

SECOND and THIRD YEAR ELECTIVE COURSES

Business Associations – Two Sections

Section A Professor C. Borgmann

3 cr. (Fall)

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. **This is an elective that is highly recommended as preparation for the bar exam.**

Constitution and Foreign Affairs – Professor F. Siegel

3 cr. (Fall)

A research and discussion seminar examining some of the constitutional issues of the foreign relations of the United States. Topics to be explored include the powers of the President and Congress, separation of powers, war powers, covert action, treaties, executive agreements, participation in international organizations, the role of the courts and justiciability of foreign affairs controversies, state and local government actions affecting federal conduct of foreign relations, and individual rights (including freedom of expression, right to travel, rights of foreign nationals, extraterritorial constitutional issues). Since the attack on the World Trade Center, there have been rapid developments in the courts and Congress affecting the balance between national security and civil liberties. The seminar will examine some of the legal issues this era generated such as indefinite detention, torture, extraordinary rendition, military tribunals, warrantless wiretapping, detention of immigrants, state secrets, secret evidence, and will look at the evolving approach of the new administration. Grading will be based on a 72-hour take home final examination, an in-class presentation and on class participation throughout the semester. (An option of doing a seminar paper instead of the final exam will be offered, but must be selected by early October.)

Criminal Procedure – Professor J. Kirchmeier

3 cr. (Fall)

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 of the United States Constitution. Subjects include the exclusionary rule as a means of enforcing the ban on unreasonable searches and seizures, search warrants, searches without warrants, surreptitious and electronic eavesdropping, the fruit of the poisonous tree doctrine, arrests, police interrogation, *Miranda* warnings, and eyewitness identification

procedures. Course requirements: Examinations are the basis for the final grade. **This course is an elective that is highly recommended to prepare for the bar exam.**

Federal Courts - Professor F. Deale

3 cr. (Fall)

This class examines the federal judiciary, with particular emphasis on the Supreme Court, to determine how the federal system has been used to resolve political, social and economic conflicts. We will look at the original and appellate jurisdiction of the Supreme Court, the control that Congress exercises over the lower federal courts through jurisdiction-stripping legislation and Congressional power to create Article I "legislative courts." We will also examine the conflicts of power between state and federal courts as manifested by civil rights removal, federal injunctions against state court proceedings and federal *habeas corpus*. In addition, we will look at some of the issues surrounding federal suits against governmental abuses of rights and the restraints imposed upon the litigants in such suits by the Constitution, by legislation and by self-imposed judicial doctrine. Although the class is heavy on case analysis and discussion, we will also discuss litigating techniques and strategies for lawyering that are designed to assure that the federal courts remain vehicles for obtaining justice. There will be a mid-term and a final.

Federal Income Tax - Professor J. Garland

3cr. (Fall)

This course will focus on federal statutes and regulations governing federal income tax. Through statutory interpretation, case analysis, and hypothetical scenarios, the course will demonstrate how taxes are assessed in principle instead of concentration on accounting principles and tax form preparation. The course is an overview of the federal income tax system in the United States, designed to help students understand the public policies advanced by the Internal Revenue Code, as demonstrated by the select taxes, deductions, and exemptions discussed each week. The class will discuss not only how the rules of law work, but what policies lie behind them, what alternatives might replace them, and how they affect the society in which that tax system operates. For example, the course will show how basic human needs - such as housing, education, and health care-are subsidized by tax credits, exemptions, and deductions. From a family law perspective, the course will assess tax consequences of marriage, divorce, child rearing, and other forms of relationship recognition (or lack thereof). Less obviously, the class will demonstrate how federal regulation of nonprofit organizations (such as universities, hospitals, and charities) is somewhat paradoxically accomplished through the federal income tax provisions applicable to these non-taxable entities. All of these areas will be examined after basic methods for defining and assessing income are firmly established. Because tax law changes frequently, the course will focus less on memorization of the entire tax code and accompanying regulations in favor of analysis of general tax principles, statutory interpretation, and application of select tax rules to a variety of fact patterns. The course will de-emphasize complex computations in favor of legal analysis, though some basic arithmetic will be required in class, on group assignments, and on the final exam. The course will be graded on at least two written problem sets discussed in class, as well as a final exam. Class participation is required.

Independent Study* (Faculty Permission Required)

(1-3 credits)

To meet the credit requirements for graduation, a student 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 hours of Independent Study credits to meet the credit requirements for graduation. Exceptional circumstances exist when the student has made satisfactory progress in the curriculum, taking advantage of the recommended elective course offerings, and when additional Independent Study credits will enhance the student's education. 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 project. This research and writing must be done under direct faculty supervision in order to gain Independent Study credit. To register for an Independent Study, you must present a completed Independent Study form to the Registrar. (Forms are available in the Registrar's Office and outside the Academic Affairs Office.) Please note that when registering for an Independent Study, you must indicate the number of credits. If the number of credits changes, you must make this change (add/drop) in the Registrar's Office prior to the end of the add/drop period.

***Note: Only 3 credits of Independent Study may be counted towards graduation.**

Individual Skills Development (ISD) – Professor S. Lung

3 cr. (Fall) Permission from the Instructor is Required for Enrollment.

The ISD 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 – Professor D. Kholsa

3 cr. (Fall)

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.

Internet & Law – Professor K. Chan

2 cr. (Fall)

This course will provide practical and understandable information on the current state of the law as it relates to all aspects of transacting business via the Internet. The student will be able to recognize and deal with the legal issues faced by clients and practitioners' online activities, such as e-mail communications, electronic publishing, online advertising and the online sale of goods and services. Emphasis will be placed on the general legal principles as they have evolved to date.

Current issues to be discussed include privacy, child pornography, the Digital Millennium Copyright Act, domain name, cyber-squatting, various hyperlink problems, jurisdiction, electronic signature and FRCP on electronic discovery.

Jurisprudence – Professor D. Khosla

2cr. (Fall)

This course recognizes that theorists have an active role to play in shaping public policy and, more narrowly, that both law and philosophy stand to gain from the dialogue. We will examine different schools of legal thought to enrich this dialogue and our own ability to understand and critique "legal" developments and precedents. Special emphasis will be given to the significant contribution marginal voices have to offer. In this regard, we explore the interrelationship of race, class and gender. A primary objective of this course is to foster the integration of experience into the examination of issues such as the rule of law, justice, neutrality, interpretation, rights and law and morality. The critical legal studies and feminist jurisprudence critique will be amongst those examined in a critical fashion.

Law Review – Professor R. Robson

2 cr. (Fall)

This is a two-credit course that provides structured assistance to students for producing a law review note or comment. The course requirement is a 50 page publishable note or comment that is approved for credit by the instructor. Although each student is expected to work independently, students may meet in groups and will meet individually with the instructor. Permission of the instructor is required for enrolling in this course, but the course is open to all students whether or not a student is a member of Law Review. It is recommended that the student have completed substantial work on the project before enrolling in the course. This course is graded Credit/Fail.

Moot Court – Professor J. Kirchmeier

2 cr. (Fall)

This two-credit course includes structured assistance to students who wish to advance their advocacy skills through participation in a moot court competition. The course requirements include the completion of a 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. Prior to registering for a competition and for credit, students must have completed the CUNY Moot Court training program. Students must obtain permission from the Moot Court faculty advisor before enrolling in this course. This course is graded Credit/Fail.

New York Domestic Relations Law – Professor A. Davila

3 cr. (Fall)

The goal of this course is to familiarize the student with the doctrine and practice of family law in New York State. Students will develop lawyering skills that will enable them to become familiar with the practice in the Family Courts and Supreme Courts of New York State. The course covers the Family Court Act and Domestic Relations Law encompassing issues that affect divorce, equitable distribution, abuse and neglect, custody, family offense, and issues of domestic partnerships. Students work on problems which enable them to use law as a practitioner, thereby integrating doctrine, policy analysis and procedure into a cohesive framework from which trial strategies are crafted. Inherent in our analysis of family law is a critique of social policy as it gives shape to the law. The course will not duplicate the Law and Family Relations course. Although there will be some overlap, we will focus exclusively on the application of broader family law issues to practice in this area in the New York Family and Supreme Courts. **This is an elective that is highly recommended as preparation for the bar exam.**

New York Practice – Professor L. Gentile – (3L's only)

4 cr. (Fall)

It is highly recommended that students in the Health Law Concentration take New York Practice simultaneously this Fall. Litigation in the New York State court system is complicated, challenging, and sometimes frustrating. Success depends on more than a just cause. Successful resolution requires facility with New York State's code of civil procedure known as the Civil Practice Law and Rules (CPLR). This course is intended to provide a broad knowledge and understanding of the Laws and Rules of the CPLR and provide practical skills in the strategic use of procedure to achieve victory in court. The sequence of this course approximates the path of a civil case, providing the law a litigator needs to make strategic litigation decisions including determining which court to bring suit, obtaining jurisdiction, making proper service, engaging in motion practice, obtaining discovery, resolving the litigation, taking appeal and enforcing judgements. Course requirements include 5 quizzes, 2 cumulative tests, research and writing a state court motion, arguing that motion, and visiting a New York State Supreme Court motion calendar in Manhattan (one weekday morning) to observe motion argument. **This is an elective that is highly recommended as preparation for the bar exam.**

Real Estate Transactions – Professor J. Garland

3 cr. (Fall)

(Pre-requisite: successful completion of Property)*

This course comprehensively examines real estate market practices, including: the roles of the principal players (the seller, the purchaser-investor, the broker, the lawyer, and the lender); the legal transaction (negotiation, contract of sale, deed and mortgage closings); basic financing and security documents (mortgages, trust deeds, and installment contracts); techniques and technicalities of conveyancing (deeds, recording), and contract remedies specific to the field. While more complex analysis of real estate development, financing, and accounting principles

are beyond the scope of the course, tax and professional ethics will be covered. This course de-emphasizes case law in favor of practical applications of statutory and regulatory rules. Class participation is required, and the course grade is based on a midterm and final exam.

This is an elective that is highly recommended as preparation for the bar exam.

Teaching Assistant – (Faculty Permission Required)

1, 2, or 3 cr.

A student may serve as a Teaching Assistant (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 Contracts I and Contracts II who may earn up to 2 credits for Contracts I TA and up to 2 credits for Contracts II TA. To earn credit as a TA, all students must attend a 3-hour peer learning/teaching orientation session to be offered during the second week of the semester. 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. Regarding grading in any course that utilizes TAs, 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 final.

TIL: Gender, Psychology & Law – Professor Maureen O’Connor, CUNY Graduate Center, John Jay College of Criminal Justice, and Professor Julie Goldscheid, CUNY Law School

2 cr. (Fall)

This interdisciplinary course will explore the relationship between gender, psychology and law through a hands-on study of selected legal issues relating to gender. Virtually every law that is passed and every regulation that is promulgated rests on assumptions about how people behave, or how people will behave, once a law is enacted. Lawyers and advocates harness psychological research and social science data to surface and, in many cases, challenge those assumptions. Law students and doctoral students will gain a working fluency in one another’s discipline and will examine the role of psychology and social science data in the shaping of legal policies that bear on gender, such as gender discrimination and identity, gender based violence, family law and access to justice. Students will draw on psychological research for projects such as preparing direct and cross examinations of witnesses; the course will culminate in a final project of drafting an *amicus* brief in an area of individual interest.

TIL: Securities Regulations

3 cr. (Fall)

This course surveys federal regulation of securities. The principal focus will be upon the federal Securities Act of 1933 and the Securities Exchange Act of 1934. Coverage will include the definition of security; registration of public offerings; exemptions from registration; federal preemption; insider trading; remedies and liabilities; and tender offer regulation. Some additional topics, such as SEC enforcement activity, recent regulatory failures and proposed regulatory improvements are also covered in this course as time permits.

TIL: Voting Rights – Professor Frank Deale

2 cr. (Fall)

This course will provides an overview of the law that frames our participation in the electoral process. We will look at many topics that have gone into the development of this controversial area, including money and politics, the role of political parties, redistricting and representation, majority rule and racial vote dilution, direct democracy and alternative democratic structures.

Students will be evaluated by performance on two problem oriented writing exercises and active participation in all class projects and activities.

UCC: Survey – Professor F. Kerner

3 cr. (Fall)

This course covers the commercial sale of goods, including sales with negotiable instruments and sales under letters of credit, the law of commercial paper 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.**

Wills and Trusts – Professor R. Storrow – (3L's only)

3 cr. (Fall)

Prerequisite: Successful Completion of Property.

This course examines the law regarding the disposition of property at death by intestate succession, by will, and by will substitutes. The execution, revocation, construction, and contest of wills, as well as limits on the power to dispose of property by will, are studied. This course also examines the creation, modification, and termination of trusts. The course is grounded in New York Estates, Powers and Trusts Laws. **This is an elective that is highly recommended as preparation for the bar exam.**