

SECOND/THIRD YEAR ELECTIVE COURSES

Advanced Clinical Course

2, 3 or 4 cr. (Varied)

This course is open only to students who successfully complete the Elder Law Clinic, Criminal Defender Clinic, Community & Economic Development Clinic, or Mediation Clinic in the Fall of 2011. Enrollment is with prior approval of the respective clinic faculty member. Students enrolled in this course will work on cases and projects related to their clinic. Meeting times will be arranged.

Advanced Evidence

3 cr. - Professor J. Cicero

Evidence doctrine lies at the heart of the study and 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 additional 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. Students will be evaluated on the basis of a lawyering exercise and take-home final examination.

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.

Business Associations

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

Contemplative Practice: An Exploration of Mindfulness and Social Justice Lawyering

1 cr. - 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 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 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 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. Course requirements: Examinations are the basis for the final grade. **This is an elective that is highly recommended as preparation for the bar exam.**

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 the religion clauses. The course stresses current controversies in First Amendment doctrine and theory, including “Occupy Wall Street”, and will also include comparative constitutional perspectives.

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.

The religion clauses issues begin with interrogations of the meaning of “religion.” The Establishment Clause issues include prayer or other religious observance in government and public schools, religious monuments on public land, and religious foundations for specific laws. The Free Exercise Clause issues include specific religious practices (polygamy, peyote),

accommodation of religious belief and practices, as well as religious objections to laws promoting equality or liberty.

Enrollment is limited to 30 students, no more than 15 of whom can pursue the directed writing opportunity which will require a 25-page paper on an approved topic of the student's choosing. Students not pursuing the directed writing opportunity shall complete a take-home exam.

Immigration and Citizenship

3 cr. - Professor J. Calvo

This course is designed to give students an overview of immigration and citizenship and provide some selected insight into the practical aspects of immigration law practice. The course will also selectively explore some of the underlying race, ethnicity, gender and sexual orientation issues in immigration and citizenship laws. It will cover the following topics: Immigration and Citizenship Overview, Citizenship by Birth and Naturalization, Dual Nationality, Family Based Immigration, Employment Based Immigration, Refugees//Asylees, the Process of Becoming a Permanent Resident, Pending Cases that address state attempts to regulate non-citizens, the Constitutional Basis of Immigration Regulation and an Overview of Exclusion and Deportation. One focus of the course will be working with statutory and regulatory schemes, and students will be required to become familiar with the Immigration and Nationality Act and regulations interpreting the statute.

Evaluation in this course will be based on a final take-home examination, a take-home midterm exercise and class participation. Students can choose a midterm exercise that involves doing research for an immigration attorney, assistance on an immigration case or an assigned take-home project. This course is recommended, but not required, for second year students who are considering the Immigrant and Refugee Rights Clinic.

Independent Study

1, 2, or 3 crs.

(Faculty Permission Required)

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.

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. 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.

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.

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.

Intellectual Property

2 cr. - Professor K. Chan

Intellectual Property is a major and important influence in today's world. Intellectual property law quietly affects the economic growth around the world. Learn how intellectual property has relevance in everyday life and how its reach extends from independent inventors to artists, writers, small businesses and Fortune 500 companies. Get an overview on patents, copyrights, trademarks, trade secrets and other types of intellectual property and how intellectual property law can be used to protect individual inventions and, other creative works. See how intellectual property is at the forefront of emerging trends and the mutual impact, such as the proliferation of software and the popularity of the Internet (Google, Biotechnological research). The course will focus on high-profile intellectual property battles; the growing importance of intellectual property in the future of the United States; and the role attorneys play in securing and guaranteeing intellectual property rights.

International Human Rights Law

(4 weeks only)

2 cr. - TBD

This 2 credit course, which will be taught over a 4 week period, introduces students to the development of universal human rights norms in the international system and efforts to implement these at the national level. Focusing on South Africa, the course analyzes the inclusion of human rights in the South African Constitution, and the possibilities and limitations for human rights in such a constitutional framework. It will be taught by a South African human rights advocate. The evaluation requirement for the course will be class participation and a short paper.

Labor Arbitration and Collective Bargaining (3L's Only)

4 cr. - Professor J. Cicero

This course will address two related areas of workplace regulation in the United States. Since the enactment of the National Labor Relations Act in 1935, collective bargaining has been a central means of establishing the wages, hours, and other terms and conditions of employment for American workers. Since 1960, as a result of landmark Supreme Court decisions, labor arbitration has stood as a focal point in the resolution of disputes arising under the collective bargaining agreement. The course will address the substantive law in these two doctrinal areas, as well as the skills required to negotiate effectively and to arbitrate successfully. We will examine the law applicable to arbitration, both within and outside the collective bargaining context. For example, grievance resolution and the arbitration hearing will be studied, along with the nature of the evidence produced during arbitrations; the role of an arbitrator; issues of federal common law concerning arbitration; the Union's duty of fair representation; the subjects of arbitration; and the arbitration of individual employment claims. As part of the skills agenda, you will be placed in role of counsel to either the union or the employer and will be required to evaluate evidence, conduct independent legal research and write a post-hearing brief to the arbitrator. In the labor context, arbitration is created through the negotiation process. Accordingly, we will study the

law and mechanics of bargaining, including the dichotomy between mandatory and permissive subjects; the distinction between (lawful) hard bargaining and (unlawful) surface bargaining; impasse and unilateral action; the types of strikes and rights of strikers; lockouts; and the strategic considerations underlying the choice to use any of these “economic weapons” during negotiations, as well as the duty to provide information during negotiations. As we study about the substantive doctrine, we will prepare and exchange bargaining proposals, learn about and examine different negotiating styles and techniques, and meet weekly in actual negotiating sessions. The semester will end with a final, comprehensive, negotiation session in which a final agreement must be reached.

Law Review Seminar

2 cr. - Professor A. McArdle

(Faculty Permission Required)

Scholarly legal writing produces new knowledge and insights about a legal issue and contributes to a larger body of ideas and discussion. It promotes intellectual engagement with a legal topic, contributes to the development of analytic rigor, and offers an outlet for one’s creativity as a legal thinker. This two-credit course provides structured assistance to students for producing a 35-40-page publishable law review note or comment that is approved for credit by the instructor. Although each student is expected to work independently, we will meet regularly as a seminar to help develop students’ projects. The seminar will address such topics as claiming a scholarly voice, identifying and developing a thesis, choosing and evaluating sources, engaging with the work of other scholars, assessing the relationship between text and footnotes, and choosing where to publish. The seminar members will meet in small-group workshops in the second half of the semester; participants in workshop sessions will provide oral and written feedback to colleagues. To enroll in the course, students need not be members of the CUNY Law Review but must enter the course with a substantial draft that they will continue to develop during the semester. This course is graded Credit/Fail, and enrollment is limited to 10.

Mastery and Application of Core Legal Doctrine (3L’s only)

4 cr. - Professors J. Pieper & T. Pieper & D. Pieper

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 may include Contracts, Corporations, 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 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 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 J. Zorn

This course will focus on the treatment of indigenous peoples by the American legal system, but will also look at how indigenous peoples within and outside of the borders of the United States have governed themselves and created their own legal systems, as well as how they have responded to U.S. intervention. We will begin by analyzing the main lines of judicial action affecting Native Americans, with special emphasis on the development of Congress' plenary power over Indian affairs. Students will be involved in selecting the other primary areas of focus. Potential topics include: Criminal Justice Systems, Tribal courts, comparisons of laws relating to gender and sexual orientation, Religion and Economic Development, Land Rights and Land Claims, Taxation, and Family Law. The course will be run as a seminar. The final grade will be based on class participation and a research paper.

New York Practice (3L's only)

4 cr. - Professor L. Gentile

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 and 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. 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 (3L's only)

3 cr. - Professor S. Zorn

(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.**

Securities Regulations

3 cr. - Professor M. Macchiarola

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 the recent adoption of the Dodd-Frank Act, are also covered in this course as time permits.

Sexuality and 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, sex work, sexual identities, cyber-sex, AIDS, and children. Theoretical perspectives implicated include liberalism/neo-liberalism, feminism, postmodernism, critical queer theory, critical race theory, and law and 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, doctrine, and practice 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.

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 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.

Topics in Law: Applied Legal Analysis (3L's only) (*)SEE ATTACHED MEMO(***)**

1 cr. - Professor F. Kerner and A. Robbins

This course, which focuses on essay-writing techniques and strategies for tackling the Multistate Bar Examination, is designed to give students the skills they need to achieve a passing score on the bar exam of any state. The course builds on the substantive doctrine covered in Mastery & Application of Core Doctrine, **and enrollment in Mastery & Application of Core Doctrine is a co-requisite for the course.** To pass the course, students must attend all lectures, write six essays and rewrite them, if necessary, to achieve a passing score, complete a series of practice multiple-choice questions outside of class, 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 are graded by bar standards and returned to students with a feedback sheet. Credit will be given for completion of assigned multiple-choice questions without respect to the number of questions a student answers correctly.

Topics in Law: Disability Law

2 cr. - Professor P. Berg

This course surveys the law affecting people with mental and physical disabilities. We will examine disability discrimination laws governing access to employment, public accommodations, public facilities and services, and education. We will also cover federal income support programs--specifically Social Security Income (SSI) and Social Security Disability (SSD) - for people with disabilities, and legal standards governing the involuntary institutionalization and treatment of people with mental illness. As a backdrop to our exploration of these laws, we will examine alternative theoretical perspectives on the nature of disability and the responsibility of society toward people with disabilities. Students' grade will be based on class participation and either a research paper and class presentation or a final take-home exam.

Topics in Law: Current Economic Issues in the Law

3 cr. - Professor M. Macchiarola

As the world's economies continue to totter in the wake of the global economic crisis, a few developments warrant further examination. This seminar-style course will focus on basic economic principles and concentrate on the events that brought the world's economies to the

brink. We will examine both the short-term and longer-term responses within the United States.

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 a huge role 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, employer verification laws under federal immigration, and more recently, state statutes, 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, insurance, mediation and arbitration, and interactions with federal and state governmental agencies, such as the U.S. EEOC, the Occupational Safety and Health Administration, and state workers' compensation boards. Free speech and privacy protections of government workers are another important areas explored in the class. Additionally, in a shrinking economy, the law regarding terminations becomes even more important.

The class only briefly discusses the basic requirements of discrimination law. The Equality Concentration for third year students examines this area in much greater depth and complexity.

This course covers many major federal employment laws. It also examines state law employment at-will doctrine. This doctrine operated for more than a century to shield employment decisions, especially termination decisions, of employers from judicial oversight. Beginning in the mid-1970's, state courts and legislatures began to erode this doctrine. For example, on testing alone, there are statutes regulating drug testing, polygraphs, genetic testing, and "truth" testing. Numerous states regulate smoking in the workplace.

A number of CUNY Law School graduates are practicing employment lawyers, and some of them and other employment attorneys will lead some of the class discussions.

The course explores the law through a text that utilizes a problem approach in examining statutes, administrative regulations, and court decisions. Students are placed in multiple roles as "lawyers" in addressing these problems. Also, students are assigned projects to draft some documents, such as an employee handbook, employment contract, harassment, drug, privacy and other policies, or prepare to arbitrate or mediate an employment dispute. Some students may also choose to write a paper on a topic of interest to them that might be submitted to a writing competition, such as the one sponsored by the College of Labor and Employment Lawyers.

Topics in Law: Environmental Justice

2 cr. - Professor R. Bratspies

This course will begin by documenting the unequal distribution of environmental benefits and burdens in the United States and around the world. We will then explore how the major US environmental statutes intended to ensure a healthy environment do not provide sufficient tools for responding to this inequality. Charting the rise of the environmental justice movement in the United States, we will examine how agencies, courts and legislatures have responded to claims for environmental justice. We will examine how the environmental justice movement has made use of specific U.S. administrative laws, such as the Freedom of Information Act, and the "sunshine" laws to access information, and will identify the key barriers to participation in environmental decision-making. The course will conclude with an examination of the human

right to a healthy. Specific topics to be covered include: exposure to toxic and hazardous wastes; the assessment and management of environmental risks; urban land redevelopment; and the role of communities in environmental decision-making. Grading will be based on a research paper, an in-class presentation of the paper, and class participation.

Topics in Law: Government Misconduct

2cr. - Professor J. Moore and Professor F. Siegel

An important feature of our legal system is remedies people can pursue to address illegal or arbitrary policies and practices by government officials. This class will be a research and discussion seminar in selected topics involving government misconduct. It will examine the historical evolution of constitutional and statutory remedies, as well as litigation techniques for framing claims. Reflecting major themes of the last decade, police misconduct and racial profiling will be a focus of the class. Other topics will include federal and state freedom of information laws, and if time permits, the Federal Tort Claims Act, whistle-blower statutes and *qui tam* claims.

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 mid-semester.)

Topics in Law: Law and Democratic Process

2 cr. - Professor S. Zorn

This course will cover federal election regulations, campaign finance law, the effects on the democratic process of *Citizens United* and other cases on corporate speech, and options for implementing a citizen-based, non-corporatized, system of public campaign finance.

Topics in Law: 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 impact of *Citizens United* on the “marketing” of candidates for office, 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.

Topics in Law: Reproductive Technology and the Law

2 cr. - Professor R. Storrow

Developed to satisfy the deeply felt desire of infertile couples and individuals to have children, surrogacy, in-vitro fertilization, artificial insemination, and other “assisted” means of having children provoke immense public anxiety and pose legal, moral, and ethical questions that defy

easy answers. While family law struggles to establish the parentage of children created through technology and to determine the appropriate role of contracts in the formation of alternative family forms, succession law puzzles over the inheritance rights of children conceived posthumously with eggs and sperm stored by long-deceased donors or harvested from the bodies of persons whose pre-death procreative intentions are unknown. The law of torts grapples with whether and how the fertility industry's illegal or reckless medical practices and its discrimination against gay men, lesbians and single individuals can best be redressed. Finally, property law wrestles to resolve the disputes of those who claim the right to implant, modify, clone, or destroy embryos stored in cryopreservation facilities and in the process is said to veer perilously close to commodifying humanity itself. Although many believe decisions about how, when, or if to reproduce fall neatly within the scope of the right to privacy, many others see the infertility industry as a corrupt machine that exploits women and the poor and exacerbates race-, gender- and class-based disparities in the delivery of health care. We will endeavor in this Seminar to understand the deep impact reproductive technology has on society today and to articulate policy necessary to resolve current and future legal and bioethical disputes in this evolving area. The grade in this course is based upon writing an analytical research paper, anonymous peer review, leading class discussion for 50 minutes with a team, and participation.

TIL: Rights of Low-Wage Workers

2 cr. - Professor S. Lung

The restructured economy of the 1990s has had deleterious consequences for workers. These trends have intensified with the 2008 financial crisis. Today's U.S. workforce is comprised of ever-expanding numbers of unemployed workers and workers in low-wage jobs, often non-unionized, and lacking the most basic protections and benefits. The role of the labor of contingent and immigrant workers is a key feature of the "flexible economy." Employers rely increasingly on these workers to circumvent laws on wages and hours, anti-discrimination, unemployment insurance, workers' compensation, and the right to organize. This course examines the laws governing employment relationships, and details the legal obstacles that operate to exclude contingent, immigrant, and other workers from many protections. Employment laws rest on restrictive regulatory and judicial definitions of who is an employee and employer. Similarly, employers have claimed that the National Labor Relations Act and Fair Labor Standards Act do not cover various immigrant workers because they do not qualify as "employees." Moreover, employers try to shed their legal status as "employer" by claiming that those performing services for them are independent contractors. Throughout the course, we will also identify how employers use race, sex, class, and citizenship to divide workers, and how current labor and employment laws perpetuate these divisions. The weaknesses of labor/employment laws and law enforcement are magnified by the complexity of organizing workers who are undocumented and viewed as "disposable." The focus of the course is to examine litigation strategies, legislative proposals, and organizing campaigns for extending and expanding employment protections to immigrant and low-wage workers. We will study the intersections between immigration and labor/employment laws by examining the Immigration Reform and Control Act of 1986, Fair Labor Standards Act, and National Labor Relations Act. The course requirements consist of class participation, a short mid-term paper, and a research paper or take-home examination.

UCC Survey

3 cr. - 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.**

Wills and Trusts (3L's only)

3 cr. - Professor R. Storrow

(Pre-requisite: successful completion of Property)*

Focusing on the New York Estates, Powers and Trusts Law and the Surrogates Court Procedure Act, this course covers the law regulating the inheritance of property through intestacy, testamentary succession (including testamentary trusts) and will substitute and also covers *inter vivos* trusts and the obligations of fiduciaries. Examples, problems, and discussion will challenge students to use statutory provisions and case law to develop problem-solving skills, and will also introduce them to the special ethical issues involved in this area of practice. As the greatest emphasis in the course is on the mastery of the relevant legal doctrine and an understanding of the underlying public policies, **this is an elective that is highly recommended as preparation for the bar exam.**

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



To: Third-Year Students
From: Florence Kerner and Allie Robbins
Re: Applied Legal Analysis and Bar Prep Support
Date: November 14, 2011

Applied Legal Analysis is open to all third-year students and consists of twelve lectures focused on the key components of bar exam preparation, as well as individual study planning sessions and support services. All the lectures will take place in Room 135 from 10:45-12:45 on Mondays.

January 23	=	Everything You Wanted to Know and Intro to Bar Study Planning... (Bryan Williams, NYS Board of Law Examiners)
January 30	=	Lakin on Writing Bar Essays: Lecture 1
February 6	=	Reflections on the Structure of Bar Essay Writing
February 13	=	Lakin on Writing Bar Essays: Lecture 2
February 27	=	Lakin on Writing Bar Essays: Lecture 3
March 5	=	MBE Workshop: Introduction to Contracts Multiple Choice Questions (Christopher Fromm, Kaplan)
March 19	=	MBE Workshop 2
March 26	=	MBE Workshop 3
April 2	=	MBE Workshop 4
April 9	=	MBE Workshop 5
April 16	=	MBE Workshop 6 (Christopher Fromm, Kaplan)
April 23	=	Multistate Performance Essay Workshop
April 30	=	Final Essay Exam

In addition to the lectures outlined above, we encourage you to email Florence.Kerner@mail.law.cuny.edu and/or Allison.Robbins@mail.law.cuny.edu for help with any bar exam-related issues, including:

- Questions about bar-related courses or planning for your final semester
- Individual bar study planning and assistance
- Individual counseling assistance for test anxiety and stress (or email Penkower@mail.law.cuny.edu)
- Mentoring by a CUNY Law graduate during bar study time
- Questions about bar exams in other states
- Questions about character and fitness issues