The City University of New York
School of Law

Spring 2015

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 9, 2014

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 86 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 86 credits.

Second-and Third-Year Requirements

The first-year program totals 30 credit hours. Thus, if you have taken 30 credits, to meet graduation requirements, you need to take and pass a minimum of 56 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 2015 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.).
Pro Bono Scholars Program

Registration for the Pro Bono Scholars program will be in the spring. We do not yet know which clinics and concentrations will participate and thus we do not yet know how many students we will be able to accommodate.

Second year students interested in the Pro Bono Scholars program will, at a minimum, need to meet the following requirements:

1. Be in good standing, and never have been on academic probation.
2. Have both a third semester GPA of 3.0 or above and a cumulative GPA of 3.0 or above at the end of their third semester.
3. Have successfully completed all required first and second year courses.
4. Have successfully completed at least two bar electives prior to the start of the fall 2015 semester.
5. Have successfully completed Professional Responsibility prior to the start of the fall 2015 semester.
6. Completed a minimum of 58 credits prior to the start of the fall 2015 semester.

The Academic Dean and the Dean of the Clinic will, in consultation with the faculty in the participating clinics and concentrations, select the students who will participate in the Pro Bono Scholars Program. The selection will be guided by 1) our understanding of the likelihood a student will successfully and professionally complete the entire program, including passing the February 2016 bar exam and managing the minimum of 45 hours per week commitment during the 12 week period directly after the bar exam, 2) the student’s explanation of their commitment to the clinic or concentration subject areas, and 3) the openings within each program.

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 2015 Evening Elective Offerings

To facilitate your planning, listed below are some of the electives we hope to offer in the summer of 2015. 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 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>
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<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. 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

Advanced Clinic
2-4 cr.
Is 2-4 credits and requires prior approval of the Clinic Director, Clinic Dean, and Academic Dean. Advanced clinic is limited by a 4-1 student-faculty ratio and by the case and project docket of the individual clinic. In addition, student selection is based on several factors including fourth semester cumulative GPA, work in the fall clinic, consistent level of performance in doctrinal and experiential courses, and the number of bar electives the student has successfully completed.

Advanced Legal Research
2 cr. – Professor D. Cox
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. - Professors R. Bratspies, F. Kerner, A. Robbins
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 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.

**Civil Rights Survey**  
**3 credits – Professor F. Deale**  
This class is designed to provide students with an overview of two generations of Congressional legislation designed to eliminate the innumerable ways in which discrimination takes place in our society. We will begin with the first generation of civil rights protections, enacted after the Civil War and intended to eliminate the burdens placed on former slaves, which included rights to be free of racially motivated violence, both officially sanctioned and private; the right to nondiscriminatory treatment in property and contractual relations, and the affirmative powers of the federal government to prosecute perpetrators of constitutional violations.

We will then explore second generation civil rights remedies that have been utilized to address racial and gender discrimination in employment, disparate and negative treatment of people with disabilities, sexual harassment in the workplace and in educational institutions, and fair housing.

There will be a midterm and final examination.

**Constitution and Foreign Affairs**  
**3 credits – Professor F. Siegel**  
A research and discussion seminar examining constitutional issues of the foreign relations of the United States. Topics include the powers of the President and Congress, separation of powers, war powers, covert action, treaties, executive agreements, participation in international organizations, the role of the courts and justiciability of foreign affairs controversies, state and local government actions affecting foreign relations, and individual rights (including freedom of expression, right to travel, rights of foreign nationals, extraterritorial constitutional issues). The beginning of the 21st century has been marked by rapid developments affecting the balance between national security and civil liberties. The seminar will examine some of the related legal issues such as
“war” with non-state actors, targeted killing, preventive and indefinite detention, torture, extraordinary rendition, military tribunals, warrantless surveillance, state secrets and intelligence agencies undertaking special operations roles. Grading will be based on a 72-hour take home final examination, an in-class presentation and class participation throughout the semester. (An option of doing a seminar paper instead of the final exam will be offered, but must be selected by early March.)

**Contemplative Practice**

*2 cr. – Professor A. Newman*

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 legal practice and 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 concentrate 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 and how they integrate contemplative practice with their traditional legal skills. Students must complete a weekly journal and a short research paper for the class.

**Criminal Procedure I (Investigation)**

*3 cr. – Professor D. Lee*

This course explores the constitutionality of various investigatory techniques used by law enforcement agencies to acquire evidence, and it includes discussion of the effectiveness and propriety of such techniques in a democratic society. The Supreme Court decisions featured in the course address important rights protected by the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution. Subjects covered will include stops, arrests, searches, police interrogations, Miranda warnings, the right to counsel, identification procedures, and the exclusionary rule as a means of deterring unconstitutional police conduct. This course is an elective that is highly recommended as preparation for the bar exam.

**Employment Law and Electronic Discovery**

*2 cr. – Professor R. Rossein*

This course examines the complex and crucially important relationship between employer and employee. The law regulating this relationship plays a huge role from the time an employer considers hiring new employees until they leave the workforce under the protection of the age discrimination, retirement security, and health laws. The law addresses nearly every issue arising out of the relationship-permissible pre-hire inquiries, the viability of hiring foreign nationals, employer verification laws under federal immigration, and more recently, state statues, wages, hours, leaves, substance abuse, performance evaluations, investing misconduct, including harassment, discrimination, privacy, violence, union organizing, safety, benefits, including retirement and health, record keeping, terminations, insurance, mediation and arbitration, and interactions with
the federal and state governmental agencies, such as the U.S. EEOC, the Occupational Safety and Health Administration, and state workers’ compensation boards. Free speech and privacy protections of government workers are another important area explored in the class. Additionally, in a shrinking economy, the law regarding terminations becomes even more important.

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

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

Many CUNY Law School graduates are practicing employment lawyers, and some of them and others employment attorneys will lead some of the class discussions. The September 2014 issue of the National Jurist contains an article “What’s Hot: The 10 practices areas that are driving hiring now” listed employment and labor as number one. See, [http://www.nxtbook.com/nxtbooks/cypress/nationaljurist0914/#/26](http://www.nxtbook.com/nxtbooks/cypress/nationaljurist0914/#/26).

The course explores the law through a text that utilizes a problem approach in examining statutes, administrative regulations, and court decisions. Students are placed in multiple roles as “lawyers” in addressing these problems. Also, students are assigned projects to draft some documents, such as an employee handbook, employment contract, harassment, drug, privacy and other policies, or prepare to arbitrate or mediate an employment dispute. Electronic discovery has become critical in litigation in general and is a skill that all employment and civil rights attorneys must master. The course will examine the basic issues including the federal rules and case law, predictive coding, ethical concerns, and social media. Some students may also choose to write a paper on a topic of interest to them that might be submitted to a writing competition, such as the one sponsored by the College of Labor and Employment Lawyers.

**First Amendment**

3 cr. – Professor R. Robson

This course will consider the historical, theoretical, doctrinal, and practical contours of the First Amendment including free speech and association, free press, 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, “time, place, and manner” 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 based on the current controversies discussed in class. There is a substantial class participation component.

**Immigration and Citizenship Law**

*3 cr. – Professor J. Calvo*

This course is designed to give students an overview of immigration and citizenship and the legal consequences of non-citizen status, 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 topics such as 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, the Constitutional Basis of Immigration Regulation, and an Overview of Exclusion and Deportation. A 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.

The course will also address some of the state attempts to limit or expand the rights of non-citizens, especially in the areas of health care access and professional licensing including bar membership. Further it will include immigration issues that are developing in the spring such as the use of executive authority to afford currently undocumented non-citizens the ability to live and work in the United States and the response to Central American youth seeking refuge or other topics that arise in this changing area of law.

Evaluation in this course will be based on a final take-home examination, a take-home midterm examination or midterm volunteer project and class participation. With the permission of the professor, students who arrange for and engage in an immigration or citizenship law related volunteer activity during the spring semester may substitute a report and reflection on that experience instead of the take home midterm. The report must include an analysis of the law involved in the experience and answer specific questions about the experience.
This course is recommended, but not required, for second year students who are considering the Immigrant and Refugee Rights Clinic. The course also has applicability to students considering the health, family, or equality concentrations and the criminal defense or elder law clinics as immigration status impacts on those areas of law and understanding immigration related law is particularly important in areas like New York with significant non-citizen populations.

**Independent Study**

1, 2, or 3 credits  
*(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.

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.

**Law & Disability**

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 may be based on class participation and either a research paper and class presentation or a final take-home exam.

**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. Most substantive areas tested on the New York Bar Exam. Students will hone skills required to identify legal issues, analyze and write bar exam essays, complete 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. **This is an elective that is highly recommended as preparation for the bar exam.**

**Moot Court**

*2 credits – 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, domestic violence, paternity, 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 the social policy that gives shape to the law. The course will not duplicate the Law and Family Relations course, as we will focus on the application of broader family law issues to practice in the New York court system.
New York Practice  
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.

Pre Bar Seminar Guided Study (PBS Students Only)  
1 cr. – Professor F. Kerner & A. Robbins  
The Pre Bar Seminar II builds upon the skills and doctrine students learn in PreBar Seminar I. In addition to classes, and extensive out of class work, each student will meet with a professor individually at least once per week for two hours. During these sessions, students will complete an essay and/or series of MBE questions. Students will then get immediate feedback on their work, will discuss doctrinal areas of concern, and will go over study schedules and strategies. The course is designed to keep students on track with their bar study and prepared for the February bar exam pursuant to the Pro Bono Scholars program requirements.

Prisoner’s Rights Seminar  
2 cr. – Professor D. Lee  
This seminar will address the law of prisoners’ rights, examining how it has developed, and laying the foundation for envisioning how it should develop in the future. Although seminar participants are welcome and encouraged to begin the work of developing legal critiques and challenges in their seminar papers, in class, we will focus primarily on constitutional law developed over the past 40 years dealing with a variety of topics under the rubric of conditions of confinement. These topics will likely include Eighth Amendment cruel and unusual punishment in the context of medical and psychiatric care, conditions of confinement, use of force, and sentencing; Fourteenth Amendment due process and equal protection in the context of prison disciplinary proceedings, transfers, classification, programming, and felony disenfranchisement; First Amendment access to courts, and freedom of speech, association and religion; and Fourth Amendment search, seizure, and privacy rights.

Pro Bono Scholars Externship (Section One PBS Students Only)  
12 cr. – Professor A. Cammett  
This is for students who are participating in the Pro Bono Scholars program through a concentration. This is a highly structured externship in which students are expected to work full time providing law related work for indigent clients. The PBS program defines full time work as 45 hours a week including the academic portion of the program. The
deep immersion in law related work guided and coordinated by law school faculty will allow students to develop practical legal skills and the ethical and professional responsibilities necessary for the practice of law.

Pro Bono Scholars Externship Seminar (Section One PBS Students Only)
2 cr. – Professor A. Cammett
This is the seminar that supports the Externship portion of the Pro Bono Scholars program. Classroom instruction will consist of modified rounds discussions to explore issues of professionalism, professional responsibility, as well as substantive and procedural law arising out of the placements.

Pro Bono Scholars Clinic Section Two (PBS Students Only)
14 cr. – Professor N. Arastu & R. Kassem
This is for students who are participating in the Pro Bono Scholars program through a clinic. The client and case work and the academic work are combined in the clinic although the classroom work is generally in the evening. Students are expected to work full time handling clinic cases for indigent clients under the supervision of the individual clinic faculty to which they are assigned. The PBS program defines full time work as 45 hours a week including the academic portion of the program. The deep immersion in law related work guided and coordinated by law school faculty will allow students to develop practical legal skills and the ethical and professional responsibilities necessary for the practice of law.

Professional Responsibility (A)
2 cr. – Professor N. Chernoff
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 required to (1) prepare and present a rule analysis to the class; (2) research and analyze ethical issues; (3) lead a class discussion on an aspect of professional conduct; (4) actively participate in class discussions; and (5) complete a take-home exam.

Professional Responsibility (B)
2 cr. – Professor B. Howell
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. The course will use a problem-based method. Students will be expected to research and lead a class on an aspect of professional conduct, research and outline an ethical opinion relating to two or three ethical problems,
write an ethical opinion based on one of their outlines, engage in classroom discussions, and write a final essay on an ethical problem of their choice. There will be no exam.

**Real Estate Transactions**  
3 credits – Professor A. McArdle  
*(Pre-requisite: successful completion of Property)*  
The course will cover the principal elements in New York real estate transactions, including (1) real estate brokerage agreements; (2) purchase and sale contracts; (3) title and title insurance; (4) buyers' and sellers' remedies; (5) mortgages and foreclosure; and (6) an overview of multifamily housing and landlord-tenant issues. The course has three principal objectives: to teach the legal rules that are tested on the New York bar exam; to introduce students to the drafting and lawyering issues they will encounter in real estate practice; and to provide a social-justice context for understanding legal doctrine and practice in this area.

Grading will be based on several short quizzes (consisting mainly of multiple-choice questions with some attention to drafting issues), class participation, and a final exam consisting principally of essay questions.

**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 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 exclude contingent, immigrant, and other workers from many protections. Employment laws rest on restrictive regulatory and judicial definitions of who is an employee and who is an 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.” Employers also try to shed their legal status as “employer” by claiming that those performing services for them are independent contractors instead of employees.

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 the obstacles faced by workers who assert their rights are onerous. These shortcomings are magnified by the complexity of organizing workers who are undocumented, isolated, and “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.

**Small Firm Practice**

**3 cr. – Professor L. Gentile**

Each student will design a law practice and draft a business plan for her/his firm. Each student will interview an expert in a specialty relevant to the planning and running of a law practice. Drawing on the experience of CUNY graduates and others who have started small community-based practices, and experts who provide services to law firms, students identify and manage the legal, business, ethical, and professional considerations that confront small firm practitioners. Topics include: identifying the type of practice, locating a practice, finding space, identifying the right partners and drafting partnership agreements, financial management, risk management, client management, employee management, stress management, management management, ethical considerations (including the management of escrow accounts), choosing the right malpractice insurance, billing and collections, among other issues. Students draw on readings, lectures, discussions, and outside sources to develop the business plan for starting each student’s unique profit or non-profit law firm. In the past, the business plans have been used to apply for grants, loans, and as a blueprint for new practices.

**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. 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. TA’s do not take part in grading students. 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 two Articles of the Uniform Commercial Code: Article 2 (the sale of goods) 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 & Estates
3 cr. – Professor S. Zorn
*(Pre-requisite: successful completion of Property)*
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.

Required texts: New York “Greenbook” (Text of EPTL and Surrogates Court Procedure Act). Other materials will be distributed via the TWEN page for the course. Please sign up for the TWEN page well before the first class.

TIL: Animal Rights
2 cr. – Professor J. Zorn
This course will introduce students to the way in which statutory, regulatory and common law affects animals. It will probably begin with a brief examination of the relationship between humans and animals from both jurisprudential and practical perspectives, but the general outline of the course and the specific subjects to be studied will very much depend on student preferences. Key legal issues to research and discuss include the ramifications of the legal classification of animals as “property;” the uses to which
animals are put, including the use of animals by industry and agribusiness; animal-based research; regulations on people’s relationships with companion animals. These issues will most probably be viewed through the lens of current animal protection laws, state and federal, as well as efforts to reform such laws through legislation and litigation; “standing” and other problems of litigating on behalf of animals; and the way the law regulates the dissemination of information regarding animals. The course is likely to focus not just on the way the law is but on ways that lawyers can work to change the law. The course may encompass aspects of a wide variety of substantive areas, including criminal law, administrative law, torts, contracts, consumer protection law, first amendment and other constitutional issues, wills and trusts, domestic relations, comparative law, and more. Because there is a great deal of legal doctrine to cover, at least part of the semester will be spent in course mode. It is hoped, though, that we will also have time for students to do in-depth research papers, either on their own or in groups, and to present those papers to the class.

**TIL: Nonprofit Practice**  
**2 cr. – Professor J. Goldscheid**  
Whether you start a nonprofit, run a project at an existing organization, or work as a staff attorney, public interest practitioners inevitably face organizational, regulatory and management challenges. Readings, speakers and class discussions will consider issues including choice of organizational form, roles and responsibilities of staff, funders, and boards of directors, lobbying and other regulatory compliance issues, and progressive approaches to management. The course will be practice oriented and will combine readings, case studies, projects and class discussion.