The City University of New York

CUNY SCHOOL OF LAW

Law in the Service of Human Needs

Summer 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: All Continuing Students  
From: Sarah Valentine  
Re: Summer Session 2013  
Date: February 28, 2013

CUNY Law Summer Session Information

Summer is a great time to study at CUNY Law! Summer session allows you to stay on track for graduation, shape your coursework through different elective options, and reduce your fall/spring academic course load. Summer session is unique in that you take only one or two courses at a time and focus intensively on your subjects. Take a look at our summer offerings and talk with your advisor about whether summer school is right for you.

Following is some key information about the summer session:


- All but one of the classes are held at the School of Law two nights per week on Monday through Thursday evenings from 6:15-9:15 p.m. Delivering Access to Justice in a Challenged Society will meet in Manhattan.

- You will receive a summer registration packet from the Registrar's office. **Registration will take place from March 12th through May 31st, 2013.** After you register, we will open enrollment to students from other law schools.

- You must register for at least 6 summer session credits to be eligible to apply for financial aid over the summer. You may pick up a brochure about summer school financial aid requirements in the Financial Aid office (room 4-109). Students on probation should check with Financial Aid, as special rules apply for summer financial aid.

- You may earn a maximum of 6 credits during the summer session.
Information describing the process for obtaining permission to attend classes at another ABA-approved law school in the summer is also included in this packet.

Please keep in mind when choosing your classes that 2 substantive summer courses are the equivalent of a full-time load. In the past, students have found this load very demanding. We invite you to talk to your faculty advisor or to contact the Academic Affairs office about course selection.

Note: Summer session will start before we have received spring semester grades and have calculated academic point averages. We are not permitted to give credit for summer school work to students who are dismissed from the Law School during the course of the summer. Because notification of academic dismissal will be received during the summer session and is effective immediately, students who are dismissed will not receive credit for the summer courses they are enrolled in and may not be eligible for a summer session tuition rebate. Therefore, if you are on probation or have been on probation, please consider carefully whether or not to register for summer session.

The following courses are being offered in summer 2013:
(These course offerings are subject to change based on budget, enrollment and other factors.)

**Criminal Procedure**
Professor Steve Zeldman – 3 credits
Mondays and Wednesdays 6:15-9:15pm
This course explores the various investigatory techniques utilized by law enforcement agencies in the accumulation of evidence, including analysis of their effectiveness and propriety in a democratic society. The basic constitutional decisions involving the Fourth, Fifth and Sixth Amendments, principally in the last twenty-five years, are studied. Subjects considered include the “exclusionary rule” as a means of enforcing the ban on unreasonable searches and seizures, racial profiling, police interrogation and identification. Students interested in taking the Defender Seminar/Clinic in their 2nd and 3rd years are strongly advised to take this course. This elective is highly recommended as preparation for the bar exam.

**Delivering Access to Justice In a Challenged Society**
Judge Fern Fisher – 3 credits
Tuesdays and Thursdays 6:00-9:00pm
111 Centre Street
The economic downturn both nationally and in New York State has forced many litigants to appear in court without an attorney. Many individuals are facing life altering legal issues such as eviction, family and consumer credit. The justice system is faced with numerous challenges in ensuring equal justice to all in an increasingly diverse society.

Students will explore the delivery of legal services to low and moderate income individuals within the context of bread and butter areas of the law including housing, consumer debt and family laws.
The course will explore various delivery of legal services models such as unbundling, pro bono and low fee models and the use of technology to provide legal assistance. Students will also explore cultural competency issues and its affect on access to justice. Students will be exposed to substantive New York law. The course will be conducted in a seminar format, but will also include interactive exercises. Students will be required to visit New York City Courts on some Tuesdays or Thursday evenings and to observe or participate in some of the court-sponsored volunteer programs or observe court proceedings. Students will have the opportunity to engage litigants and to participate in New York State Court Programs. Twenty-five per cent of the student’s grade will be based on an access to justice paper or project. Fifty percent of the grade will be based on a final exam and twenty-five percent on small assignments throughout the semester and participation. Students who complete this course will be able to serve as volunteers providing legal advice or representation to litigants in court-based programs.

**Independent Study**
This course can be taken for 1-3 credits. Each student is permitted to take up to 3 credits of Independent Study over the course of law school. Students seeking Independent Study credit must find a faculty advisor, complete a study description form, and receive approval from the Academic Dean during the registration process.

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 or an independent project. This research and writing must be done under direct faculty supervision in order to gain Independent Study credit. The requirement for approval are the same as above.

**New York Domestic Relations Law**
**Professor Ana Davila – 3 credits**
**Tuesdays and Thursdays 6:15-9:15pm**
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.

**Professional Responsibility**
**3 credits – Mondays and Wednesdays**
**6:15-9:15pm (TBD)**
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.

**Public Interest/Public Service (Internship Course)**
**Professor Franklin Siegel – 2 or 3 credits**
**Mondays 6:15-9:15pm**
The Public Interest/Public Service course is designed to accompany a student’s internship in public interest practice settings or judicial clerkships. The primary focus of this course will be legal ethics and explorations of a range of contemporary issues facing the legal profession, particularly in public interest practice settings. The Career Planning Office is available to help students find an unpaid internship/placement which may include working for a not-for-profit organization where an attorney admitted to practice will provide direct supervision of legal work, a government attorney's office or working with a private lawyer on pro-bono cases. Placements in nonprofit organizations and private settings must be approved in advance by the professor to assure that the public interest focus of the internship and the attorney supervision framework are consistent with ABA and NY Court of Appeals requirements. Please note: ABA rules provide that students **MAY NOT** receive pay and credit for the same work; this includes fellowship funds. Students will be expected to work at their internship for a minimum of 20 hours per week for 2 credits and 30 hours per week for 3 credits.

**TIL: New York Landlord-Tenant Law**
**Professor Sebastian Riccardi – 3 credits**
**Mondays and Wednesdays 6:15-9:15pm**
In New York City, where more than two thirds of households are renters, landlord-tenant law defines the legal rights and responsibilities that concern the basic need for shelter. This course will provide a comprehensive survey of New York residential landlord-tenant law from a public interest perspective. The course will explore all aspects of the residential landlord-tenant relationship with particular emphasis on rent regulated tenancies in New York City.

Students will spend significant time focusing on litigation in Housing Court with the goal of learning how to represent tenants in summary eviction proceedings. Students will explore all phases of litigation including pre-trial motions, drafting stipulations, trial strategy, and post-judgment practice. This course will be good preparation for students who plan on working in civil legal services or doing any kind of litigation.

In addition to studying summary eviction proceedings, topics covered will include housing code enforcement, rent regulation, rent subsidy programs, public housing, as well as recent challenges to the constitutionality of New York’s rent stabilization laws. Prior knowledge of property law will be useful, but not necessary.
TIL: Sex Offender Civil Management in New York: Issues and Strategies
Judge Colleen D. Duffy – 3 credits
Mondays and Wednesdays 6:15-9:15pm
What role should the government plan in addressing the danger posed to society by recidivist sex offenders? New York answered that question in 2007 with the enactment of the New York State Sex Offender Management and Treatment Act (“SOMTA”). New state and federal constitutional issues pertaining to ex post facto and due process issues, as well as other legal issues regarding procedure, burdens of proof and evidence have arisen as a result of the enactment of SOMTA and its sister acts in other states and federal system (comparable sex offender civil management schemes). This course examines the New York statute and comparable legislation, explores the precedent setting cases in both federal and state courts that have addressed the constitutional issues surrounding the statute, and identifies the real-world litigation issues of forum selection, jury voir dore and selection, the admissibility of the evidence, and the interplay of criminal and civil law that face both the Attorney General who pursues such civil management petitions and Mental Hygiene Legal Services and other attorneys who defend against such petitions on behalf of respondents.

Students will be required to become familiar with the provisions of SOMTA and the course work will include case analysis and discussion as well as evaluation of litigation techniques and strategies adopted by practitioners in this field. Evaluation in this course will be based on a final take-home examination, a take-home midterm essay and class participation.

New York State Supreme Court Justice Colleen D. Duffy is a fifteen year veteran of the New York State judiciary currently presiding over felony criminal trials in The Bronx as well as sex offender civil management cases. Judge Duffy is the author of “The Admissibility of Expert Opinion and the Bases of Expert Opinion in Sex Offender Civil Management Trials in New York,” 75 Albany Law Review No. 2, 2011/2012, and currently is revising Chapter Four, “Trial Elements” of the new edition of the Association of Supreme Court Justices Bench Book”.

TIL: The Patient Advocate: Necessary Tools for Healthcare Advocacy
Professor Laura Gentile – 2 credits
Tuesdays and Thursdays 6:15-9:15pm (JUNE ONLY)
This course will provide the practical skills and core knowledge to prepare the student to advocate for those in need of health care. This course is intended to be useful for all attorneys, no matter what area of specialty. The course will identify the common obstacles – both institutional and specific – which form barriers to health care and explore options for overcoming those obstacles. Students will identify and analyze the structures and powers of insurance companies, hospitals and primary care facilities (a/k/a/ the doctor’s office). We will study statutory protections as well as pragmatic approaches when challenges arise to obtaining good medical care.
The course will explore these issues in a variety of health care settings including: Ambulance and transport services, Emergency Room care, Hospital Admissions and Pre-certifications, Hospital Discharge, and the Long Term Care Facility. The course will consider health care advocacy based on specific illnesses including cancer, AIDS and dementia.

We will study one of the important gatekeepers to health care – the Insurance Carrier. In order to challenge a denial of payment it is important to understand the legal obligations of those who pay for health care. We will map the U.S. health insurance landscape including employer-based insurance, the individual insurance market, as well as a review of Medicare and Medicaid and long term care insurance. We will review relevant portions of ERISA the Patient Protection and Affordable Care Act signed into law by President Obama in March 2010, as well as New York State legal structures that impact patient advocacy. We will consider the distribution of the quality and quantity of health care based on class, race, gender and other factors.

We will use a practice based advocacy approach to the material. Theory, statute, and doctrine will be used to help students address the real crises faced by real people in the United States.

The option for an additional 10-page, one credit paper is available.

**UCC Survey**
Professor Florence Kerner – 3 credits
**Tuesdays and Thursdays 6:15-9:15pm**
This course covers the commercial sale of goods, including sales with negotiable instruments, the law of commercial paper and banking, and of secured debt from the perspective of lawyers who will be representing consumers, small businesses and charitable corporations. The course will focus primarily on the Uniform Commercial Code. **This is an elective that is highly recommended as preparation for the bar exam.**

**Wills, Trusts & Estates**
Professor Steve Zorn – 3 credits
*(Pre-requisite: successful completion of Property)*
**Tuesdays and Thursdays 6:15-9:15pm**
The course will provide a grounding in the law of wills and trusts, with emphasis on the specific provisions of the New York Estates, Powers, and Trusts Law (EPTL). Topics to be covered include intestate succession; protection of spouse and family; capacity to make a will and will contests, required formalities, will construction in light of changes in assets and circumstances; non-probate transfers (testamentary substitutes); and creation and operation of trusts. In addition, the course will touch somewhat more lightly on planning for incapacity; Surrogate’s Court procedure and estate and gift taxation. There will be several brief in-class quizzes and a final exam.
Procedure for requesting permission
to attend summer session at other law schools

Students who would like to take summer courses at other schools must receive the approval of the Academic Dean. Permission to take courses at other schools is regularly granted if the course is not offered at the Law School and is critical to the student’s career goals. Students who live outside the metropolitan area and are unable to take CUNY courses may receive permission to take summer school at another institution. Requests to attend summer school courses that do not meet these criteria will be considered only if there are significant extenuating circumstances. If permission is obtained, transfer credit will be given for any course in which the student receives a grade of “C+” or better. All grades of “C+” or better will be entered as “credit” on a student’s transcript and will not be calculated into a student’s grade point average. ONLY letter grades will be accepted for transfer. We will not accept pass/fail grades.

Students seeking permission to attend summer school at another ABA-approved law school should complete and submit the forms available at the office of Academic Affairs, with a copy of the summer school brochure describing the course(s) you are requesting permission to take, how many credits for each course, and how long the classes meet (times, days, weeks), and a completed NON-CUNY Permit form to Vicki Hickey, (room 4-106F).
The City University of New York
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**Academic Calendar – Summer 2013**

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June 3  First day of classes
June 4  Last day to add
June 14 Last day to drop a course without it appearing on transcript
June 17 First day to elect Credit/No Credit
July 4  No Classes – Independence Day
July 8  Last day to withdraw
July 15 Last day to elect Credit/No Credit
July 22 Last day of M/W classes
July 25 Last day of T/TH classes
July 29 Monday/Wednesday exams
July 30 Tuesday/Thursday exams
July 31 Papers are due unless extension approved by the Academic Dean

*Calendar subject to change without notice*