

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

Spring 2016

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: October 20, 2015

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 unless a student's cumulative gpa at the end of the fifth semester is 3.3 or higher. This semester, Core Doctrine is being offered with Applied Legal Analysis (ALA), which focuses on bar exam skills.

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. For spring 2016, the bar electives are: Applied Legal Analysis (ALA) (taken with Core Doctrine), 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
- Lawyering Seminar III (spring only, 4 cr.) (You should have received a registration packet describing the choices for this seminar).

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 2016 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 2016 semester.
5. Have successfully completed Professional Responsibility prior to the start of the fall 2016 semester.
6. Completed a minimum of **58** credits prior to the start of the fall 2016 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 2017 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.

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

Summer 2016 Evening Elective Offerings

To facilitate your planning, listed below are some of the electives we **hope** to offer in the summer of 2016. We reserve the right to deviate from these predictions if budget, interest, enrollment, or staffing constraints require that we do so.

<u>Course</u>	<u>Credits</u>
Criminal Procedure I	3 cr.
Independent Study	1-3 cr.
Professional Responsibility	3 cr.
NY Landlord-Tenant Law	3 cr.
The Patient Advocate	3 cr.
Government Misconduct	3 cr.
Public Interest/Public Service	2-3 cr.
Topics in Law: International Criminal Law	3 cr.

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 Academic Legal Writing** 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 YEAR REQUIRED COURSES

Administrative Law/Public Institutions and Law

3 credits – Professor N. Gomez-Velez

This course offers an overview of administrative law, the legal rules and procedures that govern administrative agencies. The course will cover the creation and functions of federal and state administrative agencies, their rulemaking, adjudicatory and policymaking functions, executive and legislative oversight and judicial review of agency actions. This course satisfies the CUNY Law School's administrative law graduation requirement.

Public Institutions in Context Environment

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.

Property: Law and the Market Economy III

4 credits – Professor A. White

This course surveys the fundamentals of property law. We will begin by studying the rules for creating rights in property (both real and personal), such as discovery, capture, creation, find, gift, and adverse possession. The majority of the course will then be spent studying the myriad estates and interests that represent the different ways that a person can legally own something. Topics will include possessory estates, future interests, joint tenancies, and leaseholds. The course will conclude by examining ways of transferring interests in land as well as different types of land-use controls, including the law of servitudes, nuisance, zoning and eminent domain. The goal of this course is to provide students with the basic rules of property law, as well as the social, moral and economic policies that give rise to these legal rules and that affect their continuing application today. As we work through the semester, keep in mind the central point that property law governs the relations of human beings vis-à-vis things.

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.

SECOND/THIRD YEAR ELECTIVE COURSES

Advanced Clinic

2-4 credits

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 Evidence: Expert Witnesses and Forensic Science

2 credits – Professor N. Chernoff

The New York Law Journal described today's courtroom as existing in "an era when science is bombarding civil and criminal courts and judges are frequently asked to ponder theories posited by expert witnesses." This is particularly true in criminal cases, and the American Bar Association has accordingly stated that "No attorney can try criminal cases today without a grounding in scientific evidence." In 2009 the Supreme Court echoed these concerns and recognized that "[s]erious deficiencies have been found in the forensic evidence used in criminal trials," and that "[t]he legal community now concedes, with varying degrees of urgency, that our system produces erroneous convictions based on discredited forensics." Part of the problem, according to the ABA, is that "[u]nfortunately, exposure to forensic science is typically not provided in law school." (Sources for quotes available in the course syllabus.)

This class provides that exposure to forensic science and will help prepare you to use and challenge expert witnesses. The first part of the course will begin with an in-depth study of the Federal Rules of Evidence that relate to testimony from expert witnesses and the *Frye* and *Daubert* standards that govern the admission of forensic evidence. The second part of the course will focus on recent critiques of the forensic sciences, and consider the role of expert witness in specific areas of forensic science, possibly including bite-mark evidence, arson investigation, eyewitness identification, and fingerprints. Students' grades will be based on (1) a written

motion in limine; (2) a quiz on rules regarding the admission of expert witnesses and forensic evidence; (3) preparing questions for class discussion based on the reading assignments; (4) a written reflection on a reading assignment; and (5) participation in class discussions.

Advanced Legal Research (Hybrid)

2 credits – Professor D. Cox

Advanced Legal Research further develops the legal research skills acquired in the first year legal research course and 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. This class will be taught as a hybrid course using both online and in-person learning. Exercises, both in and out of class, 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. Enrollment requires frequent computer and Internet access. For more information, see the class website at <http://alr.legalresearch.nyc>.

Business Associations

3 credits – Professor P. Edwards

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.

Criminal Procedure II

2 credits - Professor D. Lee

This course will examine the criminal process after the police investigation ends and the criminal prosecution begins, roughly from post-arrest through sentencing. It will focus on the constitutional, statutory, and other protections afforded to criminal defendants in relation to the actions of prosecutors, judges, defense attorneys, and grand and petit jurors. The goal of the course is to develop an understanding of selected, core topics in criminal procedure adjudication, as well as to develop legal reasoning skills in this area of law. The topics covered will likely include the charging process, the right to the effective assistance of counsel, bail and pretrial release, discovery, speedy trial, plea bargaining, confrontation, double jeopardy, and sentencing. Topics will be examined through Supreme Court cases, as well as the rules of criminal procedure, statutes, lower 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 mid-semester evaluative device, like a quiz, reaction paper, or short presentation, and a final in-class exam.

First Amendment

3 credits - 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 credits - Professor J. Calvo

In this course students will gain an overview of immigration and citizenship and the legal consequences of non-citizen status, and selected practical aspects of immigration law practice. They will also explore some of the underlying race, ethnicity, gender and sexual orientation issues in immigration and citizenship laws. They will gain knowledge of the Immigration System, 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. They will develop the capacity analyze and apply statutory and regulatory schemes, especially through the Immigration and Nationality Act and regulations interpreting the statute. Students will also analyze and 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. Evaluation in this course will be based on a final take-home examination, a take-home midterm examination and class participation.

Students in this course will have the opportunity to take an immigration/citizenship related practicum for one to two credits (See separate description of general practicum course requirements.) To be approved the practicum must relate to a topic covered in the course.

Students who take the practicum will have the opportunity to share their experiences and insights with the class as a whole.

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.

TIL: Course-linked practicum (Immigration and Citizenship Law)

1-2 credits – Professor N. Arastu

(Prior approval of the faculty member teaching the course and the Academic Dean)

This course affords students the ability to gain hands-on experience in a placement in which the practice is linked to the subject matter of a doctrinal course. The field placement supervisor will identify specific projects that can be completed and reviewed by the supervisor over the course of the semester. Projects will include, for example, client work, legal analysis, legal drafting, or policy analysis and/or community education and organizing.

Students are expected to spend 3-4 hours per credit per week in their placement, as agreed to with the faculty member and field placement supervisor. Accordingly, students must set aside at least one half-day per week in order to participate in the practicum. Along with the assignments given by the field placement supervisor, participating students will be expected to keep reflection logs, present their experiences to the Immigration Seminar students and complete a final summary paper. Students will work under the close supervision of the placement supervisor and faculty member.

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 Review Editing

**1 credit – Professor A. McArdle and Professor L. Davis
(Faculty Permission Required)**

A CUNY Law Review Editor who is leading an editing session 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 offered as a 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.

Mastery and Application of Core Doctrine/Applied Legal Analysis

5 credits – Professor F. Kerner and Professor A. Robbins

This course is an intensive bar exam preparation program designed for the self-motivated student. This course will cover some of the most frequently tested doctrine on the Uniform Bar Exam (UBE). Subjects covered may include contracts and UCC sales, corporations, criminal law, criminal procedure, real property, torts, and wills. This course will also have a heavy skills focus - working through skills for completing each component of the UBE – The Multistate Essay Exam (MEE), the Multistate Bar Exam (MBE), and the Multistate Performance Test (MPT). This course will require significant work outside of class time including synthesizing doctrinal material, writing and rewriting several essays and MPTs, and doing multiple sets of multiple choice questions, along with an MBE process tracker and learning journals. While the course focuses primarily on the UBE, students preparing for another state bar exam will benefit, as much of the material and skills learned are transferable to other bar exams.

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/No Credit.

New York Domestic Relations Law

3 credits – 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 and Supreme Courts of New York. The course covers the Family Court Act and Domestic Relations Law encompassing areas such as divorce, equitable distribution, custody and visitation, abuse and neglect, domestic violence, paternity, and child/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 policies that give shape to the law. The course will not duplicate the Law and Family Relations course, as we will focus on the application of family law principles to practice in New York State.

New York Practice

3 or 4 credits – 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: personal jurisdiction; statute of limitations; service; pleadings; venue, third-party practice; provisional remedies; motion practice; discovery; and relief from judgments. We will also cover two articles of the CPLR often relied on by counsel representing disadvantaged clients; Article 78 (challenging administrative actions) and Article 4 (governing actions under the RPAPL). The final grade will be based on low stakes, in class, quizzes, drafting projects, a final exam and class participation.

Students have the option of registering for New York Practice for either three or four credits. Students taking the course for four credits will be required to complete additional drafting projects of not less than ten - twelve pages, similar to the requirements of a one credit Independent Study project.

Pre Bar Seminar II Guided Study (PBS Students Only)

1 credit – Professor F. Kerner & Professor 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.

Pro Bono Scholars Program (PBS Students Only)

13 credits – Professor J. Rosenberg

Students must be participants in the Pro Bono Scholars Program to enroll in this clinical offering. The client, case and project work, and academic/seminar component are combined in the clinic. Students are expected to work full time for indigent clients under the supervision of the

individual clinic faculty to which they are assigned. The PBS program defines full time work as at least 45 hours a week, including time spent in and preparing for the academic/seminar portion of the program. The deep immersion in law related work guided and coordinated by law school faculty will allow students to develop the theoretical, doctrinal, and practical legal skills, including ethical and professional responsibilities necessary to be excellent public interest attorneys. Some of the activities may be scheduled in the evening.

Professional Responsibility

2 credits – Professor N. Chernoff

This class will equip you to recognize, research, and resolve ethical issues in public interest law practice. (Although this class will provide you with an overview of many of the Model Rules of Professional Conduct, the class is not designed to prepare you for the MPRE.) The class will also provide opportunities to practice professional skills that you will likely use in your legal jobs, including professional presentations, research, writing an outline, writing a legal memo, and both facilitating and being a prepared participant in discussions. **As a result, the class requires students to engage in prepared participation in every class and conduct independent research.** Specifically, students will be required to (1) prepare and present a rule analysis; (2) research, analyze, and prepare outlines on ethical problems; (3) lead a class discussion on an aspect of professional conduct; (4) actively participate in class discussions; and (5) write a final paper.

Real Estate Transactions

3 credits – Professor A. McArdle

(Pre-requisite: successful completion of Property)*

The course will cover the principal elements in 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 communal ownership and landlord-tenant issues. The course has three principal objectives: to teach the legal rules that are tested on the bar exam; to introduce students to the 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. The class will feature a number of guest speakers who will connect the doctrine and practice of real estate transactions, and who will address policy implications related to the practice of real estate law.

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

Small Firm Practice

3 credits – 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, 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 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. 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 credits - 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 credits - Professor A. White

This course covers sales of goods, the law of payments and banking and of secured credit from the perspective of lawyers who will be representing consumers, small businesses and charitable

corporations. The course will focus primarily on the Uniform Commercial Code. **This is an elective that is highly recommended as preparation for the bar exam.**

Wills, Trusts & Estates

3 credits – Professor Steve 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 a midterm and a final exam.

Required texts: (1) Glen & Zorn, New York Wills, Trusts and Estates; (2) New York “Greenbook” (Text of EPTL and Surrogates Court Procedure Act). Please sign up for the TWEN page before the first class.

TIL: Contemplative Practice

1 credit – 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.

TIL: Current Issues in Public Health Policy and Law

2 credits – Professor J. Calvo

Through this course students will gain an overview of approaches to public health law and policy and develop the capacity to analyze the factual and legal underpinning of public health issues. Students will gain an understanding of the range of conceptual topics such as government authority to compel individuals and businesses to behave in a way that promotes public health and the limitations on state power. They will learn how to integrate concepts of constitutional law, statutory and administrative law and tort law concepts in their analysis. Students will analyze social justice and the health of vulnerable populations, infectious disease control, public and corporate responsibility for chronic disease and the government role in promoting public health.

Students, with faculty approval, will choose additional course topics based on their particular areas of interest. Each student will research, prepare, write and orally present a public health law case study. The study will identify the student's chosen public health issue, describe the population affected, review the public health literature, describe and critique the law that impacts on the public health issue. Evaluation in the course will be based on class participation, the development of a written case study, the oral presentation of the case study and participation in the presentations of colleagues' case studies.

The course differs from health law, disability law and mental disability law and will not directly duplicate the topics covered in those courses. However, students who have a particular interest in aspects of these topics will have an opportunity to develop their case studies and presentations around those interests. (Students wishing to review examples of approaches to public health policy and law are invited to review Corporations and Health at <http://corporationsandhealth.org/> Current Public Health Law Issues at <http://www2cdc.gov/phlp/cphln.asp>; Calvo, The Consequences of Restricted Health Care Access for Immigrants: Lessons From Medicaid and SCHIP, 17 Annals of Health Law 175 and A Conversation on Health and Law, With Nicholas Freudenberg, 12 New York City Law Review 63.)

TIL: Native American Law

2 credits – Professor Jean Zorn

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

on two short exams and on a presentation (to be given in class and then turned into a short paper).

TIL: Poverty Law & Social Change

2 credits – Professor A. Cammett

This course provides an introduction to the relationship between law and poverty, including how legal doctrine, policy, practice, and discourse influences and sometimes reinforces economic inequality. The goal of the course is to develop a strong foundation in poverty law by covering core topics, key cases, and developing critical reasoning skills, including the law's role in structuring those systemic conditions. This foundational study includes mastering key information and concepts about poverty including: definitions and measurements, social welfare policy arguments, analyzing the intersection of government systems that impact families, and examining antipoverty programs, emerging developments, and innovations in poverty reduction.