

SECOND YEAR REQUIRED COURSES

ADMINISTRATIVE LAW /PUBLIC INSTITUTIONS AND LAW

3 cr. (Fall or Spring)

This course studies the phenomenon of bureaucracy and examines the differences between public institutions (administrative law) and private institutions (corporations). The similarities and differences between the function of public and private institutions in bureaucracies and their need for regulation are central concerns. The course also examines the role of public interest lawyering from within as well as from outside institutions. It views administrative law as arising out of the attempt to create or empower public institutions in a legal world that often equates public power with coercion and private power with freedom.

CONSTITUTIONAL STRUCTURES AND THE LAW

3 cr. (Fall)

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

EVIDENCE AND LAWYERING IN THE PUBLIC INTEREST

4 cr. (Fall)

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

PROPERTY: LAW AND THE MARKET ECONOMY III

4 cr. (Fall or Spring)

The LME III course surveys property law, addressing the broad concept of what property is and when the law should vest ownership as a matter of right. The course concentrates substantially on real property (such as estates in land, easements and covenants, adverse possession, landlord-tenant law, and zoning and takings law.). However, the course also examines the law's recognition of property rights in creativity, new technologies, marriage, and human tissues. among other matters, to explore the difficulties and consequences of establishing and defining ownership as a rule of law. The course is designed to encourage the study of each of these areas of property law from a public interest perspective – the primary dilemma of balancing private interests in ownership with the public interest in protecting land, things, and people.

SECOND YEAR LAWYERING SEMINARS

4 cr. (Spring)

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

SECOND and THIRD YEAR ELECTIVE COURSES

Advanced Torts: The Law of Medical Malpractice – Prof. A. Gentile

2 cr. (Fall)

This course will address the full range of the law of medical malpractice, from jurisdiction to judgment and including physician's liability, informed consent, causation and vicarious liability of hospitals, medical groups and HMOs. In addition to examining the substantive legal issues, this course will provide a "road map" to the actual practice of prosecuting or defending a medical malpractice case, from drafting complaints and answers to discovery, motion practice and trial. This course considers issues of legal responsibility such as whether a hospital may be held liable for a surgeon's malpractice; or, for example, whether an oncologist who fails to diagnose a tumor as malignant, may be liable if the tumor later metastasizes, bringing about the patient's untimely death; or, whether a nurse, the surgeon, or the hospital may be liable for medical malpractice where the nurse, assisting in an appendectomy, loses count of the instruments used while removing the patient's appendix, and the surgeon mistakenly sutures shut the patient's abdomen, thinking that the operative area is clear; or, where a medicine is taken which causes the patient to die, whether the doctor, the drug company, or the pharmacist may be liable and whether a product warning label protects the drug company from liability. The course will also consider who, if anyone, should be held liable. By the end of this course, the student will know the answers, shortcuts to where to find the answers or why there is no answer to these and other issues.

Course materials will include actual cases presented in State and Federal court. Students will participate in the preparation and presentation of the trial of a medical malpractice case.

Business Associations – Prof. 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 – Prof. 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 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 both the courts and Congress affecting the balance between national security and civil liberties. The seminar will examine some of the specialized issues which arise under the curriculum, such as indefinite detention, torture, executive power, military tribunals, warrantless wiretapping, detention of immigrants, closed proceedings and secret evidence. 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.) Registration is limited to 25 students.

Criminal Procedure – Prof. S. Harring

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 poisonous fruit 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 Income Tax – Prof. J. Garland

3 cr. (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*

(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 – Prof. 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 LAPI. 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 – Prof. D. Kholza

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 – Prof. 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, and various hyperlink problems.

Labor Law – Prof. J. Cicero

3 cr. (Fall)

This course is a basic introduction to 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. The course will examine some of the values underlying the law, including the economic interests that influence the law. We will learn how a union achieves representational status, what employee conduct is protected by law, and the range of employer responses to an organizing drive. In the context of studying the economic weapons available to management and labor and the process of collective bargaining, we will study recent 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 topical 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 and a recent Supreme Court decision upholding a union's first amendment right to handbill.

Law Review – Prof. 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 – Prof. 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 – Prof. 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 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 – Prof. 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 judgments. 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.**

Race and the Law – Prof. P. Edwards

3 cr. (Fall)

The purpose of this seminar is to "introduce" students in to the study of race and law. This is not a civil rights course, though some civil rights cases will be studied. Until recently, both liberal and conservative theorists agreed that race was merely an element that surfaced in Equal Protection cases or in a class on civil rights. This course begins with a different premise, that of the Critical Race Theorists who posit that race, which has been a major shaping factor in American history, its institutions and culture, also has had a profound influence on the formation and expression of legal doctrine, even when that doctrine is not based on constitutional or civil rights law. This course makes it possible for students to make connections between race, history and legal doctrine. The task is not easy—reading about race and races requires us to think critically about the powerful and ingrained modes of thinking about and expressing racial ideas that are part of our culture and affect each of us. It requires a critical examination of our own beliefs about race and how they have been shaped by the legal order as well as the broader culture. This course has as one of its goals is to engage in a cross-cultural exploration of race and law therefore I always hope for an enrollment that is as diverse as our student body. Another goal of this course is for students to develop a broader and more dynamic sense of how to think critically and creatively about the challenges for equality that this country and its legal system will confront in the coming years. Course Requirements: Active class participation and the completion of either a thirty page research paper or three guided reflection memos of approximately ten pages each over the semester. Students will also be asked to work on some project that results in a class presentation.

Real Estate Transactions – Prof. 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.

Rights of Children – Prof. A. Burton

3 cr. (Fall)

Viewing the topic through theoretical, practical, policy, and doctrinal frames, this course will examine laws and policies affecting children in a number of areas which may include juvenile delinquency, child welfare (maltreatment/abuse and neglect, foster care), medical decision-making (including reproductive rights), and school law. Referencing a range of media (readings, videos, art, etc.), from the perspective of various disciplines, we will explore the actual and potential effects – both positive and negative - of international and national laws on the lives of children. We will have occasion to surface and examine the impact of economics, race, gender, and sexual orientation on children's rights, and the

resulting challenges facing child advocates. Ethical considerations confronting child advocates are prominent throughout the course, with a particular focus on the challenges and opportunities involved in navigating the roles of "advocate" and "guardian" in advocating *with* children as well as on behalf of children, and in developing appropriate attorney-client relationships with children. The final grade will be based on the following: (1) active in-class and TWEN participation, (2) a short paper reporting on an interview with at least one child advocacy professional (not necessarily an attorney), (3) a short paper reporting on research into one or more child advocacy organizations, and (4) a research paper on a topic of your choice. These course requirements are designed to encourage student interaction with child advocacy professionals and organizations "on the ground," to promote networking opportunities within the child advocacy community, and to enrich communication, fact-gathering, research, analysis, and writing skills.

Teaching Assistant – (Faculty Permission Needed)

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 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 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.

Topics in Law: Civil Disobedience: Theory & Practice – Prof. D. Kholsa

2 cr. (Fall)

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

war based on conscience. Please join if you really believe in the theology of liberation and the CUNY motto: Law in the Service of Human Needs.

Topics in Law: Contemplative Practice and the Law

Profs. M. Arias and V. Goode

1 cr. (Fall)

“LAW: Love in Action with Wisdom (a Wisdom that contains Compassion)”

This course will explore the benefits of contemplative practices for lawyers doing social justice work. Students will be introduced to a variety of meditation and contemplative practices to develop inner wisdom, awareness, and insight to inform ways of lawyering for social justice. Students will explore methods for developing compassion for themselves and the clients they serve. Students will learn how to use mindfulness as a lawyering skill, open up the universe of possibilities for problem-solving using one’s most creative self and greatest wisdom. This course will explore how social justice work carries with it special challenges for the practitioner of mindfulness and the law. Students will explore how through social justice work one can transform oneself and the communities being served. Over the course of the semester students will read a variety of authors who offer different approaches to contemplative practice. There will be weekly discussions on the readings as well as opportunities to learn and practice some of the techniques that the readings present. Evaluation will be based on regular class participation, journal and other written assignments, and presentations. Students will also have an opportunity to suggest new topics for exploration, which time permitting, will be considered by the instructors.

Topics in Law: Sociology of Law – Prof. S. Harring

3 cr. (Fall)

The sociological study of law considers law both as a system of interrelated social institutions as well as a powerful normative force in structuring human behavior. In addition to studying different theoretical approaches to the sociology of law, we will also examine different empirical approaches to evaluating the impact of law on society. Within this broad framework, we will focus on different themes, including the legal profession, globalization, law and politics, and various legal justice system.

UCC: Survey – Prof. P. Edwards

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 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 – Prof. B. Biller – (3L’s only)

3 cr. (Fall)

Prerequisite: Successful completion of Property.

This course examines the law regarding inheritance of property, including testamentary succession, will substitutes and intestacy, trusts and certain property law issues relating to inter-generational transfers. 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.**