

**The City University of New York  
School of Law**

**Fall 2014**

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**Course of Study For Second and Third Year Students**

**Course Descriptions  
and  
Program Planning  
Information**

**Office of Academic Affairs Room 4/106– Ext. 84370**

*The City University of New York*  
**CUNY SCHOOL OF LAW**

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**To: Second and Third Year Students**  
**From: Academic Affairs Office**  
**Re: Course Descriptions and Program Planning Information**  
**Date: February 19, 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. The schedule including specific course times will be sent from the registrar's office.

**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. Applied Legal Analysis (ALA) is not required, but it is a highly recommended one-credit essay writing course, which accompanies CORE Doctrine. ALA provides extensive individualized feedback and many third year students have found it very helpful. CORE Doctrine and ALA are currently only offered in the spring semester.

**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. The current bar electives are: Business Associations, Criminal Procedure, First Amendment, New York Practice, Professional Responsibility, Real Estate Transactions, UCC Survey, and Wills, Trusts and Estates. We hope to expand the list of bar electives in upcoming semesters.

**Professional Responsibility**

The New York Court of Appeals requires that everyone who applies to sit for the New York bar exam have taken a professional responsibility (two credits or more). CUNY School of Law does not require Professional Responsibility, rather we count it as one of your bar electives since it is also tested on the

New York State bar exam. However, if you are considering taking the New York bar you must elect to take Professional Responsibility prior to graduation. It is offered each semester and during the summer.

This packet "**Fall 2014 Course of Study for Second and Third Year Students**," contains descriptions of required and elective courses for second and third year as well as helpful information about program planning and registration. Please review it carefully. **It is strongly encouraged that students meet with their academic advisors for assistance in planning their course of study.** Meeting with an academic advisor about your course selections can help to ensure that your course of study prepares you for the area of practice you plan to pursue as well as for success in law school and on the bar exam. An advisor can help you to choose wisely from among the available lawyering seminars, clinics and concentrations, and help you make your elective choices.

### **Recommended Criteria to Consider**

We recommend that you consider the following criteria in developing your program:

- courses that provide you with the doctrinal coverage necessary for practice and for the bar exam;
- courses that enhance practical lawyering skills;
- courses that prepare you for the particular area of practice you plan to pursue;
- courses that enrich and round out your law studies and prepare you for public interest practice; and
- courses that appeal to your interests and background and that will enable you to connect intellectually and emotionally to the study and practice of law.

### **Electives in Areas Tested on the Bar Exam**

You will need to plan your schedule to accommodate the four bar elective requirements. While the Office of Academic Affairs tries to offer most bar electives each semester, that is not always possible.

In addition to the bar elective requirement in spring of your third year, unless you are able to opt out, you must take Mastery and Application of Core Legal Doctrine (CORE Doctrine). Other courses highly recommended for preparation for the New York Bar and which we suggest you consider taking in your third year are Applied Legal Analysis (ALA), New York Practice, and Wills and Trusts. If you are planning to take the bar exam in another state, New York Practice and other New York law focused courses are less useful for your bar preparation.

\*Professional Responsibility is required to sit for the New York Bar exam and an in-class professional responsibility course may also be a requirement for admission to practice in other jurisdictions. If you are considering practicing in another jurisdiction upon graduation you will need to determine that jurisdiction's requirements.

### **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;
- Successful completion of CORE Doctrine;
- 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 include:

- 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.) \*
- Fourth Semester Lawyering Seminar (spring only, 4 cr.)

\*This fall, we will offer Public Institutions in Context – Environmental Law. It will satisfy the Administrative Law: Public Institutions requirement. In the spring, the regular Administrative Law: Public Institutions course will be offered.

Each year, between six and eight fourth semester lawyering seminars are offered, each focusing on a different area of public interest practice. Second year students will receive information about the fourth semester lawyering seminar offerings next Fall.

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 with 8 credits in each semester. The concentrations are one-semester, 12-credit courses. The clinic and concentration offerings may vary 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:

- |                                            |                                                |
|--------------------------------------------|------------------------------------------------|
| <b>Business Associations (3cr.);</b>       | <b>Professional Responsibility (2 - 3cr.);</b> |
| <b>Criminal Procedure I (3cr.);</b>        | <b>Real Estate Transactions (3cr.);</b>        |
| <b>Criminal Procedure II (2 – 3cr.);</b>   | <b>UCC Survey (3cr.); and</b>                  |
| <b>First Amendment (3cr.);</b>             | <b>Wills, Trusts &amp; Estates (3cr.)</b>      |
| <b>New York Domestic Relations (3cr.);</b> | <b>ALA taken with Core Doctrine</b>            |
| <b>New York Practice (4cr.);</b>           | <b>(4+1 Cr.)</b>                               |

Real Estate and Wills, Trusts & Estates are open only to students who have passed Property. New York Practice may be offered both semesters but is often restricted to third year students only. **We generally design the class schedules on the assumption that students will take Criminal Procedure I and/or II, Business Associations, New York Domestic Relations and/or UCC Survey in their second year.** You may take these courses as third-year students, but one or more of them may be scheduled against other third year courses.

Deciding which of the recommended bar elective courses deserves careful attention. Some of the courses—Criminal Procedure I and II, and Business Associations—are courses that are fundamental to the development of the basic legal literacy every lawyer needs. Others—UCC, for instance—involve areas of the law that many students find difficult to learn on their own in bar review because the vocabulary, legal concepts, context, and policy considerations are unfamiliar. Most bar electives are useful not only for bar preparation, but preparation to practice in particular interest areas.

## SECOND YEAR SPECIFIC PROGRAM INSTRUCTIONS

- The Individual Skills Development course is designed to reinforce legal analysis, writing and test-taking skills. It is recommended that those students struggling academically enroll in the ISD program.
- If you plan to pursue a career in **criminal law**, you should seriously consider timing your program so that you will be eligible for the **Defenders' Clinic** in your third year. Defenders' Clinic enrollment is limited to students who have successfully completed the Criminal Defense Lawyering Seminar in the spring semester of second year (one of the "fourth" semester lawyering seminars). Only those students who have successfully completed or are currently enrolled in Criminal Procedure I may apply to take the Criminal Defense Lawyering Seminar. **Thus, if you are considering applying for the Defenders' Clinic down the road, you should take Criminal Procedure I either in the summer after your first year or in the fall of your second year.**
- Other clinics have Fourth Semester Lawyering pre-requisites which will be explained in the upcoming fall semester. However, no other clinics also require completion of an additional course.

If you have a particular area of interest for which a course is offered, it makes sense to take a course in that area in your second year. Some courses are only offered once a year; others are only offered once every two years. **Therefore, if you see a course offered that is in your area of interest, you should register for it.**

### 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 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.

However, to receive "Credit" for a course taken Credit/No Credit a student **must receive a C+ or better** in the course. Thus if you receive below a C+ in a course you have selected to take Credit/No Credit – you will not receive credit for the course jeopardizing your ability to graduate.

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!**

**Some Sample Programs to Consider**

**Sample A** – This is a possible program for a student who wants to take six of the bar electives before graduation (including Core and ALA taken together) and plans to take a one-semester clinic or concentration. (Required courses are in bold.)

|                                  |               |                                  |              |
|----------------------------------|---------------|----------------------------------|--------------|
| <b><u>Third Semester</u></b>     |               | <b><u>Fourth Semester</u></b>    |              |
| <b>Evidence</b>                  | <b>4 cr.</b>  | <b>Public Institutions</b>       | <b>3 cr.</b> |
| <b>Const'l Structures</b>        | <b>3 cr.</b>  | <b>4th Sem. Law Sem</b>          | <b>4 cr.</b> |
| Bar Elective                     | 3 cr.         | <b>Property</b>                  | <b>4 cr.</b> |
| Elective                         | 2 cr.         | Bar Elective                     | <u>3 cr.</u> |
| Elective                         | <u>3 cr.</u>  | Elective                         | <u>2 cr.</u> |
|                                  | 15 cr.        |                                  | 16 cr.       |
| <br><b><u>Fifth Semester</u></b> |               | <br><b><u>Sixth Semester</u></b> |              |
| Bar Elective                     | 3 cr.         | 3L Bar Elective                  | 4 cr.        |
| <b>Clinic/Concentration</b>      | <u>12 cr.</u> | CORE Doctrine                    | 4 cr.        |
|                                  | 15 cr.        | ALA                              | 1 cr.        |
|                                  |               | Elective                         | 3 cr.        |
|                                  |               | Elective                         | <u>3 cr.</u> |
|                                  |               |                                  | 15 cr.       |

Note: This schedule reflects the decision to take Property in the fourth semester, rather than the third semester. Many students have reported that the third semester is very difficult even without Property. Other students have carried the load including Property successfully. Because there is no lawyering seminar or required small section in the third semester, you should think carefully about your readiness to take on a difficult program without the individual and small-group learning opportunities you had in the first year.

**Sample B** – This is a possible program for a student who wants to take five bar electives (including Core doctrine and ALA) before graduation and plans to take a two-semester clinic. (Required courses are in bold.)

|                                  |              |                                  |              |
|----------------------------------|--------------|----------------------------------|--------------|
| <b><u>Third Semester</u></b>     |              | <b><u>Fourth Semester</u></b>    |              |
| <b>Evidence</b>                  | <b>4 cr.</b> | <b>Public Institutions</b>       | <b>3 cr.</b> |
| <b>Const'l Structures</b>        | <b>3 cr.</b> | <b>4th Sem. LawSem</b>           | <b>4 cr.</b> |
| <b>Property</b>                  | <b>4 cr.</b> | Bar Elective                     | 3 cr.        |
| Bar Elective                     | 2 cr.        | Bar Elective                     | 3 cr.        |
| Elective                         | <u>2 cr.</u> | Elective                         | <u>3 cr.</u> |
|                                  | 15 cr.       |                                  | 16 cr.       |
| <br><b><u>Fifth Semester</u></b> |              | <br><b><u>Sixth Semester</u></b> |              |
| <b>Clinic</b>                    | <b>8 cr.</b> | <b>Clinic</b>                    | <b>8 cr.</b> |

|                 |              |               |              |
|-----------------|--------------|---------------|--------------|
| Elective        | 3 cr.        | CORE Doctrine | 4 cr.        |
| 3L Bar Elective | <u>4 cr.</u> | ALA           | 1 cr.        |
|                 | 15 cr.       | Elective      | <u>2 cr.</u> |
|                 |              |               | 15 cr.       |

Note: This schedule reflects the decision to take Property in the third semester.

**Sample C** – This is a program for a student who wants to take four bar electives (including Core Doctrine and ALA) before graduation and plans to take a one-semester clinic or concentration. (Required courses are in bold.)

| <u>Third Semester</u>      |              | <u>Fourth Semester</u>  |              |
|----------------------------|--------------|-------------------------|--------------|
| <b>Evidence</b>            | 4 cr.        | <b>4th Sem. Law Sem</b> | 4 cr.        |
| <b>Const'l Structures</b>  | 3 cr.        | <b>Property</b>         | 4 cr.        |
| <b>Public Institutions</b> | 3 cr.        | Bar Elective            | 3 cr.        |
| Bar Elective               | 3 cr.        | Elective                | 2 cr.        |
| Elective                   | <u>3 cr.</u> | Elective                | <u>3 cr.</u> |
|                            | 16 cr.       |                         | 16 cr.       |

| <u>Fifth Semester</u>       |               | <u>Sixth Semester</u> |              |
|-----------------------------|---------------|-----------------------|--------------|
| Elective                    | 4 cr.         | CORE Doctrine         | 4 cr.        |
| <b>Clinic/Concentration</b> | <u>12 cr.</u> | ALA                   | 1 cr.        |
|                             | 16 cr.        | Bar Elective          | 3 cr.        |
|                             |               | Elective              | 3 cr.        |
|                             |               | Ind. Study            | <u>2 cr.</u> |
|                             |               |                       | 13 cr.       |

**Elective Offerings (Bar and Other) Offered Most Semesters**

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.

| <u>Course</u>               | <u>Credits</u> |
|-----------------------------|----------------|
| Business Associations       | 3 cr.          |
| Criminal Procedure I        | 3 cr.          |
| Law Review                  | 2 cr.          |
| Moot Court                  | 2 cr.          |
| New York Practice           | 4 cr.          |
| Professional Responsibility | 2 cr.          |
| Wills, Trusts, and Estates  | 3 cr.          |

**Electives Usually Offered Once Each Year or Once Every Two Years  
(budget & staffing permitting)**

|                                                       |                                 |
|-------------------------------------------------------|---------------------------------|
| Advanced Evidence                                     | Employment Law                  |
| Advanced Torts: The Law of Medical Malpractice        | Environmental Justice           |
| Capital Punishment & the Courts                       | Environmental Law               |
| Contemplative Practice: An Exploration of Mindfulness | Federal Courts                  |
| Criminal Procedure II                                 | First Amendment                 |
|                                                       | Health Law or Health Law Policy |
|                                                       | Immigration and Citizenship     |

Individual Skills Development (ISD)  
 Intellectual Property  
 International Law  
 International Environmental Law  
 Jurisprudence  
 Labor Law  
 Legislation and Legislative Process  
 Mastery and Application of Core Doctrine  
 New York Domestic Relations

Prisoners' Rights  
 Race and Law  
 Real Estate Transactions  
 Reproductive Rights  
 Rights of Low Wage Workers  
 Sexuality and the Law  
 Voting Rights  
 UCC Survey

**Summer 2014 Evening Elective Offerings**

To facilitate your planning, listed below are the electives being offered in the Summer 2014. **We reserve the right to deviate from these predictions if budget, interest, enrollment or staffing constraints require that we do so.**

**Course**

**Professor**

|                                                                           |                        |
|---------------------------------------------------------------------------|------------------------|
| Criminal Procedure I                                                      | Zeidman                |
| TIL: Community and Economic Development Social Justice Lawyering          | Huertas-Noble          |
| Professional Responsibility                                               | Goode                  |
| Public Interest/Public Service                                            | Siegel                 |
| TIL: New York Landlord-Tenant Law                                         | Whitlow                |
| TIL: Trial Practice from a Judicial Perspective                           | Sup. Ct. Justice Duffy |
| TIL: The Patient Advocate: Necessary Tools For Healthcare Advocacy (June) | Gentile, L             |
| TIL: Law and Policy in Public Education                                   | DelForte               |
| UCC Survey                                                                | Kerner                 |
| Wills, Trusts & Estates                                                   | Zorn, S.               |

**Elective Offerings Projected for Spring 2015**

(Not yet finalized and will vary depending on budget and staffing)

Advanced Legal Research  
 Applied Legal Analysis (3L's only)  
 Mastery & Application of Core Legal Doctrine  
 (3L's Only)  
 Business Associations  
 Contemplative Practice  
 Criminal Procedure I  
 Criminal Procedure II  
 Constitution and Foreign Affairs  
 Disability Law  
 Environmental Justice  
 First Amendment  
 Immigration & Citizenship Law

Intellectual Property  
 Legislative Advocacy  
 New York Domestic Relations Law  
 New York Practice  
 Prisoner's Rights  
 Professional Responsibility  
 Real Estate Transactions  
 Rights of Low Wage Workers  
 Small Firm Practice  
 Transactional Legal Drafting  
 UCC Survey  
 Wills, Trusts & Estates



# SECOND YEAR REQUIRED COURSES

## **Administrative Law/Public Institutions in Context/Environmental Law**

### **3 credits – Professor R. Bratspies**

This course offers an introduction and overview of administrative law, through the lens of environmental law. Students will gain an appreciation for the role that public institutions play in the modern regulatory state. After laying a solid foundation of administrative law and process, this course will focus on the major federal environmental regulatory regimes, detailing how the EPA uses rule-making and adjudicative processes to achieve environmental ends. Through detailed study of environmental regulatory schemes, students will attain proficiency with environmental regulation in the United States while also developing a textured understanding of the regulatory state more generally. The course will draw on a combination of statutory/regulatory analysis and case studies alongside more traditional case-based materials. A consistent theme throughout this course will be how to use administrative procedures to achieve public interest environmental goals. Students will participate in the notice and comment phase of an actual rule-making procedure. This course satisfies the CUNY Law School's administrative law graduation requirement.

## **Constitutional Structures and the Law**

### **3 credits – (Fall)**

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

## **Evidence and Lawyering in the Public Interest**

### **4 credits – (Fall)**

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

## **Evidence (Hybrid)**

### **4 credits – Professor S. Bryant (Fall)**

This section of evidence is designed to teach the traditional evidence course using a different method of learning and teaching. The course will be a hybrid course using both on-line and in-person instruction. Like the traditional evidence course, this course will focus on three areas: evidence law, advocacy skills, and theoretical understanding of how facts are developed through the introduction of evidence and the limitations of that process.

In a hybrid form, the class will meet in class 2 times a week for 75 minutes each. Those classes will focus primarily on applying the law to problems and evaluating its reach and impact on the fact-finding process. In addition to these meetings, students will engage in on-line learning that would have happened in class-time that has been reduced by 90 minutes to create space for on-line and other learning.

Teacher's note: I anticipate creating some short videos as well as building a library of other on-line resources for students to use. CALI has a number of good evidence lessons and other resources already exist for learning evidence. I will provide a suggested roadmap that students can follow as well to learn

the material. I will also order a couple of good books and students can pick and choose among the resources on-line and in book form for the out-of-class learning.

The class will involve relatively frequent feedback on learning through quizzes and short essays of the type that I have used in the traditional class. A final exam will be comprehensive and give you the opportunity to show all that you have learned. I hope that we can approach this experiment in learning and teaching together to build a successful learning environment for this course. Please feel free to email me any questions you may have about the course.

Enrollment requires frequent access to a computer and the internet.

### **Property: Law and the Market Economy III**

#### **4 credits – (Fall or Spring)**

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

### **Second Year Lawyering Seminars**

#### **4 credits – (Spring)**

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

# FALL 2014

## SECOND AND THIRD YEAR ELECTIVE COURSES

### **Advanced Torts: The Law of Medical Malpractice**

**2 credits – Professor A. Gentile**

This course addresses the substantive law of medical malpractice, including physician's liability, informed consent, causation and vicarious responsibility. As a result, the course becomes the equivalent of an "advanced torts" review with special consideration given to joint and several liability, vicarious liability for the acts of others, complex statute of limitations, and other procedural concepts. After the substantive law is covered, the course becomes a "trial practice" seminar in which students will participate in an actual examination before trial of a board-certified physician, based upon actual medical records from a trial record. Thereafter, students, as part of their final examination, will perform an opening statement based upon the discovery obtained from the deposition. By the end of this course, students will understand not only substantive and procedural issues with respect to medical malpractice, but also how to prepare and present a trial of a medical malpractice action. In the past, videotaped reproductions of actual trials and depositions have been used to demonstrate proper practice and procedure for depositions and opening statements.

### **Advanced Trial Practice**

**2 credits – Professor R. Rossein**

The Advanced Trial Practice seminar is open to eight (8) students who have completed either Professor Rossein's Trial Practice fourth semester lawyering seminar or Professor Howell's Trial Advocacy fourth semester lawyering seminar. The students will engage in advanced trial practice skills development culminating in participating in the ABA Section on Labor and Employment Regional Trial Competition held at the U.S. Courthouse for the Southern District of New York. The students will examine the law of the case, develop a litigation plan, explore the factual theories, examine the exhibits, develop ideas about demonstrative exhibits, explore advanced evidentiary issues and workshop objections, develop a trial plan, participate in three moot trial experiences, and the Trial Competition at the U.S. Courthouse.

### **Business Associations**

**3 credits – 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.

### **Capital Punishment and the Courts**

**3 credits – Professor J. Kirchmeier**

There are more than 3,000 men and women on death rows throughout the United States, and their cases are a complex entanglement of constitutional and procedural issues. This course will focus on court

decisions about substantive and procedural issues arising in capital cases, with an emphasis on the Eighth Amendment and the writ of habeas corpus. The class will consider historical, policy, and constitutional issues regarding the death penalty and various statutes, such as the federal Anti-Terrorism and Effective Death Penalty Act. Further, the course will examine the role of attorneys and all phases of capital litigation, including trials, appeals, state post-conviction proceedings and federal habeas corpus proceedings. Additional topics will include the consideration of mitigation, age, intellectual disability, innocence, insanity, international law, and race in capital cases. Evaluation in the course will be based upon class participation, a mid-term project and a final exam.

**Contemplative Practice: An Exploration of Mindfulness and Social Justice Lawyering**  
**2 credits – 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 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**  
**3 credits – Professor B. Howell**

This course explores the various investigatory techniques used by law enforcement in gathering evidence, including analysis of their effectiveness and propriety in a democratic society. The course will focus primarily on the rights protected by the Fourth, Fifth, and Sixth Amendment. Subjects covered 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 elective is highly recommended as preparation for the bar exam.

**Criminal Procedure II**  
**2 credits – 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.

**Federal Courts**  
**3 credits – Professor F. Deale**

This class examines the federal judiciary, with particular emphasis on the Supreme Court, to determine how the federal system has been used as a site of struggle for progressive political, social and economic change. Issues covered will include: federal habeas corpus, governmental immunities, the various abstention doctrines, using the federal courts to establish human rights, prisoners' rights litigation in the federal system, and carving out private rights of action from federal statutes. Although the class is heavy

on case analysis and discussion, we will also evaluate litigating techniques and strategies for lawyering that are designed to ensure that the federal courts remain vehicles for obtaining progressive reform.

There will be a midterm and a final.

### **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.

### **Individual Skills Development**

**3 credits – Professor S. Lung**

**(2L's Only)**

The Individual Skills Development course is aimed at giving second-year students an intensive opportunity to reinforce and refine the array of analytical, test-taking, and study skills needed for successful performance in law school, on the Bar, and in the practice of law. All skills in the course will be taught through material drawn from Constitutional Structures and Evidence. We will work heavily on the analytical skills that are stressed throughout the second-year curriculum, which include analyzing, interpreting, and synthesizing cases; integrating legislative history and case law into the analysis of a statutory standard; and developing legal arguments by analogizing, distinguishing, and reconciling cases. In addition, we will use hypotheticals and problems that require students to use doctrine to construct legal and factual arguments on behalf of clients on all sides of an issue. Of equal importance to the course are the study skills that enable students to cogently structure and understand new doctrine. We will explore how to create context and framework for learning new doctrine, as well as how to map and outline the relationships between concepts. Students will have ample opportunity to apply what they have learned by taking practice multiple-choice and essay exams.

## **International Law**

### **3 credits – Professor D. Khosla**

In the post-Second World War period, international law has become one of the central facts of modern legal and political life. International legal norms and processes have increasing impact on the practice of domestic law. Despite its growing familiarity, however, international law continues to be one of the most intellectually difficult and frustrating parts of the law school curriculum because the international politics which shape international norms are rooted in extremely diverse cultural, social, religious ethos that make them both more volatile and violent. This course seeks to provide students with an intellectual framework for comprehending the processes of contemporary international law, equipping them with the tools for understanding how and why past decisions were made; for assessing how future decisions are likely to be made; and for influencing the decision processes in order to advance world order and human dignity. Specific areas of study would include, but not be limited to, international law; relationship of international law with domestic law; idea of a nation state and how it is undergoing radical transformation; human rights; international environmental law; the United Nations system, and the International Court of Justice.

## **Labor Law**

### **3 credits – Professor J. Cicero**

This course introduces students to the core provisions and principles of the National Labor Relations Act, which regulates the right of employees to organize a union, as well as collective bargaining between unions and employers in the private sector. Through the use of an interactive pedagogy that places students in role as the employees of a fictional company, students will learn how a union achieves representational status, what employee conduct is protected by law, as well as the range of unlawful employer responses to an organizing drive and to the duty to bargain in good faith. In the context of studying the economic weapons available to management and labor and the process of collective bargaining, we will examine issues of status in the workplace and the so-called duty of loyalty, and analyze important decisions by the National Labor Relations Board and the Supreme Court, which have impacted on the relative strength of the parties at the bargaining table. We will explore the rights of strikers and the critical issue of their permanent replacement, as well as the related issue of picket line misconduct. We will also examine the impact of the law's prohibition against "secondary boycotts" on union tactics during a strike, including a Supreme Court decision upholding a union's first amendment right to handbill. Throughout the course, we will examine the values underlying the law, including the economic and political interests that have influenced its development. (Students will be evaluated on the basis of a lawyering exercise and a take-home final exam).

## **Land Use and Community Lawyering**

### **2 credits – Professor A. McArdle**

(Students have the option to register for a third credit, which entails either producing an additional ten pages of a final written product, relating to the student's chosen small-group case project, or a placement or project at an outside organization approved by the instructor. The student must fill out an independent study form for approval.)

This New York City-focused seminar is intended to help prepare students who will represent community stakeholders in controversies related to urban redevelopment involving the state's power of eminent domain, zoning, and urban renewal, or that implicate the environmental impact of land use decisions. Drawing on the perspectives of law, urban planning and politics, critical geography, environmental justice, and public health, the seminar places contemporary contests over urban land use in historical context, relating them to legal issues generated by post-war urban renewal, displacement, fiscal crisis, and gentrification.

To develop a situated knowledge of how law intersects with questions of political economy, the dynamics of community formation, and the built environment, the seminar models a literally grounded study of

urban space by a planned walk for students through a New York City neighborhood that is undergoing transition/development. Guided by this grounded approach, seminar students will participate in small-group case studies to generate knowledge about, and potential approaches to, a contested local land use issue. The seminar addresses the various roles of law as conservatizing force, mechanism for determining access to resources, and strategic tool for mobilizing community advocacy in contests over equity and access.

Among other topics, the course will:

- consider the various contested meanings of “community” and efforts to expand meaningful community participation in local land use decisions and environmental justice advocacy;
- analyze the role and authority of local government structures in the land use planning process;
- study recent New York Court of Appeals decisions addressing the use of the eminent domain power in the Atlantic Yards (Brooklyn) and Columbia University (West Harlem) expansion projects;
- examine the role of community benefits agreements in these cases;
- consider ongoing efforts to finance, create, and preserve affordable housing and the increasingly tenuous position of public housing in the larger landscape of housing options;
- study the land use implications of climate change and the responsibilities of a coastal city in relation to the risk of storm surges, disaster planning, and vulnerable populations at the urban periphery.

The seminar will address concepts in property law, constitutional law, contract law, state and local government law, New York civil practice, and administrative law relating to urban land use. It will provide opportunities to build skill in legal writing, negotiation, and informal advocacy through role plays derived from actual cases implicating local land use decisions.

Instead of a midterm and a final examination, assessment is based on a number of writings, including a written reflection (3 pages), a law office memo connected with a negotiation simulation (7 pages), and a final report based on the student’s contribution to a small-group project (10 pages), and in-class performance.

### **Law Review Editing**

**1 credit – Professor A. McArdle**

**(Faculty Permission Required)**

A CUNY Law Review Editor who is in charge of or, as determined by a Faculty Advisor, substantially editing a writing for publication with the CUNY Law Review in either its print or digital format, is eligible to receive one credit. One of the Faculty Advisors will review and provide feedback on the work of enrolled students a minimum of three times during the semester and provide a final evaluation of their work at the end of the semester. This course is taken for Credit/No Credit option.

**Prerequisite or Requisite:** Enrolled students must be third-year students in good standing and have completed two semesters on the Law Review staff.

### **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 Practice (A)**

**4 credits – Professor S. Valentine**

Knowledge and strategic use of the rules governing civil procedure is essential successful civil practice. 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. Examples of issues to be covered are jurisdiction, service of process, pre-trial discovery, and statute of limitations. The course also explores aspects of the CPLR often relied on by counsel representing the poor and impoverished -Article 78 (challenging administrative actions) and Article 4 (governing special proceedings). Grading will include an in-class final exam, a midterm, and at least one additional written assignment. This is a bar elective course.

#### **New York Practice (B)**

**4 credits – 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; 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; and 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 credits – 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 expected to actively participate in classroom discussions, research and lead a class on an aspect of professional conduct, and complete a take home exam.

**Professional Responsibility (B)**

**2 credits – Professor F. Siegel**

This class will explore the requirements and the limitations of the ethical practice of law. It will provide an overview of the New York Rules of Professional Conduct and the ABA 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 and other exercises.

**Race & the Law**

**3 credits – Professor V. Goode**

The purpose of this seminar is to introduce students in to the study of race and the law. Our text, *Race and Races* is considered a seminal work in this field. The idea that race played a central role in the law other than traditional civil rights cases was antithetical to prevailing legal theory. The late Professor Derrick Bell began to change this view with his publication of the first race and law text, and his insistence on teaching doctrine from a race conscious perspective. Professor Bell's work laid the foundation for the emergence of the Critical Race Theory movement in legal scholarship and his work continues to influence this course. Critical race theory generally refers to the study of the ways in which racial concepts and ideas operate across social institutions and practices, including but not limited to the law and our legal institutions. Critical race theory is an attempt to develop critical tools for analyzing the racial effects of legal as well as other practices, which appear neutral, objective or colorblind, but have a disproportionate impact on a particular racial group.

Goals of the course:

This course provides student an opportunity to explore in greater depth some of the issues or themes concerning race that may have surfaced in other courses. One goal is to learn how to explore legal doctrine from a race conscious perspective. The emerging Critical Race Theory movement was founded precisely as a vehicle to overcome some of those obstacles and to demonstrate how issues of race and color are indeed central to the evolution and operation of legal theory . Students will have an opportunity to explore these themes through independent research and participation on a joint class project designed to create a racial justice report card on key legislation.

**Real Estate Transactions**

**3 credits – Professor S. Zorn**

**(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; (6) condominiums and co-ops; and (7) landlord-tenant issues. The course has two primary objectives: to teach the legal rules that are tested on the New York bar exam and to introduce students to the drafting and lawyering issues they will encounter in real estate practice.

Grading will be based on several short quizzes, a drafting assignment, and a take-home final exam with multiple-choice, essay and drafting components.

### **Sexuality & Law**

#### **3 credits – Professor R. Robson**

This three credit seminar will explore the legal issues surrounding human sexuality. We will consider concepts such as consent, privacy, power, and normalcy in the context of specific topics, such as gender conformity, sexual harassment, rape, reproduction, pornography, sex work, sexual identities, cyber-sex, AIDS, and children. Theoretical perspectives implicated include liberalism/neo-liberalism, feminism, postmodernism, critical queer theory, critical race theory, and law and economics. The objectives of the seminar are to familiarize students with the historical relationships between law and sexuality; to introduce students to current controversies in legal theory, doctrine, and practice relating to sexuality; to foster critical and independent thinking about relationships between law and sexuality; and to enable students to explore an aspect of the relationship between law and sexuality in an independent project which develops writing and analytic skills. Substantial class participation is required. The written product required is a paper on an approved topic relating to law and sexuality.

### **Teaching Assistant**

#### **1, 2, or 3 credits**

#### **(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.

### **TIL: Civil Disobedience: Theory & Practice**

#### **3 credits – Professor D. Khosla**

The extermination camps of the Nazis, the incineration of Hiroshima and Nagasaki, the My Lai massacre (Vietnam), the ongoing torture and rape of innocent civilians and the violence waged by governments against their own citizens in various parts of the world are all testimonials proving that men are entirely capable of committing yet greater catastrophes in the name of "superior orders." In this age of nuclear and other weapons of mass destruction, an unyielding, "NO" may prove to be our sole password to the future. Students of law know that radical changes in the social, political and legal consciousness of societies are caused not by incremental change-oriented lawyers but by those who say and continue to say "NO" to the unjust commands of duly constituted authority. In this course, we will engage in learning the theory, practice and legal justifications of civil disobedience. Case studies and our imaginations about

challenging the select, oppressive rules of law will be the food for thought in this course. In particular, we will discuss issues such as the necessity defense; jury nullification; the fugitive slave law; the Kvorkian phenomena (aiding one to take one's life); Operation Rescue and its impact on choice, the Stonewall riots aimed at asserting the issue of the dignity of gay and lesbian lifestyles; the civil rights movement; and objections to war based on conscience. Please join if you really believe in the theology of liberation and CUNY motto: Law in the Service of Human Needs.

### **TIL: Consumer Protection Law**

#### **3 credits – Professor A. White**

The course will cover the various sources of law that regulate business-to-consumer sales, lease and credit transactions, with a primary focus on federal and state statutes and regulations. Consumer problems explored will include advertising regulation, deceptive trade practices, truth in lending and predatory lending, equal credit opportunity, privacy and consumer information, statutes regulating particular industries, debt collection, repossessions, foreclosures, consumer remedies, class actions and assignee liability. Emphasis will be on current issues in consumer law practice and on substantive areas around which consumer law attorneys build their practices. Assessments will include two short writing assignments (including a draft pleading) and a final take-home exam.

### **TIL: Representing Individuals with Mental Disabilities**

#### **2 credits – Professor S. Yakren**

This course will examine current civil issues impacting the rights of individuals with mental disabilities (particularly psychosocial disabilities, such as schizophrenia and depression). Issues covered will include: involuntary civil commitment law, the right to obtain and refuse treatment within institutions, the right to receive care in the community, and the right to be free of discrimination. We will focus on developing facility with the New York Mental Hygiene Law, especially as it applies to the civil commitment process. The course will also cover the ethical and practical issues that arise when working with individuals with mental disabilities.

### **Wills, Trusts, and Estates**

#### **3 credits – Honorable K. Glen**

##### **(Pre-requisite: successful completion of Property)**

This course examines wills and alternative ways of passing property upon death, intestacy, the rights of family members (including gay and lesbian spouses and partners), trusts, estate planning, and estate administration. The goals of the course are to help students master the relevant legal doctrine, successfully answer the wills and trusts questions on the New York bar exam, examine the law from a critical perspective, and understand the human, ethical, and public policy dimensions of the law. The focus is on New York law, although there is some comparative analysis with the Uniform Probate Code and other statutes. The course covers most of the doctrine and concepts tested on the New York bar exam. The course integrates a public interest lawyering perspective that helps students understand and apply the relevant doctrine and also provides a foundation for students who may practice in this area as a primary concentration or as part of a broader community based family or elder law practice. To really 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.**