar exam, students preparing for another state bar exam will benefit, as much of the material and skills learned are transferable to bar exams outside of New York.
Professional Responsibility (A)  
2 credits – Professor B. Howell
This class will explore the requirements and the limitations of the ethical practice of law. While not an MPRE course, it will provide an overview of the Model Rules of Professional Conduct but will emphasize concepts of professionalism, professional judgment, and some of the tensions inherent in social justice lawyering. The goal of the course is to allow students to discuss the ethical complexities that exist in practice, especially when representing clients who may be marginalized by our society or when engaging in social change litigation. The course will use a problem-based method. Students will be expected to research and lead a class on an aspect of professional conduct, research and outline an ethical opinion relating to two or three ethical problems, write an ethical opinion based on one of their outlines, engage in classroom discussions, and write a final essay on a ethical problem of their choice. There will be no exam.

Professional Responsibility (B)  
2 credits – Professor S. Bryant
This class will explore the requirements and the limitations of the ethical practice of law. While not an MPRE course, it will provide an overview of the Model Rules of Professional Conduct but will emphasize concepts of professionalism, professional judgment, and some of the tensions inherent in social justice lawyering. The goal of the course is to allow students to discuss the ethical complexities that exist in practice, especially when representing clients who may be marginalized by our society or when engaging in social change litigation. The course goals include developing understanding of ethical complexities that exist in practice, especially when representing clients who may be marginalized by our society or when engaging in social change litigation. Students will learn to spot ethical issues and learn how to research and analyze ethical concerns in practice. The course will use a problem-based method. Each student will lead a class segment on an aspect of professional conduct, research and outline findings to two ethical problems, write an ethical opinion based on one of their outlines, engage in classroom discussions, and write a final essay on a ethical problem of their choice. There will be no exam.

Race & the Law  
3 credits – Professor V. Goode
The purpose of this seminar is to introduce students in to the study of race and the law. Our text, Race and Races is considered a seminal work in this field. The idea that race played a central role in the law other than traditional civil rights cases was antithetical to prevailing legal theory. The late Professor Derrick Bell began to change this view with his publication of the first race and law text, and his insistence on teaching doctrine from a race conscious perspective. Professor Bell’s work laid the foundation for the emergence of the Critical Race Theory movement in legal scholarship and his work continues to influence this course. Critical race theory generally refers to the study of the ways in which racial concepts and ideas operate across social institutions and practices, including but not limited to the law and our legal institutions. Critical race theory is an attempt to develop critical tools for analyzing the racial effects of legal as well as other practices, which appear neutral, objective or colorblind, but have a disproportionate impact on a particular racial group.
Goals of the course: This course provides students an opportunity to explore in greater depth some of the issues or themes concerning race that may have surfaced in other courses. One goal is to learn how to explore legal doctrine from a race conscious perspective. The emerging Critical Race Theory movement was founded precisely as a vehicle to overcome some of those obstacles and to demonstrate how issues of race and color are indeed central to the evolution and operation of legal theory.

**Real Estate Transactions**  
3 credits – Professor A. White  
*(Pre-requisite: successful completion of Property)*

The course will cover the principal elements in New York real estate transactions, including (1) real estate brokerage agreements; (2) purchase and sale contracts; (3) title and title insurance; (4) buyers’ and sellers’ remedies; (5) mortgages and foreclosure; (6) condominiums and co-ops; and (7) landlord-tenant issues. The course has two primary objectives: to teach the legal rules that are tested on the New York bar exam and to introduce students to the drafting and lawyering issues they will encounter in real estate practice.

Grading will be based on several short writing assignments including a drafting assignment, and a final exam with multiple-choice, essay and drafting components.

**Reproductive Justice: Alternative Reproductive Technologies**  
2 credits – Professor R. Storrow

Surrogacy, in-vitro fertilization, artificial insemination and other human reproductive technologies provoke immense public anxiety and pose legal, moral, and ethical questions that defy easy answers. Should some reproduction assisting technologies be illegal? May infertility doctors refuse to treat gay and lesbian couples or single people? What is the connection between reproductive technology and abortion? Will New York State legalize surrogacy this year? The goal of this Seminar is to explore such questions and others in order to appreciate the deep impact reproductive technologies have on society today. We will use our knowledge of diverse areas of the law—including family law, property, torts and contracts—both to critique the rules the legal system currently uses to resolve disputes about reproduction and to articulate new policies as we confront technologies on the horizon (e.g. human cloning). We will gain practice experience by drafting a parenting agreement for a couple who wishes to use a known semen donor to help them have a child. A student’s grade in this course is based upon writing an analytical research paper on a topic of his or her choosing, conducting anonymous peer review, leading class discussion for 50 minutes as part of a team, and participation.

**Teaching Assistant**  
1, 2, or 3 credits  
*(Faculty Permission Required)*

A student may TA for any required course, except Clinics or Concentrations. No student may enroll in more than 3 credits of TA, except students who are TAs for both semesters for LME I and LME II who may earn up to 2 credits for LME I TA and up to 2 credits for LME II TA. All TAs must meet at least one hour per week with the course teacher. All TAs must have at least one contact hour per credit per week with students. To earn credit, each TA must submit at least
one written work product. Examples of such work product include a journal, teaching observations, lesson plans, periodic submissions, and an independent research paper. TA’s do not take part in grading students. In any course that utilizes TA’s, grading remains the responsibility of the course teacher. TAs may not grade student work product, nor may the teacher substantially rely on a TAs feedback in grading. Regarding grading in any course which utilizes TAs, in compliance with our policy requiring at least two graded evaluative devices in each course and encouraging faculty feedback (either individual feedback or group feedback) on all evaluative devices, in addition to any feedback given by TAs, the course teacher must grade and give feedback on at least one evaluation device other than the written work product.

**Transactional Legal Drafting**

*3 credits – Professor S. Zorn*

Most of what lawyers do is transactional work: contracts, settlement agreements, leases, wills, formation of businesses and not-for-profit organizations, and much, much more. Yet the law school experience emphasizes litigation, which for most lawyers will be only a minor part of their overall professional lives.

This course will provide a grounding in the skills needed to be an effective transactional drafter, from the basics of grammar, style and clarity to the structuring and organization of complex documents. The class will consist of a number of increasingly challenging simulations, beginning with drafting or editing a single contractual paragraph and ending with a complex purchase and sale agreement. We will also take a critical look at the sources and uses of forms and precedents for the routine transactional work that occupies much of many lawyers’ working days.

**UCC Survey**

*3 credits – Professor P. Edwards*

This course covers the commercial sale of goods, including sales with negotiable instruments: the law of commercial paper and banking and of secured debt from the perspective of lawyers who will be representing consumers, small businesses and charitable corporations. The course will focus primarily on the Uniform Commercial Code. This is an elective that is highly recommended as preparation for the bar exam.

**Voting Rights**

*3 credits – Professor F. Deale*

This course will focus on the rights of individuals and groups to participate in the electoral political process consistent with the Voting Rights Act, the Fourteenth and Fifteenth Amendments, and state law as applicable. Areas covered will include voter identification, felony disenfranchisement, rules against transient voters, as well as structural features of the political process such as vote dilution mechanisms, at-large elections, racial redistricting, political gerrymandering, the role of money in politics, and alternative democratic structures. Students will be evaluated by midterm and final writing assignments.

**TIL: Consumer Protection Law**

*3 credits – Professor A. White*

The course will cover the various sources of law that regulate business-to-consumer sales, lease and credit transactions, with a primary focus on federal and state statutes and regulations.
Consumer problems explored will include advertising regulation, deceptive trade practices, truth in lending and predatory lending, equal credit opportunity, privacy and consumer information, statutes regulating particular industries, debt collection, repossessions, foreclosures, consumer remedies, class actions and assignee liability. Emphasis will be on current issues in consumer law practice and on substantive areas around which consumer law attorneys build their practices. Assessments will include two short writing assignments (including a draft pleading) and a final take-home exam.

**TIL: Representing Individuals with Mental Disabilities**

2 or 3* credits – Professor S. Yakren

This course will examine current civil issues impacting the rights of individuals with mental disabilities (particularly psychosocial disabilities, such as schizophrenia and depression). Issues covered will include: involuntary civil commitment law, the right to obtain and refuse treatment within institutions, the right to receive care in the community, and the right to be free of discrimination. The course will also cover the ethical and practical issues that arise when working with individuals with mental disabilities. Students will participate in field observations and meet with practicing attorneys.

*Students have the option to register for the course for three credits, which in addition to the two-hour weekly seminar entails either (1) writing an additional 10 pages for the final paper (i.e., for a total of 25 pages instead of 15 pages); or (2) participating in a placement approved by the instructor at an outside organization. However, placement opportunities are limited and may not accommodate all student demand.