The City University of New York
School of Law

Spring 2014

Course of Study For Second and Third Year Students

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 8, 2013  

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 bar exam skills 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. 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 I, Criminal Procedure II, First Amendment, New York Domestic Relations Law, 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 2014 semester.**

Bar Electives

All students must take four bar electives. The current bar electives are:

- Business Associations (3 cr.);
- Criminal Procedure I (3 cr.);
- Criminal Procedure II (2 cr.);
- First Amendment (3 cr.);
- New York Domestic Relations Law (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 I</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>
<td>4 cr.</td>
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<tr>
<td>Professional Responsibility</td>
<td>2 cr.</td>
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<tr>
<td>UCC Survey</td>
<td>3 cr.</td>
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<tr>
<td>Wills, Trusts and Estates</td>
<td>3 cr.</td>
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Summer 2014 Evening Elective Offerings

To facilitate your planning, listed below are some of the electives we hope to offer in the summer of 2014. 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>
<th>Credits</th>
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<tbody>
<tr>
<td>Criminal Procedure I</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>Public Interest/Public Service</td>
<td>2-3 cr.</td>
</tr>
<tr>
<td>Professional Responsibility</td>
<td>2-3 cr.</td>
</tr>
<tr>
<td>Topics in Law: Residential Landlord Tenant Practice</td>
<td>2-3 cr.</td>
</tr>
<tr>
<td>The Patient Advocate</td>
<td>2-3 cr.</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. – Andrea 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 30-35-page publishable law review note or comment that is approved for credit by the instructor. It requires that an enrolling student (1) enter the course with a substantial draft that s/he will continue to develop during the semester and (2) that before the class begins s/he has received feedback from the faculty member under whose supervision the draft was written. 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, a student need not be a member of the CUNY Law Review. This course is graded Credit/Fail, and enrollment is limited to 10.

Advanced Legal Research
2 cr. – Professor S. Lamdan and Professor Y. Sokkar Harker
Advanced Legal Research further develops the legal research skills acquired in the first year legal research course. This class prepares students for the complex research problems they will encounter in practice. Topics include researching administrative law, municipal law, legislative history and international and foreign law. Students will also be introduced to practitioner resources and case management tools. In-class exercises and written assignments will simulate research assignments typically done by lawyers, particularly those practicing in public interest areas of law. This class is designed to be hands-on, collaborative and interactive.

Bar Prep: Applied Legal Analysis (3L’s only)
1 cr. – Professor F. Kerner, Assistant Dean A. Robbins and Professor J. Zorn
Applied Legal Analysis is a comprehensive bar preparation course. This class, 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. Enrollment in Mastery & Application of Core Doctrine is a co-requisite for the course as the course utilizes the substantive doctrine covered in Mastery & Application of Core Doctrine. To pass the course, students must attend lectures, write several essays and a Multistate Performance Test and rewrite them if
necessary to achieve a passing score, and complete a number of multiple choice question sets outside of class. Students may also participate in an individual bar study planning session to receive extra credit. The essays are graded by bar standards and returned to students with comments and a grading rubric. Credit will be given for completion of assigned multiple-choice questions and a learning process track sheet, without respect to the number of questions a student answers correctly. The course also includes guest lectures by current and former bar examiners and recent alumni.

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.

Contemplative Practice: An Exploration of Mindfulness and Social Justice Lawyering
2 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 the pursuit of social justice. Contemplative practice includes a variety of practices that quiet the mind and draw one’s consciousness inward in order to better enable one to address the obstacles that inevitably occur in life. While this “movement” is ongoing in a number of disciplines our focus will be on lawyers who integrate the traditional skills of lawyering and contemplative practice to their career and to social justice.

This course will focus on meditation and mindfulness as a particular form of contemplative practice and will address various techniques that one can learn to develop a meditation practice. We will also read and discuss a number of articles that raise contemplative questions about the challenges typically faced by lawyers. Students must complete a weekly journal and a short research paper for the class.

Criminal Procedure
3 cr. – Professor 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 fruit of the poisonous tree doctrine, arrests, police interrogation, /Miranda/ warnings, and eyewitness identification procedures. Course requirements: Examinations are the basis for the final grade. *This course is an elective that is highly recommended to prepare for the bar exam.

**Criminal Procedure II**

*2 cr. - Professor S. Zeidman and Professor D. Lee*

This course examines the criminal process after the police investigation ends and the adjudicative process begins. The topics covered will likely include the prosecutor's charging process, the right to the effective assistance of counsel, bail and pretrial release, discovery, speedy trial, plea bargaining, confrontation, double jeopardy, sentencing and appeals. Topics will be examined through Supreme Court cases, the Federal Rules of Criminal Procedure, federal statutes, lower federal and state court cases, and applicable rules of professional responsibility. Criminal Procedure I, which focuses on the investigative process, is not a prerequisite. Grading will include a midterm and final exam.

**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”—“The 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.

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, housing, and education. We may 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 a research paper and class presentation.

First Amendment
3 cr. - Professor R. Robson
This course will consider the historical, theoretical, doctrinal, and practical contours of the First Amendment’s “free speech” clause, free association clause, free press clause, and 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 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 press “leaks.”

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 & The Law**  
2 cr. - Prof. J. Goldscheid  
This seminar explores the meaning of gender equality through the study of legal theories, strategies and doctrines aimed at challenging gender-based subordination. We will examine the main tenets, methodologies, and controversies in feminist legal advocacy, including the meaning of equality and autonomy, and the intersection of race, class, sexuality and gender identity, culture and other axes of difference. Classes will focus on selected legal topics, including those relating to work, family formation, education, and violence. You will have an opportunity to study key issues, cases and commentary, to analyze competing legal philosophies and strategies, and to gain a familiarity with issues currently facing courts and legislatures. The course has a strong public policy focus and approaches topics from an advocacy-based perspective. Course requirements include engaged class participation, class presentations and reflection papers, and the completion of a twenty-page research paper on a subject you select (in consultation with Prof. Goldscheid).

**Government Misconduct**  
2 cr. - 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. If time permits other topics will include federal and state freedom of information laws, the Federal Tort Claims Act and whistle blower statutes.

**Human Rights and The Environment**  
2 cr. - Professor R. Bratspies  
Human rights have been called "law’s best response to profound, unthinkable, far-reaching moral transgressions." Climate Change may well pose the most profound social, legal and economic challenges that human societies will face in the 21st Century. This seminar poses the question of what international human rights law (and norms) might offer legislators and regulators grappling with climate change. We will examine the linkages between the two bodies of law, including the political and civil rights of environmental activists, the close relationship between a healthy environment and economic, social and cultural rights. We will consider this relationship in the context of environmental justice in the United States, indigenous rights around the world, and the practices of extractive industry that are so often connected to environmental and human rights abuses.

Starting with the declarations, treaties and laws that form the foundation of international human rights law, this course will examine the emerging substantive and procedural norms coalescing around the putative human right to a healthy environment. Students
will write independent research papers, and will present those papers in class. Students will develop familiarity with emerging discourses about development, corporate accountability and global justice movement.

**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 limit the rights of 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 essay and class participation. 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.

Intellectual Property
2 cr. – Professor P. Edwards
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.

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 Domestic Relations Law**

3 cr. – Professor A. Cammett

The goal of this course is to familiarize students with the doctrine and practice of family
law in New York State, and to develop lawyering skills that will enable them to practice
in the Family Courts and Supreme Courts of New York. The course covers the Family
Court Act and Domestic Relations Law encompassing issues that affect divorce,
equitable distribution, custody and visitation, abuse and neglect, family offense
proceedings, and child and spousal support. Students will work on problems that will
enable them to practice law, 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, as we will focus exclusively on the
application of broader family law issues to practice in the New York court system.

**New York Practice (A)**

4 cr. – Professor S. Valentine

Knowledge and strategic use of rules governing civil procedure are essential for any
attorney to be successful. This course is designed to provide a foundational understanding
of the Civil Practice Law and Rules (CPLR) governing New York Supreme Court
Practice. The class will roughly follow the course of a civil matter as it moves through
the court system, from the initiation of an action to the taking of an appeal. Topics
covered include: the organization of New York courts; jurisdiction (subject matter and
personal); statute of limitations; service; pleadings; parties; contribution and
indemnification; provisional remedies; motion practice; pre-trial discovery; judgments;
and appeals. We will also cover two articles of the CPLR often relied on by counsel
representing the poor and impoverished Article 78 (challenging administrative actions)
and Article 4 (governing actions under the RPAPL). The final grade will be based on a
midterm and final exam as well as class participation. **This is a bar-elective course.**

**New York Practice (B)**

4 cr. - Professor L. Gentile

3L’s Only

Civil Procedure in the Service of Human Needs. Litigation in the New York State court
system is complicated, challenging, and sometimes frustrating. Successful resolution
requires facility with New York State’s code of civil procedure known as the Civil
Practice Law and Rules (CPLR). This course is intended to provide a broad knowledge
and understanding of the Laws and Rules of the CPLR and provide practical skills in the
strategic use of procedure to achieve victory in court. In recognition of the importance of
this area, New York Practice is the most heavily tested subject on the New York portion of the New York State Bar Exam. In this class you will learn the rules of New York State Supreme Court procedure, and you will learn how to use those rules strategically to enhance your position in litigation and how to fend off your adversary’s procedural aggressiveness.

The sequence of this course approximates the path of a civil case, providing the law a litigator needs to make strategic litigation decisions, including determining which court to bring suit, obtaining jurisdiction, making proper service, engaging in motion practice, obtaining discovery, resolving the litigation, taking appeal, and enforcing judgments.

Along the way, you will learn how to determine which court has subject matter jurisdiction over a case 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 (A) 2 cr. - Professor N. Chernoff
Professional Responsibility (B) 2 cr. – Professor V. Goode
This class will explore the requirements and the limitations of the ethical practice of law. It will provide an overview of the Model Rules of Professional Conduct and 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 actively participate in classroom discussions, research and lead a class on an aspect of professional conduct, and complete a take home exam.
Real Estate Transactions
3 cr. - Professor R. Storrow
This course covers the substantive law of real estate transactions and mortgages. Our discussion of this law will have as its backdrop the role of the real estate market in bringing about the current global economic crisis. We will closely examine 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. We will also focus on the law governing the activities of lawyers, brokers and lenders and the rights of consumers in the real estate market. Students in this course will draft a deed, a mortgage, a promissory note and a HUD-1 settlement statement in preparation for their participation as an attorney in a mock real estate closing. They will grapple with issues relating to title insurance and the recording system. The mortgages unit will open with a visit from a CUNY Law alumnus speaking on his work with low-income homeowners fighting foreclosure and will include comprehensive treatment of transfers of mortgaged property, foreclosure procedures and lien priorities. Class participation is required. The course grade is based on a midterm and a final examination.

Reproductive Justice: Assisted Reproductive Technologies
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. 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-, sexuality- and class-based disparities in the delivery of health care around the world. The prospects of genetically modified embryos, children born using the eggs and sperm of persons long-deceased, and even cloned humans pose unique challenges to those who seek to influence policy in this evolving area. We will endeavor in this Seminar to understand the deep impact reproductive technology has on society today and, drawing on our knowledge of the law in areas such as family law, property, and torts, to articulate policy necessary to resolve current and future legal and bioethical disputes arising from reproductive technology. A student’s grade in this course is based upon writing an analytical research paper on a topic of his or her choosing, anonymous peer review, leading class discussion for 50 minutes as part of a team, and participation.

Rights of Low-Wage Workers
2 cr. – Professor S. Lung
The restructured economy 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 identify how employers use race, sex, class, and citizenship to divide workers, and how current labor and employment laws perpetuate these divisions. Even when employment and labor laws cover immigrant and contingent workers, weaknesses in the enforcement regulatory schemes abound. This will be another area of our study. The resources for enforcement are scarce, penalties on employers are lax, and workers often lack private rights of action. These shortcomings are magnified by the complexity of organizing workers who are undocumented, isolated, and viewed as "disposable."

The focus of the course is to (1) explore the gaps in our current regime of labor and employment laws for advancing the rights of workers; and (2) examine litigation strategies, legislative proposals, and organizing campaigns for expanding the rights of immigrant, contingent, and other low-wage workers, and for realigning relations between workers and employers. 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.

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.
Transactional Legal Drafting
3 cr. - Professor S. Zorn
Most of what lawyers do is transactional work: contracts, settlement agreements, leases, wills, formation of businesses and not-for-profit organizations, and much, much more. Yet the law school experience emphasizes litigation, which for most lawyers will be only a minor part of their overall professional lives.

This course will provide a grounding in the skills needed to be an effective transactional drafter, from the basics of grammar, style and clarity to the structuring and organization of complex documents. The class will consist of a number of increasingly challenging simulations, beginning with drafting or editing a single contractual paragraph and ending with a complex purchase and sale agreement. We will also take a critical look at the sources and uses of forms and precedents for the routine transactional work that occupies much of many lawyers' working days.

UCC Survey
3 cr. - Professor D. Zalesne
This survey course covers three Articles of the Uniform Commercial Code: Article 2 (the sale of goods); Article 3 (negotiable instruments); and Article 9 (secured transactions). It is taught from the perspective of lawyers who will be representing consumers, small businesses, and charitable corporations. This is an elective that is highly recommended as preparation for the bar exam.

Wills, Trusts and Estates
3 cr. - Honorable K. Glen
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. To truly benefit from this course, it is ESSENTIAL that students are fully prepared for every class including having done all the assigned reading and thinking about any problems assigned.
This is an elective that is highly recommended as preparation for the bar exam.