

**The City University of New York
School of Law**

Spring 2010

Course of Study For 2L's and 3L's

**Course Descriptions
and
Program Planning
Information**

Office of Academic Affairs Room 215 – Ext. 84370

The City University of New York
CUNY SCHOOL OF LAW
Law in the Service of Human Needs

Natalie Gomez-Velez
Associate Dean for Academic Affairs
Gomez-velez@mail.law.cuny.edu

(718) 340-4370 Tel
(718) 340-4394 Fax

65-21 Main Street
Flushing, NY 11367



To: Second and Third Year Students
From: Academic Affairs Office
Re: Course Descriptions and Program Planning Information
Date: November 5, 2009

This packet "**Course of Study for Second and Third Year Students-Spring 2010**", 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.

General Program Planning Information

We suggest that you meet with your academic advisor about your course selections to help ensure that your course of study satisfies graduation requirements and prepares you for your areas of practice and for the bar exam. Choosing wisely can result in an academic program that enhances your legal education, employment opportunities, and success on the bar exam. In general, a wise program reflects course selections meeting each of the following criteria:

- courses that will prepare you for the particular area of practice you plan to pursue;
- courses that will provide you with the doctrinal coverage necessary for the bar exam;
- courses that will enhance the skills you need for the bar exam and for practice; and
- courses that will enrich and round out your law studies, especially courses that will better prepare you for public interest practice.

Electives in Areas Tested on the Bar Exam

Your third year schedule should include three electives highly recommended for preparation for the New York State Bar Exam: The Mastery and Application of Core Legal Doctrine, New York Practice and Wills and Trusts. Those of you who plan to take the New York Bar Exam also should consider taking the following core electives: Business Associations, Criminal Procedure, New York Practice, UCC Survey, Wills and Trusts and Real Estate. (If you are planning to take the bar exam in another state, the New York Practice course and other New York law focused courses are less useful for your bar preparation.

NOTE TO 2L's:

Please note that Criminal Procedure and Business Associations are scheduled in time slots that do not conflict with required courses. If you wait until your third year to take these courses, you may find that they conflict with your Clinic/Concentration or with other recommended third year electives.

Second Year Program Information

Graduation Requirements

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

- Six semesters of 12 or more credits;
- Passing grades in all required courses; and
- 91 credits.

Second and Third Year Requirements

The first-year program totals 31 credit hours. Thus, to meet graduation requirements, you need to take and pass a minimum of 60 credits during your second and third years.

Second year required courses:

- 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.)
- A Fourth Semester Lawyering Seminar (Spring, 4 cr.)

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 counting for 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 2010 semester.**

Electives Recommended for the Bar Exam

Those of you who plan to take the New York State bar exam should include most of the following electives in your academic program in your second and third year:

- Business Associations (3cr.)**
- Criminal Procedure (3cr.)**
- Mastery & Application of Core Legal Doctrine (4cr.) (3L)**
- New York Practice (4cr.) (3L)**
- Real Estate (3cr.) (3L)**
- UCC Survey (3cr.)**
- Wills and Trusts (3cr.) (3L)**

(If you are planning to take the bar exam in another state, the New York Practice and other New York law focused courses will be less useful for your bar preparation.)

Regular Elective Offerings

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.

<u>Course</u>	<u>Credits</u>
Business Associations	3 cr.
Criminal Procedure	3 cr.
Law Review	2 cr.
Moot Court	2 cr.
New York Domestic Relations	3 cr.
New York Practice	4 cr.
Real Estate Transactions	3 cr.
UCC Survey	3 cr.
Wills and Trusts	3 cr.

Summer 2010 Evening Elective Offerings

To facilitate your planning, listed below are the electives we hope to offer in the Summer 2009. We hope to offer additional summer electives. We reserve the right to deviate from these predictions if budget, interest, enrollment or staffing constraints require that we do so.

<u>Course</u>	<u>Credits</u>
Criminal Procedure	3 cr.
Independent Study	1-3 cr.
New York Domestic Relations Law	3 cr.
Public Interest/Public Service (Manhattan and Queens locations)	2 or 3 cr.
Real Estate	3 cr.
Small Firm Practice (Manhattan)	2 cr.
Wills	3 cr.

Grades and the Credit/Fail Option

All courses at the Law School (except ISD) **will be graded using A, A-, B+, B, B-, C+, C, C-, D, F**. Our grading policy provides that a student may elect to take up to four elective courses (including ISD, Moot Court, and Law Review) as **credit/fail courses**. You will be notified at the start of each semester of the deadlines and procedures for exercising this option. Keep this option in mind as you choose the particular courses and total number of credits you plan to take in each semester. (Note: All grades other than F are recorded as “Cr.” and are not used in the computation of your semester point average. **If you receive an F in a Cr/F course, however, the course credits and value for your grade (0) are used in computing your semester grade point average.**)

Here are some factors you might want to consider related to the decision of whether to elect the credit/fail 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/fail” option for a particular course is likely to enhance the picture presented on your transcript or to detract from it. If “credit/fail” 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 be sure to save your credit/fail options for that semester.
- If you are considering electing credit/fail 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!

**SECOND/THIRD YEAR
ELECTIVE COURSES***

Advanced Clinical Course

This course is open only to students who successfully completed the Elder Law, Criminal Defender, CEDC and Mediation Clinics in the Fall of 2009. Enrollment is with the prior approval of the faculty member. Students enrolled in this course will work on cases and projects related to their clinic. Meeting times will be arranged.

Advanced Torts: The Law of Medical Malpractice

2 cr. - 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.

Bar Prep: New York State Bar Essay Writing Independent Study (3L's only)

1 cr. – Professor M. Bilek

This independent study builds on the substantive doctrine covered in *Mastery & Application of Core Doctrine* and the essay-writing techniques taught in Leonard Lakin's co-curricular essay writing lecture series. *Enrollment in Mastery & Application of Core Doctrine and attendance at all the co-curricular lectures (January 25, February 1, 8, 17, and 22, March 1, 8, 22 and 29 from 11:30 – 1:30) are co-requisites for the course.* To pass the course, students must attend all the co-curricular lectures, write six essays and rewrite if necessary to achieve a passing score, and participate in an individual bar study planning session before the end of classes for the semester. Bar-type essays, based on actual New York State essays, are distributed by e-mail. The essays, which must be handwritten, are graded by bar standards and returned to students with a feedback sheet.

Business Associations

3 cr. – Professor M. Macchiarola

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

*The rules and procedures of the CUNY Academic Integrity Policy apply to all courses offered at the Law School. The full text of the policy is in the Student Handbook, 19th edition, at pp. 16-19.

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.

Capital Punishment and the Courts

3 cr. – Professor J. Kirchmeier

There are more than 3,000 men and women on death rows throughout the United States, and their cases are a complex entanglement of constitutional and procedural issues. This course will focus on court decisions about substantive and procedural issues arising in capital cases, with an emphasis on the Eighth Amendment and the writ of habeas corpus. The class will consider historical, policy, and constitutional issues regarding the death penalty and various statutes, such as the federal Anti-Terrorism and Effective Death Penalty Act. Further, the course will examine the role of attorneys and all phases of capital litigation, including trials, appeals, state post-conviction proceedings and federal habeas corpus proceedings. Additional topics will include the consideration of mitigation, age, mental retardation, innocence, insanity, international law, and race in capital cases. Evaluation in the course will be based upon class participation, a mid-term project, and a final exam.

Contemplative Practice: An Exploration of Mindfulness and Social Justice Lawyering

1 cr.-Professor M. Arias and 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 social justice. “Contemplative practice” encompasses a variety of traditions and practices that quiet the mind and draw ones consciousness inward in order to gain insight and the ability to deal with the unique obstacles that one faces in a social justice practice. This course will focus on meditation as a form of contemplative practice and as an essential lawyering skill, directly linked to some of the more traditional skills as outlined in the MacCrate Report. The course will also draw on a variety of readings that specifically link contemplative techniques to the study and practice of law. These may include techniques designed to enhance memory, concentration and the ability to focus as measured by the Toronto Mindfulness Scale, developed by Lau, Bishop, Segal et. al, from “The Toronto Mindfulness scale: Development and Validation”, *Journal of Clinical Psychology*, Vol. 62(12), 1445-1467.

Criminal Procedure

3 cr. – Professor S. Harring

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 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 poisonous fruit doctrine, arrests, police interrogation, *Miranda* warnings, and eyewitness identification procedures. This course is an elective that is highly recommended to prepare for the bar exam.

Course requirements: Examinations are the basis for the final grade.

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

Environmental Law

3 cr. – Professor R. Bratspies

This seminar introduces students to the basic concepts and principles of environmental law. We will study the major federal environmental statutes, with a focus on alternative views for how the law should address environmental degradation. We will also examine the roles that state and local governments, as well as non-governmental actors play in environmental protection. Our study of the statutes, regulations and case law will be from the perspective of how scientific, political and economic concerns affect the development of environmental law and policy. Themes such as environmental justice, scientific uncertainty, the global environment, and conservation ethics will be explored throughout the course. We will examine how activists have attempted to bridge these distinct legal discourses in the context of advocacy and social movements.

Grades will be based on an independent research paper, and an in-class presentation

First Amendment

3 cr. – Professor R. Robson

This course will consider the historical, theoretical, doctrinal, and practical contours of the First Amendment's "free speech" clause, free association clause, free press clause, and religion clauses. Free speech issues addressed will include political speech, commercial speech, obscenity and pornography, hate speech, money as speech, unconstitutional conditions, and the regulation of forums. Free association issues include questions regarding discrimination by the government against members of certain groups such as The Communist Party, as well as discrimination by private groups against others based upon race, gender, or sexuality. Freedom of the press issues include personal privacy, discrimination against the press, and expanding definitions of the press to include the Internet. Religion issues include the prohibition of the establishment of religion and the free exercise of religion, as well as interrogations of the meaning of "religion."

Enrollment is limited to 40 students, no more than 20 of whom can pursue the directed writing opportunity which will require a twenty five page paper on an approved topic of the student's choosing. Students not pursuing the directed writing opportunity shall complete a take-home exam.

Independent Study

(1, 2, or 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 advance permission of the Academic Dean, register for up to 3 additional 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 study project. This research and writing must be done under direct faculty supervision in order to gain Independent Study credit. Students seeking Independent Study credit must find a faculty advisor, complete a study description form, and receive approval from the Academic Dean before or during the registration process. 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 absent permission of the Academic Dean.**

Intellectual Property

2 cr. – Professor K. Chan

This course offers an overview of patents, copyrights, trademarks, trade secrets and other intellectual property. The class examines how intellectual property law affects independent inventors, artists, writers, small businesses and Fortune 500 companies. Special attention is given to how intellectual property law can be used to protect individual inventions and other creative works. Lectures highlight the everyday relevance of intellectual property. Through discussion we will address the impact of emerging trends, such as the proliferation of software and the popularity of the Internet; high-profile intellectual property battles; the growing importance of intellectual property in the future of the United States; enforcement of intellectual property rights; and the role attorneys play in securing and guaranteeing intellectual property rights.

Labor Law

3 cr. – Professor J. Cicero

This course introduces students to the core provisions and principles of the National Labor Relations Act, which regulates the right of employees to organize a union, as well as collective bargaining between unions and employers in the private sector. Through the use of an interactive pedagogy that places students in role as the employees of a fictional company, students will learn how a union achieves representational status, what employee conduct is protected by law, as well as the range of unlawful employer responses to an organizing drive and to the duty to bargain in good faith. In the context of studying the economic weapons available to management and labor and the process of collective bargaining, we will examine issues of status in the workplace and the so-called duty of loyalty, and analyze important decisions by the National Labor Relations Board and the Supreme Court, which have impacted on the relative strength of the parties at the bargaining table. We will explore the rights of strikers and the critical issue of their permanent replacement, as well as the related issue of picket line misconduct. We will also examine the impact of the law's prohibition against "secondary boycotts" on union tactics during a strike, including a Supreme Court decision upholding a union's first amendment right to handbill. Throughout the course, we will examine the values underlying the law, including the economic and political interests that have influenced its development. (Students will be evaluated on the basis of a lawyering exercise and a take-home final exam).

Law Review

2 cr. – Professors R. Robson (Faculty Permission Required)

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 40-50 page publishable note or comment that is approved for credit by the instructor. Although each student is expected to work

independently, there will be meetings and deadlines. 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.

Mastery & Application of Core Legal Doctrine

**4 cr. – Professors J. Pieper & T. Pieper & D. Pieper
(Third Year Students only)**

This course is designed to provide students with a review of core bar exam subjects and to develop the skills necessary for increased success on the bar exam. The substantive subjects covered include Criminal Law, Criminal Procedure, Family Law, Real Property, Torts, UCC Sales and Wills. Working with these subjects, students will hone skills required to identify legal issues, analyze and write bar exam essays and Multistate performance tests, and answer Multistate multiple choice questions. While the course is taught with the New York State Bar Examination as the primary target, candidates preparing for another jurisdiction's bar exam will benefit from the core material covered and the skill sets developed, as much of the material and skill sets are transferable to bar exams outside New York, especially to those in the 53 jurisdictions employing the Multistate Bar Examination or Multistate Performance Test.

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

Moot Court

**2 cr. – Professor J. Kirchmeier
(Faculty Permission Required)**

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. Before registering for a competition and for credit, students must have completed the CUNY Moot Court training program and competition. Students must obtain permission from the Moot Court faculty advisor before enrolling in this course. This course is graded Credit/Fail.

Native American Law

3 cr. – Professor S. Harring

This course will examine how the American legal system (from its inception) has treated the indigenous peoples within the borders of the United States, with some reference to indigenous rights in other nations. Specific litigation tactics and results and the main lines of judicial action affecting Native Americans will be analyzed. Students will be involved in selecting the other primary areas of focus. Potential topics include: Treaties, Sovereignty, Criminal Justice Systems, Tribal courts, Comparative Indian National Governments, Religion and Economic Development, Land Rights and Land Claims, Federal and State Powers in Indian Country, Taxation, and Family Law. The course will be run as a seminar. The final grade is based on a research paper.

New York Domestic Relations Law

3 cr. – Professor A. Davila

This course covers New York law affecting the family, including laws defining and related to family and the legal status of family members, marriage, divorce, custody, abuse and neglect, and family offense proceedings. The focus is primarily on the core doctrinal concepts

encountered by practitioners representing clients with family law problems and will include study of how these issues are framed and resolved in the context of the New York State court system and the social and political context in which these laws operate. It will include special attention to emerging doctrine and issues in this area, as well as to the special lawyering skills required of lawyers in this field. This course covers all aspects of New York State law relating to the family, including marriage, divorce, custody and visitation, child support, and family offense proceedings. Other areas of family law such as abuse and neglect are covered time permitting. Ethical considerations facing the family law practitioner are discussed throughout the course. Attention is focused on emerging doctrine and issues in this area, as well as to the special lawyering skills required of lawyers in this field.

New York Practice –

4 cr. Prof. L. Gentile – (3L's only)

Civil Procedure in the Service of Human Needs. Litigation in the New York State court system is complicated, challenging, and sometimes frustrating. 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.

In recognition of the importance of this area, New York Practice is the most heavily tested subject on the New York Portion of the New York State Bar Exam. In this class you will learn the rules of New York State Supreme Court procedure and you will learn how to use those rules strategically to enhance your position in litigation and how to fend off your adversary's procedural aggressiveness.

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 judgments.

Along the way you will learn how to determine which court has subject matter jurisdiction over a case; how to obtain personal jurisdiction over a corporation or a natural person; we will explore the structure of litigation including the pleadings and bills of particulars; you will learn how to commence the action in the proper venue; how to properly serve the defendant and how to obtain a default judgment; you will learn how to advance your litigation strategy in motion practice; how to bring in new parties to the action through doctrines of joinder, impleader, interpleader, intervention, subrogation, contribution and indemnification; how to make your case by obtaining evidence through disclosure; how to timely file your action within the requirements of Notice of Claim and Statutes of Limitation, and will learn whether any tolls of the Statutes of Limitations apply; you will learn how to obtain relief before you start the action through provisional remedies, including injunctions, seizure and *lis pendens*; you will learn how to enter judgment; how to vacate judgments and defaults; what to do after you win by use of enforcement of judgment procedures; how to timely and properly file a notice of appeal; how to bring on actions that challenge unlawful government acts through the Article 78 Action Special Proceeding and other forms of Special Proceeding; and you will learn the basics of class actions and arbitration.

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

3 cr. – TBD

(Pre-requisite: successful completion of Property)*

This course comprehensively places modern real estate market practices in the context of its impact on the economy as a whole, including examination of how these practices are affecting low-income borrowers of home loans, as well as triggering the foreclosure crisis and national and global economic losses. Specifically, the course will cover the following: the roles of the principal parties to the transaction (the seller, the purchaser-investor, the broker, the lawyer, and the lender); the details of the transaction (negotiation, contract of sale, deed and mortgage closings); financing and security interests (particularly mortgages, as well as the consequences of default and foreclosure); techniques and technicalities of conveyancing (deeds, title searches, insurance, marketable title, and 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. *3rd year students concurrently enrolled in Property may enroll with permission of the Academic Dean**

Sexuality and the Law

3 cr. – Professor R. Robson

This three credit seminar will explore the legal issues surrounding human sexuality. We will consider concepts such as consent, privacy, power and normalcy in the context of specific topics such as gender conformity, sexual harassment, rape, reproduction, pornography, prostitution, transgenderism, intersexuality, lesbianism, male homosexuality, bisexuality, cyber-sex, AIDS, and children. Theoretical perspectives implicated include liberalism, feminism, postmodernism, critical queer theory, and law & economics. The objectives of the seminar are to familiarize students with the historical relationships between law and sexuality; to introduce students to current controversies in legal theory and doctrine relating to sexuality; to foster critical and independent thinking about relationships between law and sexuality; and to enable students to explore an aspect of the relationship between law and sexuality in an independent project which develops writing and analytic skills. Substantial class participation is required. The written product required is a paper on an approved topic relating to law and sexuality. The course is open to law students and other graduate students, and will be taught at the CUNY Graduate Center.

Teaching Assistant

1, 2, or 3 cr.

(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. 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 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 TA's feedback in grading. Regarding grading in any course which utilizes TA's, 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.

Topics in Law: Advanced Evidence

2 cr. – Professor J. Cicero

Evidence doctrine lies at the heart of the study and, especially, the practice of law. Knowledge of the rules is fundamental to successful trial work and lawyering generally, including the informal disposition of cases through alternative dispute resolution mechanisms. This course allows you to reinforce your understanding of doctrine covered in Evidence (for example, the state of mind, business/public records hearsay exceptions, hearsay within hearsay and the character evidence rules), and goes on to examine several new doctrinal areas including the confrontation clause, the residual hearsay exception, opinions and expert testimony, the use of scientific evidence, “rape shield” and related rules, and privileges. As part of the learning and evaluation process, students will engage in a lawyering exercise and take a final exam which will be comprised of essay and multiple choice questions.

Topics in Law: Employment Law

2 cr. – Professor R. Rossein

This course examines the complex and crucially important relationship between employer and employee. The law regulating this relationship plays an important role in decision-making from the time an employer considers hiring new employees until they leave the workforce under the protection of the age discrimination, retirement security, and health laws. The law addresses nearly every issue arising out of the relationship: permissible pre-hire inquiries, the viability of hiring foreign nationals, wages, hours, leaves, substance abuse, performance evaluations, investigating misconduct (including harassment), discrimination, privacy, violence, union organizing, safety, benefits (including retirement and health), record keeping, terminations (especially important in a shrinking economy), insurance, mediation and arbitration, and interactions with federal and state governmental agencies (including the U.S. EEOC, the Occupational Safety and Health Administration, and state workers' compensation boards). Free speech and privacy protections of government workers are other important topics explored in the class. (Although the class briefly reviews the basic requirements of discrimination law, the Equality Concentration for third year students comprehensively examines this area.) This course covers many of the major federal employment laws. (It does not cover the National Labor Relations Act.) It also examines state law employment at-will doctrine, which operated to shield employment decisions-especially termination decisions-from judicial oversight until the mid-1970's.

Topics in Law: Environmental Law and International Development

3 cr. – Professor J. Kimerling

This course will explore selected issues in environmental law and policy, with an emphasis on the links between environmental quality and international development in the current era of globalization. Two case studies in domestic environmental law (asbestos disease and hazardous waste disposal) will be used as a jumping off point to examine the strengths and weaknesses of

the two major types of environmental law: government regulation and civil justice (tort) litigation. We will then examine emerging international law in the field of sustainable development and transnational litigation (efforts by foreign citizens to sue U.S. companies in U.S. courts for injuries arising out of their operations abroad). Other topics include corporate codes of conduct; oil exploration and production in the territories of indigenous peoples in the Amazon Rainforest; and global warming. Students will be evaluated based on class participation and a 20-30 page paper. No prerequisites are required.

Topics In Law: Government Ethics Law

2 cr. – Professor S. Rosenfeld

Elected and appointed officials and career public servants at all levels of government are subject to increasingly complex ethical rules. This seminar will explore many of the substantive and procedural issues raised by such government ethics regimes, concentrating on New York City's Conflicts of Interest Law and the advisory opinions and enforcement rulings of the NYC Conflicts of Interest Board (which Mr. Rosenfeld has chaired since 2002), but also considering relevant laws and rulings in other jurisdictions on the federal, state and local levels. Among the substantive topics to be explored are: prohibited and permissible financial interests and transactions; second jobs ("moonlighting"); nepotism and other uses of public positions for private advantage; receipt of gifts; appearances and representation of private interests before government agencies; superior-subordinate relationships; political activities; and pre-and post employment restrictions ("revolving door" rules). The seminar will also consider the enforcement powers and procedures of government ethics bodies. The course will begin with a brief discussion of the theory and purposes underlying such regimes, and conclude with consideration of whether those objectives are being met in practice. Students will be evaluated based on class participation and *short* (1-3 page) weekly papers applying ethical rules to hypothetical sets of facts.

Topics In Law: Poverty Law

3 cr. – Dean Spade

This course aims to create a critical dialogue about the role of law in structuring wealth inequality and remedying such inequality. The interdisciplinary course materials that we will be using throughout the semester have been selected to assist students in engaging in critical analysis about the roles of capitalism, white supremacy, patriarchy and ableism in structuring law, as well as lawyers role in structuring those systemic conditions. The course will explore both specific questions and histories concerning public benefits, disaster relief, housing, imprisonment, immigration and other legal issues facing low-income populations as well as broad questions about how we might conceptualize the role of law reform in social movements aimed at redistributing wealth and life chances.

The holder of the 2009-2010 Burns Chair is Dean Spade.

Prior to joining the faculty of Seattle University, Dean was a Williams Institute Law Teaching Fellow at UCLA Law School and Harvard Law School, teaching classes related to sexual orientation and gender identity law and law and social movements.

In 2002, Dean founded the Sylvia Rivera Law Project (www.srlp.org), a non-profit law collective that provides free legal services to transgender, intersex and gender non-conforming people who are low-income and/or people of color. SRLP also engages in litigation, policy

reform and public education on issues affecting these communities and operates on a collective governance model, prioritizing the governance and leadership of trans, intersex, and gender variant people of color. While working at SRLP, Dean taught classes focusing on sexual orientation, gender identity and law at Columbia and Harvard Law Schools.

Dean was recently awarded a Dukeminier Award for his 2008 article "Documenting Gender" and the 2009-2010 Haywood Burns Chair at CUNY Law School, and was selected to give the 2009-2010 James A. Thomas Lecture at Yale.

Topics in Law: Reproductive Rights

2 cr. – Professor C. Borgmann

This course addresses reproductive rights in the United States. The contours of the right to abortion have changed dramatically since the Supreme Court decided *Roe v. Wade*. The current Court is sharply divided on abortion, and the right itself hangs in the balance. This course will examine the constitutional cases that protect and restrict people's decision-making about reproduction. Students will explore the arguments for and against locating a right to abortion in the Constitution and will examine the major Supreme Court decisions addressing the nature and extent of the rights to contraception and abortion. The course will also examine several recurrent issues in the law of reproductive rights, such as access to reproductive health services by teenagers and low-income women; policing women's conduct during pregnancy; race and reproduction; and religious refusals to provide reproductive healthcare.

UCC Survey

3 cr. – Professor P. Edwards

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 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.**

Wills, Trusts, and Estates

3 cr. – Professor J. Rosenberg

(Third Year only)

(Pre-requisite: successful completion of Property)*

This course examines wills and alternative ways of passing property upon death, intestacy, the rights of family members (including gay and lesbian spouses and partners), trusts, estate planning, and estate administration. The goals of the course are to help students master the relevant legal doctrine, successfully answer the wills and trusts questions on the New York bar exam, examine the law from a critical perspective, and understand the human, ethical, and public policy dimensions of the law. The focus is on New York law, although there is some comparative analysis with the Uniform Probate Code and other statutes. The course covers most of the doctrine and concepts tested on the New York bar exam. The course integrates a public interest lawyering perspective that helps students understand and apply the relevant doctrine and also provides a foundation for students who may practice in this area as a primary concentration or as part of a broader community based family or elder law practice. **This is an elective that is highly recommended as preparation for the bar exam.**

***3rd year students concurrently enrolled in Property may enroll with permission of the Academic Dean.**

The City University of New York
CUNY SCHOOL OF LAW
Law in the Service of Human Needs

Mary Lu Bilek
Associate Dean
bilek@mail.law.cuny.edu

(718) 340-4519 Tel
(718) 340-4482 Fax

65-21 Main Street
Flushing, NY 11367



To: 3Ls
From: Associate Dean Mary Lu Bilek
Re: CUNY Law Co-Curricular Bar Prep Program and Bar Prep Support
Date: November 5, 2009

The Co-Curricular Bar Prep Program is open to all third-year students and consists of nine lectures focused on the key components of the bar exam preparation, as well as individual study planning sessions and support services.

To ensure that third-year students have an opportunity to take advantage of the nine Bar Prep Lectures, all the lectures are scheduled into a specific block of time in the Auditorium on Mondays between two 3L-only recommended bar electives.

January 25	= Everything You Wanted to Know...	(11:30-1:30)
February 1	= Lakin on Writing Bar Essays: Lecture 1	(11:30-1:30)
February 8	= Lakin on Writing Bar Essays: Lecture 2	(11:30-1:30)
February 17	= Lakin on Writing Bar Essays: Lecture 3	(11:30-1:30)
February 22	= Lakin on Writing Bar Essays: Lecture 4	(11:30-1:30)
March 1	= Lakin on Writing Bar Essays: Lecture 5	(11:30-1:30)
March 8	= Lakin on Writing Bar Essays: Lecture 6	(11:30-1:30)
March 22	= Performance Essay Workshop	(11:30-1:30)
March 29	= The MBE and Bar Study Planning	(11:30-1:30)

In addition to the lectures outlined above, we encourage you to take advantage of the following resources:

1. Questions about bar-related courses or planning for your final semester – email bilek@mail.law.cuny.edu .
2. Individual bar study planning and assistance – email bilek@mail.law.cuny.edu .
3. Individual counseling for assistance with test anxiety and stress – email Penkower@mail.law.cuny.edu .
4. Mentoring by a CUNY Law graduate during bar study time-email Penkower@mail.law.cuny.edu.
5. Group stress reduction classes – watch your e-mail and calendar.
6. The National Conference of Bar Examiners On-Line Annotated MBE – you will receive an e-mail about this resource which the school purchases for you as soon as it is released after the February administration of the bar exam.
7. Questions about bar exams in other states - email bilek@mail.law.cuny.edu .
8. Questions about character and fitness issues - email bilek@mail.law.cuny.edu .

9. A financial assistance program for students needing financial resources during the bar study period. Watch your e-mail during the semester for the assistance program application forms.

Associate Dean Mary Lu Bilek is the CUNY School of Law Bar Support Coordinator. As coordinator, she invites you to contact her individually or in groups with any questions or suggestions. Dean Bilek can be reached by e-mail at bilek@mail.law.cuny.edu.