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

Spring 2013

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

Course Descriptions
and
Program Planning
Information

Office of Academic Affairs Room 4/106 – Ext. 84370
To: Second and Third Year Students  
From: Academic Affairs Office  
Re: Course Descriptions and Program Planning Information  
Date: October 12, 2012

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

**General Program Planning Information**

Students must have passed 91 credits, be in good academic standing, and have successfully completed all required courses to graduate. A student must have successfully completed 53 credits and be in good academic standing to enroll in a clinic or concentration. To be in good academic standing a student must obtain a 2.5 gpa or better at the end of each semester.

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

**Required Courses**

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

**Bar Electives**

All students are required to take four bar electives, although students with a cumulative gpa of 3.3 at the end of their third semester may opt out this requirement. *This spring only* CORE Doctrine counts as a bar elective. Thus 2L students should plan their course of study knowing that they must take four bar electives prior to graduation and also take CORE doctrine and a clinic or concentration during their third year. The current bar electives are: Business Associations, Criminal Procedure, First Amendment, New York Practice, Professional Responsibility, Real Estate Transactions, UCC Survey, and Wills and Trusts.
Second-Year Program Information

Graduation Requirements

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

- Passing grades in all required courses;
- Successful completion of four bar electives;
- Completion of clinic or concentration; and
- Successful completion of 91 credits.

Second-and Third-Year Requirements

The first-year program totals 30 credit hours. Thus, to meet graduation requirements, you need to take and pass a minimum of 61 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.); and
- A Fourth-Semester Lawyering Seminar (spring only, 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 2013 semester.

Bar Electives

All students must take four bar electives. For the Spring 2013 semester only CORE Doctrine (a required course) is considered a bar elective. The current bar electives are:

- Business Associations (3 cr.);
- Criminal Procedure (3 cr.);
- First Amendment (3 cr.);
- New York Practice (4 cr.);
- Professional Responsibility (2 cr.);
- Real Estate Transactions (3 cr.);
- UCC Survey (3 cr.); and
- Wills, Trusts and Estates (3 cr.).
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.

<table>
<thead>
<tr>
<th>Course</th>
<th>Credits</th>
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<tbody>
<tr>
<td>Business Associations</td>
<td>3 cr.</td>
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<tr>
<td>Criminal Procedure</td>
<td>3 cr.</td>
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<tr>
<td>Law Review</td>
<td>2 cr.</td>
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<tr>
<td>Moot Court</td>
<td>2 cr.</td>
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<tr>
<td>New York Practice</td>
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Summer 2013 Evening Elective Offerings

To facilitate your planning, listed below are some of the electives we hope to offer in the summer of 2013. We reserve the right to deviate from these predictions if budget, interest, enrollment, or staffing constraints require that we do so.

<table>
<thead>
<tr>
<th>Course</th>
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<tbody>
<tr>
<td>Criminal Procedure</td>
<td>3 cr.</td>
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<tr>
<td>Independent Study</td>
<td>1-3 cr.</td>
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<tr>
<td>New York Domestic Relations Law</td>
<td>3 cr.</td>
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<tr>
<td>Public Interest/Public Service</td>
<td>2-3 cr.</td>
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<tr>
<td>Small Firm Practice (Manhattan)</td>
<td>2 cr.</td>
</tr>
<tr>
<td>Professional Responsibility</td>
<td>2-3 cr.</td>
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<tr>
<td>Topics in Law: Residential Landlord Tenant Practice</td>
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Grades and the Credit/No Credit Option

Courses at CUNY School of Law except Individual Skills Development, and other specifically designated courses) use the following grading scale: A, A-, B+, B, B-, C+, C, C-, D and F. These grades will be used to determine a student’s academic status. The former “Credit/Fail” Option has been re-named the “Credit/No Credit” Option. The terms which will appear on academic records under the university’s new computing system are “Credit” and “NCL” (No Credit-Law School).

After completing the first year, a student may elect to take up to 4 elective courses including Individual Skills Development, Moot Court and Law Review for Credit/No Credit. To elect the Credit/No Credit option, the student must notify the Office of Registration and Records Management no later than the date designated by the Academic Calendar for each semester.
Here are some factors you might want to consider when deciding to elect the Credit/No Credit option:

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

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

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

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

Best of luck as you proceed with your coursework!
SECOND/THIRD YEAR
ELECTIVE COURSES

Academic Legal Writing
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.

Advanced Clinical Course
1 or 2 cr. (Varied)
This Spring course is open only to students who successfully complete a Fall clinic. Enrollment is with prior approval of the respective clinic faculty member and the Dean of Clinics, and is limited to students with significant, ongoing client, case, or project-related responsibilities.

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.

Business Associations
3 cr. – Professor A. White
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. – Prof. J. Kirchmeier  
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.**

**Environmental Law**  
2 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, and will examine the roles that state and local governments, as well as non-governmental actors play in environmental protection. Themes such as environmental justice, scientific uncertainty, and globalization 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.

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

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 and
includes 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
gainst 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. There
is a substantial class participation component.

Gender, Psychology and Law
2 cr. – Professor J. Goldscheid (CUNY Law) and Maureen O’Connor (CUNY Graduate
Center/John Jay)
This interdisciplinary course will explore the relationship between gender, psychology and law
through a hands-on study of selected legal issues relating to gender. Virtually every law that is
passed and every regulation that is promulgated rests on assumptions about how people behave,
or how people will behave, once a law is enacted. Those assumptions may or may not be
supported by what psychologists know about human behavior. Lawyers and advocates harness
psychological research and social science data to surface and, in many cases, challenge those
assumptions. In this course, law students and graduate students will gain a working fluency in
one another’s discipline and will examine the role of psychology and social science data in the
shaping of legal policies that bear on gender, such as gender discrimination and identity, gender
based violence, family law and access to justice. Students will work in interdisciplinary teams to
draw on psychological research to prepare direct and cross-examinations of an expert witness.
The course will culminate in a final project of drafting an amicus brief in an area of individual
interest that will demonstrate interdisciplinary competence.
Immigration and Citizenship Law
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, Deferred Action for Childhood Arrivals, Cases that address state attempts to regulate
non-citizens, 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
essay and class participation. Students can choose a midterm that involves volunteering to assist
Deferred Action for Childhood Arrivals and writing an essay about that experience, or an essay
on an immigration or citizenship related topic.

This course is recommended, but not required, for second year students who are considering the
Immigrant and Refugee Rights Clinic. It includes some classes in which students from the clinic
describe the cases on which they have worked, related to the course topics.

Independent Study
1, 2, or 3 crs.
(Faculty Permission Required)
To meet the credit requirements for graduation a student, with the permission of the Academic
Dean, may take up to 3 credit hours of independent, faculty-supervised study. (A student may take
fewer than 3 credit-hours of independent study at a time and may do so more than once, as long as
the total number of independent study credit hours during the student's tenure at the Law School is
not more than 3 or meets the requirements outlined below.) A student may also register for more
than 3 credits of Independent Study if the credits are not used to meet the credit requirements for
graduation.

In exceptional circumstances, the student may, with the permission of the Academic Dean, register
for up to 3 additional hours of Independent Study credits to meet the credit requirements for
graduation. 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.

Internet and the Law
2 cr. - Professor K. Chan
This course will provide practical and understandable information on the current state of the law as it relates to all aspects of transacting business via the Internet. The student will be able to recognize and deal with the legal issues faced by clients and practitioners’ online activities, such as e-mail communications, electronic publishing, online advertising and the online sale of goods and services. Emphasis will be placed on the general legal principles as they have evolved to date. Current issues to be discussed include privacy, child pornography, the Digital Millennium Copyright Act, domain name, cyber-squatting, various hyperlink problems, jurisdiction, electronic signature and FRCP on electronic discovery.

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, Real Property, 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 successfully completed the CUNY Moot Court training program and competition to earn membership in Moot Court. Students must obtain permission from the Moot Court faculty advisor before enrolling in this course. This course is graded Credit/Fail.

New York Practice
4 cr. - Professor L. Gentile
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.

Professional Responsibility
2 cr. – Professor J. Zorn
This class will explore the requirements and the limitations of the ethical practice of law. While not an MPRE course, it will provide an overview of the Model Rules of Professional Conduct but will emphasize concepts of professionalism, professional judgment, and some of the tensions inherent in social justice lawyering. The goal of the course is to allow students to discuss the ethical complexities that exist in practice, especially when representing clients who may be marginalized by our society or when engaging in social change litigation. Students will be expected to research and lead a class on an aspect of professional conduct, actively participate in classroom discussions, and complete a take home exam.

Real Estate Transactions
3 cr. – Professor R. Storrow
(Pre-requisite: successful completion of Property)*
This is a course on the substantive law of real estate transactions and the role of the real estate market in bringing about the current global economic crisis. The key emphasis of the course will be on the law relating to four critically important real estate documents: (1) the contract of sale, (2) the deed, (3) the mortgage, and (4) the real estate listing agreement. Issues regarding title examinations and insurance will be discussed in conjunction with real estate closings. Course
material will include examination of consumers' rights in real estate matters, of financing problems and techniques, and of problems and techniques of dealing with default by various parties to the transaction. 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 the federal regulation of securities. The course will focus on the 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 Dodd-Frank Act, are also covered in this course as time permits.

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.

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.

Topics in Law: Applied Legal Analysis (3L’s only)
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 via TWEN. 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.

TIL: Current Issues in Public Health Policy and Law
2 cr. – Professor J. Calvo
There are headlines everyday about Public Health policy and law topics: “The Health Board Approves Bloomberg’s Soda Ban”–”The Avian Influenza H5N1 Threat”–”Corporations Threaten Public Health.” This course is designed to give students an overview of approaches to public health policy and the developing field of public health law. Students will be allowed choice in addressing some of the emerging public health policy and law issues. The general topics that will be covered include social justice and the health of vulnerable populations, infectious disease control, public and corporate responsibility for chronic disease, e.g. conditions flowing from obesity and smoking, and the government role in promoting public health. The final selection of course topics will involve students’ input on their particular areas of interest. Each student will be required to prepare a case study and present the study in class. The study will identify the public health issue, describe the population affected, review the public health literature, describe and critique the law that impacts on the public health issue.

The course will provide grounding in basic public health law and develop capacity to analyze the factual and legal underpinning of public health policy issues. It will use case studies of selected public health issues including legislative, regulatory and litigation-based approaches. The course differs from health law and will not duplicate the topics covered in the health law course or concentration as public health law involves conceptual topics such as government authority to compel individuals and businesses to behave in a way that promotes public health and the limitations on state power as well as the public health system and agencies. It integrates concepts of constitutional law, statutory and administrative law. It also involves tort law concepts in assessing corporate responsibility for adverse public health outcomes.


Topics in Law: Latina/Latinos & the Law: Struggles for Equality
2 cr. – Professor J. Rivera
This course explores substantive legal issues which have been the focus of the Latino Community’s legal rights movements in the United States. Students will discuss the constitutional and statutory protections based on national origin, ethnicity, language, race, gender, sexuality, socio/political, economic and immigrant status, and the histories of national origin subgroups. Substantive issues include criminal justice, education, employment, health and voting rights. Students will critique the legal approaches taken in struggles for equality and access to justice, and the role of Latinas and Latinos in shaping United States jurisprudence. Course materials include cases, legal critiques, and interdisciplinary materials on issues impacting
Latinas and Latinos. Grading is based on a final paper, class presentation of the final paper and two short papers critiquing specific reading assignments.

Topics in Law: Law and Policy in Public Education
2 cr. - Professor J. Farago
Education Law provides one of the most richly complex windows into the intersection of policy and law, values and rules. We will spend half of the semester exploring this complex dance through a detailed study of special education law and regulation (Federal and NY State) with particular attention paid, on the one hand, to the impact that the law has had on teaching, pedagogy, and teacher licensure and training, and, on the other hand, on the way in which public finance, public power, rights-based advocacy, and evolving community attitudes have shaped changes in the law. The second half of the semester will focus on a series of three short units, each exploring an emerging area of law/policy in public education (specific topics may change based on student interest and developing issues in the area schools): Charter schools; zero tolerance school safety laws and student suspensions; teacher tenure, seniority, and evaluation. Evaluation will be by a midterm on special education and a paper on a topic of the student's choice; an option to elect a longer paper on a special education topic in lieu of the midterm will be available to any student who wishes it. The course will meet for extended sessions over a series of Saturdays, and will involve significant participation by area school law experts and attorneys.

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.

TIL: Transactional Legal Drafting
2 cr. - Professor S. Zorn
Not everything that lawyers do involves going to court. In fact, the great majority of lawyers' work focuses on transactions - contracts, wills, business formation, etc. - and not on lawsuits. And even lawsuits often require agreements for settlement. This course will teach and refine the basic skills needed for effective transactional drafting: (1) understanding the audience; (2) finding the facts; (3) knowing or finding the relevant law; (4) outlining and organizing; (5) turning the outline into a document; (6) testing for consequences; and (7) editing and redrafting until it's done right.
Those enrolled will draft a variety of transactional documents, including a limited liability company operating agreement, a supply contract, and a settlement agreement in a divorce case. Ample opportunity will be provided for rewriting.

Wills, Trusts, and Estates
3 cr. – Professor J. Rosenberg
(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.
Although supposedly sovereign nations, Native Americans are subject to the laws of several different legal systems – only two of which can be called their own. Congress, through its plenary power, has enacted many statutes that apply specifically to Indian tribes and individuals. In addition, some of the many treaties between the U.S. Government and Indian tribes are still in effect. While treaties are supposed to be products of mutual agreement, the conditions under which many of the treaties were signed suggests they are far from that ideal. Further, the states in which reservations are located still assert their rights to tax Native American economic activity, to regulate Indian businesses and other activities, and to try Indians in state courts. As for their own legal systems, most Indian tribes now have indigenous governments, including their own elected chairmen and legislative councils, as well as tribal courts that decide both civil and criminal cases. Finally, but often forgotten by outsiders, indigenous American societies have always had their own traditional legal norms and dispute settlement processes, some of which have now been institutionalized into customary or peacemaker courts. This plethora of laws and legal systems may mean more law governing Indians, but it does not necessarily mean that the law, especially federal and treaty law, is applied effectively or fairly. And there is much confusion and overlapping – for example, in criminal law, where federal law and federal courts are supposed to have sole jurisdiction over “major crimes,” leaving the rest to tribal laws and tribal courts. In this seminar, we’ll first look briefly at traditional, indigenous Indian law and legal processes, in order to understand how it worked and the ways in which it differed from the legal system imposed by the colonizing power. We’ll then undertake a historical overview of the ever-changing treaties, court cases, federal statutes, policies and programs that have defined the varying relations of Indian tribes and the citizens and governments of the United States over time. It is not a pleasant or uplifting study. Informed by that background, we’ll focus on some contemporary issues, possibly including criminal law and process, tribal courts, religion, economic development, land rights, and family law. Grading will be based on two short exams and on a presentation (to be given in class and then turned into a short paper).