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COURSE DESCRIPTIONS
2006-2007

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COURSE DESCRIPTIONS

Accounting for Lawyers

Mr. Kevin Wall

2 credits day; 2 credits evening.

This course is designed for students who have some or no background in accounting concepts. It is designed for those interested in familiarizing themselves with the basic principles of accounting, finance and auditing, which are commonly encountered by attorneys in the practice of law. The course begins with an introduction to the ground rules and the goals of accounting. An overview of the components of the financial statements - the balance sheet, income statement, statement of shareholders' equity, statement of cash flows, as well as footnotes is covered. The course also addresses the interface between lawyer and auditor and reviews and analyzes recent financial reporting scandals and audit failures. **There will be a mid-term and final exam, representing 20% and 80% of the course grade, respectively.**

- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

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- ▶ **Elective Course**
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COURSE DESCRIPTIONS

Admiralty

Mr. Brian P. Flanagan

2 credits day; 2 credits evening.

The basics of American maritime law will be covered. Among specific issues addressed are: the jurisdiction of courts sitting in admiralty; choice of law in maritime cases; maritime remedies; collision; carriage of goods by sea; maritime liens.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Advanced Constitutional Law: Reading the Constitution**

Distinguished Visiting Prof. Akhil Reed Amar
2 credits day; 2 credits evening.

An advanced constitutional law course focusing intently on the Constitution itself (as distinct from the case law interpreting it, sometimes quite loosely). Thus we shall journey through the supreme law of our land article by article and amendment by amendment, from start to finish. The main textbook for the class will be Amar, *America's Constitution: A Biography* (2005). At the end of the semester, each student will be expected to produce a 10-12 page paper on some particular constitutional clause (or set of clauses) of the student's choice.

▶ **Prerequisite: Constitutional Law.**▶ **Elective Course**▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Advanced Constitutional Theory

Prof. Miguel Schor

2 credits day; 2 credits evening.

This seminar will explore advanced topics in constitutional theory. The topics that may be explored include methods of constitutional interpretation, judicial review, federalism, separation of powers, equality, affirmative action, and liberty. Students will be required to participate actively in class and there will be a take home final.

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

Advanced Copyrights Law

Mr. Jerry Cohen, Mr. Mark A. Fischer

2 credits day; 2 credits evening. *Co-taught by Cohen and Fischer*

Copyright and related rights are at the heart of the software, entertainment, and new media industries. The topics covered in the course will include the development of new rights for the new media, telecommunications, use power (through the Internet and photocopying), copyright term limits, click-through and shrink-wrap licenses, copyrights in action through transactions, fair use, international copyright and database rights, copyright infringement of music, and the nuts and bolts of litigation.

- ▶ **Prerequisite: Intellectual Property Survey or Copyright Law.**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Advanced Estates, Powers and Trusts

Prof. Anthony B. Sandoe

3 credits day; 3 credits evening.

This course studies the management and donative transfer of real and personal property, with particular emphasis on wills, powers of appointment and the private express trust. For students pursuing a career in financial and estate planning and trust administration, this course will provide a foundation for courses such as Drafting Wills and Trusts, Estate and Gift Taxation, Estate Administration, Federal Income Taxation of Trusts and Estates and Estate Planning. See also, [Prof. Sandoe's web page](#) for students interested in pursuing a career in the fields of Estate Planning and Trust and Estate Administration.

- ▶ **Prerequisite: Trusts (formerly Fiduciary Relations).**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Project Required**

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Hon. David A. Lowy, Distinguished Prof. John E. Fenton, Jr., Prof. Clifford E. Elias, Mr. Brian Hurley

2 credits day; 2 credits evening.

A seminar focusing upon selected problems governing the introduction of evidence in civil and criminal cases. An analysis of Federal Rules of Evidence and the proposed Rules of Evidence in Massachusetts. Each student must prepare a paper on an approved topic and the initial drafts of these papers will provide the framework for part of the seminar.

- ▶ **Prerequisite: Evidence.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Advanced Legal Research

Prof. Elizabeth M. McKenzie

2 credits day; 2 credits evening.

This course is designed to introduce upper class law students to sources and methods of legal research that lie beyond those covered in the first year of law school, e.g., legislative history, administrative law, etc. Attention will also be devoted to effective uses of computer assisted legal research and to extralegal research tools and techniques that are such a significant part of modern legal practice. Students will be required to write/develop a Pathfinder, a research log and a brief database review on a topic of interest. **Project required. No final examination.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Project Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Advanced Technology Seminar: Legal Issues, Research and Practice in Cyberspace**

Mr. Cyrus Daftary, Mr. Todd Krieger

2 credits day; 2 credits evening. *Course Co-taught by Daftary and Kreiger*

This course, designed to introduce law students to the capabilities of cyberspace as a way of enhancing their legal research skills, will discuss legal issues relevant to cyberspace, while providing students an opportunity to experience these issues through the use of new technology. Because of the interactive nature of the course, students should expect to join online discussion groups; create materials in an electronic publishing format, and regularly access the internet, as well as other digital materials.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**

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Hon. Gerald Alch

3 credits day; 3 credits evening.

The course will initially focus on the ethical and legal responsibilities of both the prosecution and the defense in a criminal case. The issues to be discussed in this context will include law enforcement contact with represented persons, use of informants, undercover operations and electronic surveillance. The course will address tactical considerations, the exercise of discretion in charging decisions and sentencing issues.

- ▶ **Prerequisite: Criminal Law, Constitutional Law, and Evidence.**
- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Advanced Topics in Torts

Prof. Steven M. Eisenstat

3 credits day; 3 credits evening.

A survey of those topics not covered in the first year Torts course. Subjects studied include defamation, misrepresentation, business torts, product liability, privacy and civil rights torts. Alternative compensation systems will also be examined. **Not offered 2006-2007.**

- ▶ **Prerequisite: Torts.**
- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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Mr. Brian P. Burke

2 credits day; 2 credits evening.

Concentrated study of the elements of actionable negligence (duty, breach, harm, causation, both factual and legal). Emphasis is on the risk theory of negligence both as to persons and results within the risk. Focus is on current problems in tort litigation drawn from such fields as insurer's liability for bad faith delay or refusal to pay benefits, psychic injuries, premises liability, medical malpractice and professional negligence, misrepresentation and business torts. Emphasis is on elements of recoverable damages and trial techniques in proving damages.

- ▶ **Prerequisite: Torts.**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Advanced Torts

Ms. Kerry Choi

2 credits day; 2 credits evening.

The focus of this course will be on advanced topics in tort law explored in greater depth than in the first year torts class. Development and analysis of liability law: intentional torts, negligence and strict liability. Injuries to relationships, including business relationships, family relationships, and other new developments. Concentrated study of advanced topics of actionable negligence. Focus is on current problems in tort litigation drawn from such substantive fields as medical malpractice, professional negligence, products liability, premises liability, business torts, and information age torts. Course will cover tort reform and retrenchment as well as the future of tort law. There will be coverage of recoverable damages and trial techniques in proving damages. **A final examination is the basis of evaluation.**

- ▶ **Prerequisite: Torts.**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Advanced Writing - Directed Study

Prof. Kate Nace Day

2 credits day; 2 credits evening.

This Directed Study will introduce upper class students to the principles of legal writing that lie beyond those covered in the first year of law school. The ability to write effectively is fundamental to the practice of law. A mature understanding of the strengths and weaknesses of one's own analytical process and writing skills is crucial. This understanding is best achieved through critique and on-going editing. Students will engage in rigorous analysis and extensive writing. There will be weekly writing conferences conducted on a one-on-one basis. Students will be evaluated on their writing and participation in the on-going critique and editing. There will be no final examination. **This course is graded Credit/No-credit. Not offered 2006-2007.**

- ▶ **Enrollment is limited: 10**
- ▶ **Elective Course**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Agency, Partnership & The LLC

Prof. Carter G. Bishop

4 credits day; 4 credits evening.

Introduction to agency and general partnerships (GP) including other partnership-styled business organizations such as limited partnerships (LP), limited liability companies (LLC) and limited liability partnerships (LLP) and closely-held corporations; law of agency; organization of these business organizations; promotion and pre-formation problems; de facto entity issues; ultra vires doctrines; piercing issues; control of the entity; capital and financing; classes of ownership interests; profit distributions; derivative suits; cross-entity mergers and consolidations; and dissolution and liquidation of the entity.

- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Alternative Dispute Resolution

Prof. Dwight Golann

3 credits day; 3 credits evening.

One of a lawyer's primary tasks is to resolve disputes. Most controversies are never decided by a court, but instead are settled by agreement. The ability to negotiate and mediate effectively is thus crucial for litigators as well as lawyers practicing in other contexts. This course focuses on the processes of negotiation and mediation, and to a lesser degree on arbitration and dispute resolution design. It uses a mixture of lecture, discussion, role-playing and video to give students an introduction to the theory and practice of ADR, including how to use such processes effectively on behalf of a client. Students will be required to spend 4 hours on the morning of Saturday, October 28, 2006 in a complex role-play, in lieu of two class meetings. There will be an abridged examination, but a significant portion of the course grade will be based on students' performance on short writing assignments and class exercises. Enrollment may be limited. **Students may not enroll in both Alternative Dispute Resolution and Negotiation or Negotiation for Lawyers.**

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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Mr. Terrence B. Downes
2 credits day; 2 credits evening.

A seminar examining the role of lawyers as societal problem solvers employing various methods of analyzing, reducing and resolving legal and other forms of dispute without resort to formal trial. Although some disputes can only be properly resolved through trial and appeal, the vast majority of cases and controversies confronted by lawyers can be - and routinely are - resolved without trial. Through the semester, students become familiarized with negotiation, mediation and arbitration, the three major components of A.D.R. and with methods of their usage common in law practice. Essential to the seminar is regular and active class participation, a willingness to think clearly and with disciplined creativity, and the further development of each student's ability to both constructively analyze and confront opposing views and to articulate one's own. Through a combination of readings, regular short writing assignments, role plays and class follow up discussions, students begin the development of the professional skills essential to problem solving. **Students may not enroll in both Alternative Dispute Resolution and Negotiations.**

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ Meets Skills Menu Requirement
- ▶ Meets Civil Litigation Concentration Requirements
- ▶ Meets Health/Biomedical Concentration Requirements
- ▶ May Fulfill Legal Writing Requirement
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COURSE DESCRIPTIONS

American Jury Seminar

Hon. Raymond J. Brassard

2 credits day; 2 credits evening.

This course will explore the jury system in the United States and in particular Massachusetts, in theory and in practice, in both civil and criminal proceedings. A variety of issues will be discussed including the history of the jury in the United States, jury composition, voir dire of prospective jurors by the judge and/or the lawyers, challenges for cause and peremptory challenges, trial issues and the jury, the roles of the jury and the judge, innovative techniques with respect to the jury (including the questioning of witnesses by jurors, interim commentary by counsel during the course of the trial, and discussion of the evidence during the trial by jurors), deliberations by the jury, jury nullification, jury misconduct, impeachment of the jury's verdict, instructions of law by the judge to the jury, and the effectiveness of the jury in determining the truth. A range of materials will be considered in this course, including case law, various texts and references to actual trials. The course will be conducted as a seminar.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
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COURSE DESCRIPTIONS

American Legal History - 1877 to present

Mr. James Whitters III

2 credits day; 2 credits evening.

This seminar will review the primary documents which integrate the history of American public and private law. Subjects will include industrialization and the beginnings of the regulatory state; changes in the law and the methods of legal thought caused by the impact of government regulation, the welfare state and world wars; and recent developments concerning issues of civil rights, civil liberties, death and dying, criminal justice, environmentalism, and feminist critique of the law.

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **May Fulfill Legal Writing Requirement**
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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****American Legal History - Colonial Times to 1876**

Mr. James Whitters III

2 credits day; 2 credits evening.

This seminar will review the primary documents which integrate the history of American public and private law. Subjects will include the social and institutional foundations of colonial law; the creation of the United States Constitution and Bill of Rights; the rise of the American legal system; transformations in early to mid-19th century American law; and the impact of slavery, the Civil War and Reconstruction.

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **May Fulfill Legal Writing Requirement**
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Prof. TBA

2 credits day; 2 credits evening.

This course examines (1) a series of topics that come under the general headings "animal law" and "animal rights", and more specifically, (2) the extent to which legal systems, specific cases, legislation, and background cultural values have affected, and will continue to affect, the ways in which judges, administrators, politicians, lawyers, law students, legal scholars, and lay people see and speak about animals other than humans.

The purpose of the course is not only to learn substantive law in relevant areas (such as property, tort, contract, wills and trusts, constitutional law, and criminal law) but also to understand the background of claims made explicitly or implicitly in laws and decisions dealing with nonhuman animals. We will thus regularly ask questions such as (1) How well have decision-makers in law seen and/or understood other animals? (2) In what ways do case decisions and legislation reflect values from outside of law regarding nonhuman animals (in other words, what extra-legal sources are relevant to decisions in cases and the framing and interpretation of legislation and administrative regulations)? (3) What are the future prospects for using various parts of the legal system to address the status of nonhuman animals?

This is a discussion-intensive, examination-based course in which participation is a part of the grading process. **Not offered 2006-2007.**

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COURSE DESCRIPTIONS

Antitrust

Prof. Elbert L. Robertson, Ms. Mary B. Freeley, Mr. Glenn Kaplan
3 credits day; 3 credits evening. *Co-taught by Freeley and Kaplan*

This course examines public and private enforcement, and judicial interpretation, of the laws regulating competition and monopoly. The issues on which antitrust bears include international competitiveness, industrial policy, mergers, acquisitions, and joint ventures. Other subjects include cartels, trade association activities, discounting, resale price maintenance, patent licensing, boycotts, predatory pricing, and misuse of governmental processes.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

<<Course Updated: July 25, 2006>>

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Appellate Practice**

Ms. Lisa R. Freudenheim, Mr. Michael E. Malamut
3 credits day; 3 credits evening.

In this course students will act as counsel, engage in written and oral exercises designed to develop the skills necessary to litigate an effective appeal. The course will include, among other topics, the following: perfecting the appeal, appellate procedure, assembling the record, research techniques, writing the brief, and appellate oral advocacy. Each student will write a substantial brief from a record and then argue the brief before a simulated appellate tribunal. There are no prerequisites or final exam. Students will have to write an appellate brief.

- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Arbitration of Domestic and International Disputes

Prof. Christopher Gibson

3 credits day; 3 credits evening.

This course explores the key legal issues encountered when resolving disputes through domestic and international arbitration. Arbitration and procedural is a private means of dispute resolution where the parties agree to be bound by the decision of an arbitrator of their choice, whose decision in a final award has the same legal force as a court judgement or order. The arbitration field is an exciting and growing area of practice. Arbitration is often favored in international disputes because each of the parties involved does not want to find itself facing a dispute in the foreign courts of the other party. This course intends to convey a thorough understanding of the law and practice of arbitration - including practical, doctrinal and policy aspects. There will be critical review and discussion of relevant treaties, statutes, rules, institutions, national and international cases, and awards, while considering the more global question concerning the advantages and disadvantages of arbitration as a method of dispute resolution. **The final grade for this course is based on two components: 10% on an in-class advocacy exercise (to be assigned and prepare for) involving acting as counsel for a party during a mock arbitration; and 90% on an in-class open book final exam.**

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Assisted Reproductive Technology Law**

Prof. Charles P. Kindregan, Jr., Ms. Maureen McBrien-Benjamin

2 credits day; 2 credits evening. *Co-taught by Kindregan and McBrien*

The development of assisted reproductive technology has had a major impact on legal and medical developments, including those arising from intrauterine, in vitro fertilization, embryo transfer, tradition and gestational surrogacy, and the potential for reproduction, inheritance, adoption, control and disposition or cryopreserved embryos and use of assisted reproductive technology in same-sex unions and non-traditional families. **Grade will be based on the quality of the written paper.**

- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Banking Law

Ms. Patricia A. Allouise, Mr. Barry K. Maddix

3 credits day; 3 credits evening. *Co-taught by Ms. Allouise and Mr. Maddix*

This course will survey the complex regulatory regime governing the operations of commercial banking organizations in the United States. The primary focus will be on federal regulation of banks and bank holding companies. Nevertheless there will also, of necessity, be coverage of federal regulation of other types of depository institutions and holding companies -- such as credit unions, savings associations, and savings and loan holding companies -- as well as of state regulation of depository institutions and their holding companies. Current issues relating to bank mergers, diversification of banking organizations into other forms of financial and commercial activities, regulatory responses to troubled banks (including federal enforcement authority), and regulation of foreign bank activities will be covered.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

<<Course Updated: July 25, 2006>>

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COURSE DESCRIPTIONS

Bankruptcy

Hon. Carol Kenner, Mr. James M. Lynch
2 credits day; 2 credits evening.

The course covers the history and philosophy of the Bankruptcy Acts of 1978, 1984, 1986 and 1994, and Bankruptcy Rules as interpreted by the Supreme Court and the other inferior courts. It includes relief under chapters 7, 11 and 13 of the Bankruptcy Code, complaints, motions and applications. The course deals extensively with the rights and duties of debtors and creditors, among which are: the automatic stay and executory contracts.

▶ **Prerequisite:** Corporations or Commercial Law, Secured Transactions is suggested.

▶ **Elective Course**

▶ **Final Exam Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Basic Federal Income Taxation**

Prof. William T. Corbett, Prof. Tommy F. Thompson
 4 credits day; 4 credits evening.

This course is an introduction to the federal income tax system. Topics include items of inclusion and exclusion from gross income, deductions from gross income, capital gains and losses, basic tax accounting, and the identification of income to the appropriate taxpayer. The course will give consideration to the private attorney's role in administering the tax law and in advising clients on the interaction of the tax law with their businesses, investments, and personal activities.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Final Exam Required**

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Prof. Barry Brown

2 credits day; 2 credits evening.

A research and writing seminar that reviews the rapidly developing area of biomedicine, comparing these developments to issues related to law, ethics and public policy. Students will examine the following topic areas: (a) organ and fetal tissues transplantation and research, focusing upon existing law, including issues of informed consent, privacy, medical goals and individual rights; (b) genetic engineering of tissues and organs, and (c) ethical and public policy concerns with respect to the developing medical technology. Each student will work on research topics for a major writing. No final exam.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Biotech Patent Law

Mr. Scott Pierce

2 credits day; 2 credits evening.

This seminar will explore the application of Patent Law to Biotechnology, one of the most exciting and rapidly developing areas of Intellectual Property protection. Important case law decisions relating to Biotechnology will be studied and discussed. Topics which will be explored in regard to Biotechnology include: conception and reduction to practice of an invention; written description, enablement and best mode requirements; analysis of prior art; prosecution before the U.S. Patent and Trademark Office; patent infringement; doctrine of equivalents; collaborative research and development agreements; duty of disclosure; and interviewing an inventor. **Grading will be based upon weekly written assignments and class participation.**

- ▶ **Prerequisite: Patent Law and an undergraduate degree in Biotechnology.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**

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COURSE DESCRIPTIONS

Business Litigation

Mr. Nelson Lovins

2 credits day; 2 credits evening.

This course will examine the practical application of litigation tools and strategies in the context of business related problems. Students will be expected to draw upon the law of civil procedure and evidence and to a lesser extent business law. Some of the areas that will be covered are pleadings, dispositive motions, depositions and other discovery vehicles, emergency relief, post-judgment relief, expert witnesses in and out of the court room, the investigation and proof of business mismanagement, fiduciary relations in a closely held corporation, and practical trial evidence. Students are required to produce a complaint for an injunction and a memorandum in support. Students are also required to participate in mock trial exercises. **The final grade will be based on a combination of written and oral exercises.**

▶ **Prerequisite: Civil Procedure and Evidence. Corporations would be helpful, but not necessary.**

▶ **Enrollment is limited: 20**

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COURSE DESCRIPTIONS

Child Custody and Visitation Law

Hon. Edward M. Ginsburg, Mr. Paul Kane

2 credits day; 2 credits evening. *Co-taught by Ginsburg and Kane*

Topics covered: child custody issue in divorce and paternity cases; visitation; standards applied; primary caretaker; shared legal custody; shared physical custody; shared custody plans; effect of history of domestic violence; relocation out of state by custodial parent; religious; cultural and racial differences; psychological factors; grandparent visitation; de facto parents; role of guardian ad litem; change of circumstances and modification.

- ▶ **Prerequisite: Family Law.**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**

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COURSE DESCRIPTIONS

Children and Disability Law

Mr. Daniel Ahearn

3 credits day; 3 credits evening.

This is a survey course addressing issues under federal disability statutes and case law and their impact on children. Specific issues include special education, mental health, guardianship, medical competency, commitment, treatment, suspension and expulsion, and access to programs. **Students may enroll simultaneously or serially in this course and Children's Law Practice.**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

<<Course Updated: July 25, 2006>>

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COURSE DESCRIPTIONS

Children and the Law

Prof. Thomas Finn, Mr. Tony DeMarco, Mr. Ken King

3 credits day; 3 credits evening. *Course Co-taught by DeMarco and King*

This course is a survey of issues in the law related to neglect, abuse, delinquency, status offenses, termination of parental rights, corrections and social services. Taught by a problems approach, the course involves an examination.

▶ **Elective Course**▶ **Final Exam Required**

<< Course Updated: June 26, 2006 >>

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COURSE DESCRIPTIONS

Children and the Law - Summer

Prof. Thomas Finn

2 credits day; 2 credits evening.

This course is a survey of issues in the law related to neglect, abuse, delinquency, status offenses, termination of parental rights, corrections and social services. Taught by a problems approach.

▶ **Elective Course**▶ **Final Exam Required**

<<Course Updated: August 01, 2006>>

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Mr. Henry E. Bock Jr.

3 credits day; 3 credits evening.

This is a practice course focusing on the substantive law, ethics and practice skills for both attorneys and guardians ad litem involved in the litigation of child abuse and neglect, status offense, special education, and medical and mental health matters. **Students may enroll simultaneously with Children and the Law and Children and Disability Law if desired.**

▶ **Prerequisite: Evidence is recommended.**▶ **Elective Course**▶ **Final Exam Required**

<< Course Updated: July 25, 2006 >>

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COURSE DESCRIPTIONS

Civil Motion Practice

Hon. Raymond J. Brassard

2 credits day; 2 credits evening.

Practical training in the critical areas of civil motion practice, including temporary restraining orders, preliminary injunctions, motions for real estate attachments, motions to dismiss, discovery motions, and motions for summary judgment.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

<<Course Updated: October 19, 2005>>

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COURSE DESCRIPTIONS

Civil Procedure

Prof. Karen Blum, Prof. Thomas Finn, Prof. Joseph W. Glannon, Prof. Andrew M. Perlman, Prof. Linda Sandstrom Simard
4 credits day; 4 credits evening.

Litigation of the modern unitary civil action. Jurisdiction of state and federal courts; law applied in federal courts; pleading, pretrial motions, and discovery; trial by jury and evidentiary law; the binding effects of adjudications.

- ▶ **Required Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

<<Course Updated: July 25, 2006>>

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Prof. Michael Rustad, Prof. Jeffrey D. Wittenberg, Visiting Prof. Wayne Lewis
 3 credits day; 3 credits evening.

This course covers Articles 2 (Sales) of the Uniform Commercial Code with selected references to Article 2A (Leases). Issues relating to scope, formation of contract, warranties, risk of loss, performance and remedies will be emphasized. Frequent references to the common law of contracts will be offered to compare and contrast with Article 2 material.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

<<Course Updated: August 01, 2006>>

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COURSE DESCRIPTIONS

Commercial Law Survey

Prof. Herbert Lemelman

4 credits day; 4 credits evening.

The course examines the concepts and scope of the Uniform Commercial Code; in particular, Sales of Personal Property (Article 2 as a supplement to the Contracts course), Leases of Personal Property (Article 2A), Negotiable Instruments (Article 3), Letters of Credit (Article 5) and Secured Transactions (Article 9). Also, ancillary bodies of law (i.e. fraudulent conveyances, bankruptcy, wire transfers, documents of title, etc.) will be discussed to provide an overview of fundamental commercial law concepts.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

<<Course Updated: June 28, 2006>>

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COURSE DESCRIPTIONS

Commercial Lending and Finance Practicum

Mr. Mitchel Appelbaum, Ms. Marion Giliberti Barish

2 credits day; 2 credits evening. *Course co-taught by Appelbaum and Barish*

This course provides students with a skills-based approach to representing borrowers and institutional lenders, such as banks, in commercial (non-real estate) financing transactions. Using a variety of model documents, the course will cover drafting and negotiation model documents, drafting and negotiation strategies in transactions ranging from simple demand loans to complex loan transactions involving different types of collateral guaranties, financial covenants, and legal opinions. While focusing in particular on lending transactions, the course is designed to provide students with an introduction to the lawyering process in business transactions. **Completion or concurrent enrollment in Secured Transactions is useful, but not necessary.**

- ▶ **Prerequisite: Corporations.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Financial Services Concentration Requirements**

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COURSE DESCRIPTIONS**Commercial Paper and Payment Systems**

Prof. Stephen Michael McJohn, Visiting Prof. Wayne Lewis
3 credits day; 3 credits evening.

This course provides extensive coverage of post-revision Articles 3, 4, and 4A of the Uniform Commercial Code. Coverage of related areas such as law of credit cards, electronic funds transfers, Federal Reserve Board Regulations CC and J, and Internet payment systems is provided through cases and problems. Electronic payment system including the UNCITRAL draft model law on electronic funds transfers will be explored.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

<<Course Updated: July 25, 2006>>

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Comparative Constitutional Law Seminar**

Prof. Miguel Schor

3 credits day; 3 credits evening.

This course covers topics and issues arising in the comparative study of constitutional systems. The topics will include several of the following: abortion and reproductive rights, problems of minorities (language, ethnic, racial and religious), federalism, gender equality and social welfare rights. In addition, fundamental questions about the study of constitutional law from a comparative perspective, the nature of constitutionalism in developed democracies versus nascent ones, the efficacy of different forms of judicial review, and the relationship between constitutional courts and politics will be discussed. Option of take home final or writing a paper.

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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Prof. Bernard M. Ortwein

2 credits day; 2 credits evening.

A paraphrase of the German novelist and Nobel Prize winner Thomas Mann suggests that the best way to discover who we are and to improve is to make comparisons with others. This course has that general objective in mind. In which legal system would you like to be charged with a crime? The method we will use to help answer this query is to compare certain basic components of a variety of criminal justice systems throughout the world. Using the American criminal justice system as the base, we will observe discrete aspects of the English, German, French, Swedish, and Japanese systems. In addition to answering the question posed, the hope is that at the end each student will have some understanding of those other systems and be in a position to view our own system from a different and more enlightened perspective. Paper and class presentation required.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Comparative Law

Prof. Bernard M. Ortwein

2 credits day; 2 credits evening.

This introductory course in comparative legal systems will focus on the basic structure of two major legal systems in the modern Western world: the civil law tradition and the common law tradition. Each of these systems will be reviewed in terms of its history, culture, legal structures, legal actors and their roles, sources of law and judicial process. We will explore the similarities and differences between these systems and the US legal system. Some special attention will be placed on the Swedish legal system as it compares to the American system and the other two systems. Ultimately, the objectives of the course are to help students understand the law in other foreign jurisdictions and widen perspective to better understand, appreciate, and function within our legal system. A research paper and class presentations will be required in lieu of a final examination. It is anticipated that a member of the University of Lund, Law Faculty will participate as an instructor in part of this course. **J.D. students who have not taken Comparative Law or Comparative Legal Systems may enroll in this course.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
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COURSE DESCRIPTIONS

Conflict of Laws

Mr. Cornelius Moynihan

3 credits day; 3 credits evening.

Many cases have connections with more than one state, or with a state and a foreign country, or involve both state and federal interests. This course explores the principles courts use in selecting the proper law to apply in such cases under the American system of divided sovereignty - divided both horizontally among states and vertically between state and federal governments. The course will cover choice of law under the First Restatement and "modern" choice of law theories, constitutional constraints on state choice of law, conflict choice of law in federal courts, intersystem aspects of res judicata and the respect due to judgements under full faith and credit principles or in an international setting.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

Constitutional Law

Hon. John J. Irwin Jr., Prof. Marie Ashe, Prof. Michael Avery, Prof. Stephen J. Callahan, Prof. Gerard J. Clark, Prof. Kate Nace Day, Prof. Victoria J. Dodd, Prof. Renée M. Landers, Prof. Jessica Silbey, Prof. Timothy Wilton
4 credits day; 4 credits evening.

Survey of the history and development of constitutional law in the United States, including the federal system, the commerce clause, intergovernmental relations, due process, equal protection, police power, taxation. Analysis of selected decisions of the United States Supreme Court.

- ▶ **Required Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Constitutional Law and Criminal Procedure

Hon. Isaac Borenstein, Hon. Joseph Nolan, Prof. Frank Rudy Cooper, Prof. Joseph D. Cronin, Mr. Michael Ricciuti

3 credits day; 3 credits evening.

This course involves analysis and discussion of decisions in the area of intersection between the Constitution and the criminal process with special emphasis on arrest; search and seizure; privilege against self-incrimination; entrapment; pre-trial identification; bail; prosecutorial discretion; grand jury; professional responsibility; habeas corpus.

▶ **Prerequisite: Constitutional Law.**

▶ **Elective Course**

▶ **Recommended for the Mass Bar**

▶ **Final Exam Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Construction Law**

Mr. E. Melvin Nash

2 credits day; 2 credits evening.

This course will examine those legal principles which have emerged from the common law and which together with statutory law presently govern modern construction law. Practical solutions to everyday construction problems will be offered from the teacher's own experience.

▶ **Enrollment is limited: 20**▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Consumer Law**

Prof. Dwight Golann, Prof. Joseph P. McEttrick, Ms. Barbara Anthony, Ms. Donna L. Palermino
 2 credits day; 2 credits evening. *Co-taught by Anthony and Palermino*

This course surveys modern case law and statutes that protect consumers from unfair and deceptive practices, with a particular emphasis on the Massachusetts Consumer Protection Act, General Laws Chapter 93A, a typical general consumer protection statute. Topics will include common law tort and contract remedies; the Federal Trade Commission act; examples of specific consumer statutes such as automobile lemon laws; certain financial services laws such as the Truth in Lending Act; and theories imposing liability on financing entities and related companies. Because chapter 93A and similar state laws are used extensively in commercial litigation, its application in business suits will be considered.

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Contemporary American Politics

Prof. Russell G. Murphy

2 credits day; 2 credits evening.

This seminar/independent study utilizes current court cases, legislative proposals and political controversies to explore the role of law and lawyers in contemporary American society. Selected cases from the U.S. Supreme Court docket provide a starting point for course coverage. National political discourse (healthcare and welfare reform, crime, immigration, political corruption) will further define course content. Students must select a topic, research it thoroughly, prepare a bibliography, and make a video presentation on the topic. **Students who have previously taken the Law and Public Policy Formation course may not enroll in this course.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Contemporary Issues in Civil Procedure**

Prof. Linda Sandstrom Simard

3 credits day; 3 credits evening.

This course will build upon the fundamentals of civil procedure that you learned during your first year of law school. Initially, we will identify the basic tenets of our adversary system and compare the structure and principles of our system with dispute resolution systems employed in other countries. We will then discuss how civil litigation has evolved to respond to contemporary disputes involving large groups of litigants seeking potentially inconsistent judgements (frequently referred to as "complex litigation") and we will discuss the appropriate procedural treatment for such cases. Some of the major topics that we will discuss include joinder (voluntary, compulsory, class action, interpleader and intervention), preclusion, jurisdiction, venue, and choice of law.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Contract Drafting Principles and Techniques

Prof. Richard M. Perlmutter

3 credits day; 3 credits evening.

A "hands on" skills workshop on the techniques of drafting of commercial and other transactional document in specific legal and business settings. The course will present an overview of the issues and processes involved in contract drafting, including analysis of the basic structure of written agreements. Students will be required to implement substantive understandings of "clients" consistent with contract law principals by drafting and reviewing individual clauses and entire agreements. The practical function and interaction of various elements of written agreements, including recitals, representations, warranties covenants, indemnification, default clauses, remedies and the like will be demonstrated through specific drafting exercises. Sample contracts and exemplary clauses will be used to illustrate successful and faulty drafting and their respective consequences. Some judicial opinions in which drafting issues were dispositive will be studied. In lieu of a final examination students will be required to critically review contract clauses and to draft several contracts. **Not offered 2006-2007**

▶ **Enrollment is limited: 20**▶ **Elective Course**▶ **Final Project Required**

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COURSE DESCRIPTIONS

Contracts

Prof. Carter G. Bishop, Prof. Catherine T. Judge, Prof. Joseph P. McEttrick, Prof. Richard M. Perlmuter, Prof. Miguel Schor, Prof. Jeffrey D. Wittenberg
6 credits day; 6 credits evening.

Contracts defined and classified; capacity of parties; nature and legal effect of offer and acceptance; consideration; fraud, mistake and undue influence; statute of frauds; types of illegality; interpretation of language; operation of law; effect of express and implied conditions; performance of conditions; waiver of conditions; rescission of contracts; performance; excuses for nonperformance, including novation, alteration and impossibility of performance, breach of contract and remedies; damages, nominal and compensatory; quasicontracts, introduction to the Uniform Commercial Code; professional responsibility of the lawyer in contract law.

- ▶ **Required Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Conveyancing**

Mr. Robert Hoffman

2 credits day; 2 credits evening.

This course will examine in a case-by-case transactional context, the transfer of ownership of real estate. Using the typical purchase and sale agreement (including the so-called preliminary offer) as a topical outline, consideration will be given to parties, description of the locus, relevant statutes, record title, title standards and practice standards, deeds, title insurance, access, easements, restrictions, inspection and environmental issues, brokers, zoning, mortgage financing, remedies for default; and closing documents including Settlement Statements and Truth in Lending disclosures. Attention will be given also to professional responsibility in the comparative roles of buyer's attorney, seller's attorney and mortgage lender's attorney.

Registration for both Conveyancing and Mortgages, and Real Estate Mortgages Law and Conveyancing is prohibited.

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Conveyancing and Mortgage Law

Mr. T. Richard Cuffe

2 credits day; 2 credits evening.

A practical approach to the basic elements of conveyancing; title examinations, use of plans; elements of the purchase and sale contract; title standards and statutes; overview of zoning and subdivision control and other use restrictions; consumer protection and brokerage problems; escrow and non-escrow closings; identification of important problems in the use and re-use of land; preparation of abstract, deed, mortgage, mortgage notes, settlement and other closing documents for a typical transaction. **Registration for both Conveyancing and Mortgages, and Real Estate Mortgages Law and Conveyancing is prohibited.**

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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[» Home](#) [» Academic Programs](#) [» Juris Doctor](#)**COURSE DESCRIPTIONS****Copyright Law**

Ms. Iris C. Geik, Mr. Walter McDonough
3 credits day; 3 credits evening.

This course considers problems, practical and theoretical, that arise in the creation, marketing, and distribution of literary, artistic, musical, and computer related works. Attention centers on the law of copyright, but the course also considers related branches of law, especially the law of unfair competition.

- ▶ **Elective Course**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Corporate Accountability under the Securities Laws (Seminar)

Prof. Joseph Franco

3 credits day; 3 credits evening. *Formerly Advanced Topics Securities Regulation*

The Enron scandal touched off a firestorm of public indignation regarding corporate abuses that called into question the financial integrity of public companies. Public criticism eventually led to sweeping legislation, known as the Sarbanes-Oxley Act, that greatly expanded the scope of the federal securities laws in regulating governance of, and financial reporting by, public companies. Students have the option of doing a paper on a securities law topic of their choosing or completing two essays on topics assigned by the professor.

▶ **Prerequisite: Completion of or concurrent enrollment of Securities Regulation is required..**

▶ **Enrollment is limited: 16**

▶ **Elective Course**

▶ **Meets Financial Services Concentration Requirements**

▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Corporate Finance

Prof. Anthony P. Polito

4 credits day; 4 credits evening.

This course studies the financing of corporations. It emphasizes legal and economic issues affecting investors that supply capital to the corporation and share in the corporation's earnings, principally by holding debt instruments, preferred stock or common stock. After a brief introduction to financial economics and the mechanics of corporate control transactions, it focuses on two main areas: (1) legal rights and relationships between debt holders, equity holders, and corporate management; and (2) mergers, acquisitions and other change of control transactions. This course differs from a course on corporate finance in a business school in that it is focused principally on legal issues, but finance economics concepts will be used to shed light on the legal issues involved.

- ▶ **Prerequisite: Corporations.**
- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

Corporate Issues in Health Care

Mr. Steve M. Weiner

2 credits day; 2 credits evening.

This course centers on the consolidation and restructuring taking place in health care delivery in Massachusetts and throughout the country. Transactions are the focus of the course, including the structuring of affiliations among and acquisition of non-profit hospitals; mergers of health maintenance organizations; the formation of integrated delivery systems, and the pursuit of physician acquisition strategies. The legal issues to be considered in this context include: form of organization, antitrust, fraud and abuse, and Internal Revenue Code rules.

▶ **Elective Course**▶ **Meets Health/Biomedical Concentration Requirements**

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Prof. Anthony P. Polito, Prof. Tommy F. Thompson
3 credits day; 3 credits evening.

This course is an introduction to the federal income taxation of corporations and their shareholders. The course deals with the income tax aspects of the formation of a corporation, dealings between a corporation and its shareholders and its debt holders, partial and complete liquidations of a corporation, spin-offs and split ups of a corporation, and corporate reorganizations.

- ▶ **Prerequisite: Basic Federal Income Tax, unless waived by the instructor.**
- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Corporations

Prof. Richard G. Pizzano, Prof. Richard Vacco
4 credits day; 4 credits evening.

Introduction to partnerships and corporations; law of Agency; organization of the corporation; promotion and pre-incorporation problems; de facto corporation; ultra vires, control of the corporation, corporate capital and financing; classes of stock; dividends, derivative suits; mergers, reorganizations and liquidation; federal laws, Blue Sky laws, and professional responsibility of the lawyer advising the business client. Although Corporations may be taken in either the second, third or fourth year, the faculty strongly urges students to take this course in their second year.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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Prof. Joseph Franco, Prof. Anthony P. Polito
4 credits day; 4 credits evening.

The course studies the nature, formation, and governance of business corporations. Specific topics include the role of the business corporation in society and its relation to corporate management, the formation of the corporation, the relationships of management and shareholders with the corporation as an entity, fiduciary duties and conflict of interest issues, corporate voting, shareholder lawsuits, and change of control transactions. Additional topics will include discussion of the special problems of closely held corporations and alternate forms of business organization. Professor Polito and Franco sections of this course, however, will focus intensively on the corporation as a legal and business entity and are designed to minimize overlap with Agency & Partnership or with the Securities Regulation course.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Counseling Technology Leading Emerging Enterprises

Mr. Stephen Y. Chow

2 credits day; 2 credits evening.

This seminar will involve lectures and student projects on legal issues and business considerations common to the technology-based entrepreneur including intellectual property portfolio building, choice of organization and equity structure, contractual arrangements with customers, suppliers and joint venturers, tax and financing law, as well as international considerations. The projects will involve research and writing on selected current issues, which will be presented in simulation of actual business law practice.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Criminal Law**

Prof. Eric Blumenson, Prof. Stephen J. Callahan, Prof. Frank Rudy Cooper, Prof. Thomas Finn, Prof. Diane S. Juliar, Prof. Russell G. Murphy, Prof. Jeffrey J. Pokorak
3 credits day; 3 credits evening.

The course emphasizes the general principles, sources, and purposes of the criminal law, including the following doctrinal issues which apply to crimes in general: the act requirement, the mens rea requirement, causation, liability for attempted crimes, accomplice liability, defenses, and criminal code interpretation. Additionally, the course studies one or more specific crimes in-depth, including homicide, and repeatedly raises the question: how well does American criminal law fulfill its goals?

- ▶ **Required Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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Mr. James Krasnood

3 credits day; 3 credits evening.

Class discussion will focus on investigation of the cases in the Fourth, Fifth, and Sixth Amendment Rights of criminal defendants. Class discussions will move from one sub-area to another within the Fourth Amendment and Fifth Amendment explorations. Class discussion and participation is vital to the subject matter. The course will also draw on recent Massachusetts cases so that a constant comparison between the United States Supreme Court and Supreme Judicial Court distinctions in this area will be addressed. There shall be one final exam consisting of two or three fact-filled, multi-issued questions requiring explanatory essays and application of the issues raised in class and from the text.

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Criminal Trial Tactics**

Mr. Richard L. Zisson

2 credits day; 2 credits evening.

Students will participate in all aspects of a criminal jury trial. Among the areas covered: initial client interview and fee setting; opening statement; direct and cross examination of witnesses; modes of impeachment; rehabilitation of witnesses; use of chalks and demonstrative evidence; use of experts and final argument. Students will prepare for weekly assignments as if they were preparing for an actual court appearance. Performance critiques will be made by the professor as well as by guest trial attorneys. **Students may not also enroll in Pretrial Criminal Litigation or Pretrial Federal Criminal Litigation.**

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Directed Study Project

Prof. TBA

2 credits day; 2 credits evening.

A student who has completed the first year of legal study may receive two credits by completing a substantial project of research and writing on a topic of academic interest under the guidance of a member of the full-time tenured or tenure-track faculty or adjunct faculty (with approval of an associate dean). To undertake supervised research, a student must first identify a faculty member willing to supervise the project. After agreeing upon a topic, the student and the faculty supervisor both sign a form describing the topic and agreeing to fulfill the requirements of this option. This form is available from the Office of the Law Registrar and the completed form must also be filed with that office. The student should expect to devote a minimum of 90 hours to the project. The student must submit an outline and complete draft to the faculty supervisor for review and comment, prior to the submission of the completed paper. The final paper must be submitted to the faculty supervisor by the date set in the approved proposal, which may be no later than the end of the examination period for the semester in which the paper is completed. The faculty supervisor will grade the paper on a Credit/No Credit Basis. Although the student is awarded two credits for completion of the project, the grade is not included in the calculation of the student's grade point average. The student may also submit the paper to the faculty supervisor for satisfaction of the law school's legal writing requirement. All written work must be completed in accordance with the provisions of the law school's Academic Integrity regulations. No student may receive more than two units of credit in a semester for "Ungraded Activities." "Ungraded Activities" include a Directed Study Project, membership on the Journal of High Technology Law, Moot Court Board, Moot Court Team, Suffolk University Law Review, Suffolk Transnational Law Review and service as a Research Assistant.

▶ **May Fulfill Legal Writing Requirement**▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Drafting Discovery Documents

Mr. Thomas Holland

2 credits day; 2 credits evening.

This course will prepare students to draft discovery requests and responses pursuant to the Massachusetts Rules of Civil Procedure, together with applicable rules of the various state courts. Emphasis will be upon development of a litigation strategy for a specific problem, and drafting materials that support that litigation strategy. Note that there are three discovery-related courses offered - the content of which is substantially similar. Thus, students may only enroll in one of the three discovery-related courses. **May not receive credit for Pretrial Civil Litigation and Drafting Discovery Documents.**

- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Drafting Patent Claims

Mr. Kirk Teska

2 credits day; 2 credits evening.

One maxim of patent law is that the specification describes; the claims define. This course will focus on drafting patent applications and claims and the various legal issues that arise in claim format, construction, type, scope, breadth, definiteness, novelty, and obviousness in practicing before the United States Patent and Trademark Office, various foreign patent offices, U.S. Federal District courts, and the Court of Appeals for the Federal Circuit, and taking the patent bar exam. One half of each two hour class will be devoted to the statutes, rules, and case law concerning patent claims. The other half of each class will be devoted to the skill of drafting patent claims and specifications. Grades will be based on in-class participation and the drafting of several sets of patent claims. At least one graded exercise will be timed and conducted in class. **It is suggested but not mandatory that students have taken Patent Law.**

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Meets Intellectual Property Concentration Requirements**

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COURSE DESCRIPTIONS

Drafting Wills and Trusts

Prof. Charles E. Rounds, Jr.,
3 credits day; 3 credits evening.

An introduction to the fundamentals of drafting legal documents with an emphasis on drafting wills and trusts. This seminar would be helpful to any student intending to enroll in an estate planning course. **Not offered 2006-2007.**

▶ **Prerequisite: Trusts (formerly Fiduciary Relations) is a prerequisite which may be taken concurrently, however, Estates (formerly Wills) is not.**

▶ **Elective Course**

▶ **Meets Skills Menu Requirement**

▶ **Recommended for the Mass Bar**

▶ **Final Exam Required**

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COURSE DESCRIPTIONS

E-Commerce and the Law

Mr. Alexander C. Gavis

2 credits day; 2 credits evening.

Soon after the Internet was born, commercial enterprises discovered its potential for new business ventures and online versions of their existing businesses. This course will address legal issues arising from the widespread use of electronic communication and Internet-based sales systems, including the following subjects: Click-through contracts and e-signatures, electronic payments and lending, consumer rights in personal information, electronic evidence, taxation of online economic activity, e-commerce and software patents, regulatory paradigms in cyberspace, and cross-border dispute resolution for e-commerce. **Students will be evaluated on the basis of a final examination**

- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Education Law

Prof. Victoria J. Dodd

3 credits day; 3 credits evening.

Education Law is a varied field, covering the many legal issues that arise in institutions of learning on the elementary and secondary levels as well as on the higher education level. This course will examine both the public and private sectors, including such issues as affirmative action, freedom of speech, student dismissals, tenure, institutional closings, religion and the schools, and business planning. Course materials include textbook and supplementary materials drawn from a number of sources. **Grade is determined by both paper (2/3) and in-class participation (1/3).**

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

e-Healthcare Privacy, and Technology

Mr. Alan S. Goldberg

2 credits day; 2 credits evening.

This is a distance learning course.

Mr. Goldberg will teach a number of the classes from Washington, D.C. Students at Suffolk will be able to listen to him and interact with him in real time while they are sitting in a classroom at Suffolk Law School. Mr. Goldberg will also teach some of the classes in person at the Law School.

The Internet and other technologies now bring health care and health information to the patient. Traditional notions of patient travel and physical presence being required for diagnosis and treatment are challenged by telemedicine and the use of computer technologies, and health information is available to patients on the web. Most physicians and other caregivers, and payors, are required, because of standards adopted by the federal government, to conduct claims and other transactions using certain standards, and to protect medical information meeting privacy, confidentiality, and eventually, security requirements.

This seminar surveys the federal and state statutes and rules, and the (un)common law, applicable to the health care delivery system of the United States, and focuses on the increasing use of technologies and the greater concern for privacy, confidentiality protections, and the security of medical information. The perspectives of the health care professional, the patient, governments, the payor, and the technology entrepreneur are considered. Topics discussed include the licensure of physicians and other health care providers, pharmaceutical and device prescribing and dispensing, reimbursement systems, malpractice claims, jurisdiction, preemption, conflicts, and terrorism. Federal agency oversight is considered, emphasizing activities of the Department of Health and Human Services including the Office for Civil Rights, the Centers for Medicare and Medicaid Services, and the Food and Drug Administration, and activities of the Federal Trade Commission, the Federal Communications Commission, and Department of Justice are also considered.

Laws, rules and policies analyzed include those relating to state professional licensure and regulation statutes, the Administrative Simplification Subtitle of the Health Insurance Portability and Accountability Act of 1996, the Gramm-Leach-Bliley Act, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (Patriot Act), the Can-Spam Act of 2003, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the Electronic Signatures in Global and National Commerce Act (E-Sign Law), anti-fraud and abuse and false claims laws, and the United States Sentencing Commission Sentencing Guidelines for Organizations and related corporate compliance programs. Intellectual property concerns, the expanding law of cyberspace, health care listservs and web site information dissemination and disclaimers, encryption and public key infrastructure, and the use of medical information in research and for marketing are also discussed.

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The application of the laws, rules and policies described above, and others, to health care delivery and payment generally, and to business transactions, financings, civil and criminal enforcement, and ethical rules applicable to the practice of medicine and the practice of law, are considered, as are contrasting foreign laws including those of the member states of the European Union, derived from the Data Protection Directive. Students will be required to submit several research memoranda; no examination will be given. **A laptop and a valid Suffolk email address is required.**

► **Prerequisite: Only students who have completed twenty-eight (28) credits may enroll..**

► **Elective Course**

► **Meets Health/Biomedical Concentration Requirements**

► **Final Paper Required**

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COURSE DESCRIPTIONS**Elder Law Practice**

Mr. Alex L. Moschella

3 credits day; 3 credits evening.

This course is a continuation of the prerequisite, first semester Elder Law/Disabled Client course. Elder Law Practice encompasses "hands-on" field and independent study projects, which vary each semester. Past projects have included establishment of protocols for implementing nursing home ethics committees to address refusal of tube feeding and other elder health care concerns; attending committee meetings at area nursing homes; conducting educational programs at a local Council of Aging to help elders prepare and execute their health care proxies; and preparing a resource guide for elders on tax abatement benefits. The most recent class conducted a national research study and prepared a paper "expanded estate recovery", in collaboration with experienced members of the Massachusetts Chapter of the National Academy of Elder Law Attorneys. Many of these papers, studies and resource guides are used in the practice of elder law or published within the aging and legal community, with attribution to student research efforts. Elder Law Practice project topics are determined at the close of the fall Elder Law/Disabled Client course. Projects are based on the fall semester student paper topics and emerging issues in the field of elder law from a practice perspective. These projects allow students to apply the fall semester course work to a practice setting, often by networking with elders in the community, or by working with major advocacy organizations for elders and the disabled, as well as the Massachusetts Chapter of the National Academy of Elder Law Attorneys.

The grade is based on at least four in-class presentations of assigned project work, including presentations and discussions of case study memos and research or field study efforts. There will be periodic grading of all case or project-related file memos, which are reviewed in class for clarity and conciseness. Students' overall efforts and contributions to the practice problem selected for the semester as the primary area of focus and research are factored into the final grade. **Not offered 2006-2007**

- ▶ **Prerequisite: Elder Law/Disabled Client.**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS**Elder Law/Disabled Client**

Mr. Alex L. Moschella

3 credits day; credits evening.

The theory of elder and disability law will be explored, with attention paid to the emergence of elder law as a new and dynamic legal practice area. Practice management issues will be raised with respect to marketing and establishing a successful elder law practice. The framework of estate planning for the elderly and for families with disabled children will be examined to understand complex transfer of assets rules; to effectively use supplemental needs trusts; and to take advantage of federal entitlement programs, including Medicaid and Medicare, and the SSDI and SSI programs administered by the Social Security Administration.

The course will also address the financing of long term care and asset protection planning, in light of the escalating costs of nursing home care. There will be exploration of the impact of long term care insurance and other financial arrangements, including life care contracts, together with estate and tax planning strategies designed to protect the family home and preserve assets for the healthy spouse. Particular emphasis will be placed on the multiple aspects of end of life decision making. Complex case studies will be used to consider the ethical issues presented when representing both an elderly person and his or her family; guardianship concerns; and the use of health care proxies to insure that the wishes of the elder are addressed and protected.

This course has a paper requirement and no final exam. Students are expected to develop paper topics which are customized to their interests and emerging trends in elder law. It is anticipated that papers will be major contributions to the field. **Completion of this course is a prerequisite to enrollment in Elder Law Practice.**

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- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Employment Discrimination Law

Prof. David C. Yamada

3 credits day; 3 credits evening.

This course will study the various laws prohibiting discrimination in employment, including Title VII or the Civil Rights Act of 1964, the Age Discrimination in Employment Act and the Americans with Disabilities Act.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Take Home Exam Required**

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Prof. Marc D. Greenbaum

3 credits day; 3 credits evening.

This course will study the various laws prohibiting discrimination in employment, including Title VII or the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Civil Rights Acts of 1866, 1870, and 1871. Also included are studies of the various requirements imposed upon government contractors by Executive Order 11246. Special emphasis will be placed upon the procedures and problems of proof applicable to employment discrimination litigation.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Employment Discrimination Law

Distinguished Visiting Prof. Martha Chamallas
3 credits day; 3 credits evening.

This course provides in-depth examination of Title VII of the Civil Rights Act which prohibits discrimination in employment on the basis of race, color, sex, national origin and religion. Primary emphasis will be on the substantive meanings of discrimination under the Act, including methods of proof in disparate treatment, disparate impact and harassment cases. There will be some discussion of the ADEA (Age Discrimination in Employment Act), but no coverage of the ADA (Americans with Disabilities Act). The grade in the course will be based on an in-class, open book final examination.

▶ **Elective Course**

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COURSE DESCRIPTIONS

Employment Law

Prof. Marc D. Greenbaum, Prof. David C. Yamada
3 credits day; 3 credits evening.

Employment law consists of three closely related legal frameworks: the common law of employment, collective bargaining, and direct statutory regulation of particular aspects of the employer-employee relationship. This course provides an overview of this tripartite structure and the fundamental issues with which it is concerned, such as the balancing of individual rights and managerial rights, productivity and job security; protection against unequal or unfair treatment; and the imposition of minimum standards regarding compensation and working conditions.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Employment Law Practice**

Mr. Michael R. Brown

2 credits day; 2 credits evening.

This seminar will review the issues that confront the labor and employment lawyer practicing in the kaleidoscope of today's numerous laws and regulations. We will examine issues such as the hiring process, wage and hour requirements, workplace violence, employee discipline and termination, dispute resolution and the layoff of employees. Practical exercises such as the writing of advisory memoranda, counseling clients and simulated mediations will occur throughout the course. A short paper on a self-selected subject will also be required in lieu of an exam.

▶ **Prerequisite: Employment Law is a preferred prerequisite, but not required.**

▶ **Elective Course**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****End-of-Life Care: Legal and Policy Issues**

Mr. William Brisk

2 credits day; 2 credits evening.

Medical advances can prolong lives, but when and how they are employed raises legal, financial, and policy issues. Determining whether end-of-life care should be provided or withdrawn is particularly complex because the American health system rations effectively scarce medical resources and because competing cultural, religious and ethical beliefs become involved. This course explores (1) the types of care (assisted living, nursing home, and hospice) available for elderly, newborns, or incapacitated patients and how they are regulated, (2) patients' rights to obtain or reject care, (3) standards and procedures for initiating and withdrawing treatment, (4) the roles of courts, Living Wills, Medical Directives, and Health Care Proxies in decision-making by surrogates, and (5) the debate over assisted suicide.

In lieu of the final examination, students may opt to write an original term paper of at least 10 pages, but only if they submit an acceptable proposal before the fifth session. **Grading will be based on in-class participation (25%), brief reports on two books relevant to the course (25%), and a final examination (50%).**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
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COURSE DESCRIPTIONS

Entertainment Law

Ms. Sally Gaglini

2 credits day; 2 credits evening.

This course is designed for students interested in transactional lawyering and the Music Business. Students will learn how to negotiate by using custom of the industry information of Management and Recording Agreements. Calibration of musician's royalties will be learned in detail as well as those federal and state laws interconnected with the Music Business. **Requires satisfactory completion of take-home exam. Students may not submit a research paper in lieu of the exam.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Take Home Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Environmental Law**

Prof. Steven Ferrey, Ms. Ivy V. Schram
3 credits day; 3 credits evening.

Examines the legal and policy issues surrounding the rapidly developing areas of environmental law-air and water pollution, energy development/conservation-with a special emphasis on the law of toxic and hazardous waste control. This course refines and applies a combination of skills acquired in the first-year curriculum. Through class discussions and case analysis, the course prepares students to practice as corporate counsel, prosecuting attorneys, public interest attorneys or government counsel in this burgeoning area of the law. **Final grade is determined by in-class participation and a paper.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Environmental Law

Mr. Robert Fitzpatrick Jr.

3 credits day; 3 credits evening.

Examines the legal and policy issues surrounding the rapidly developing areas of environmental law-air and water pollution, energy development/conservation-with a special emphasis on the law of toxic and hazardous waste control. This course refines and applies a combination of skills acquired in the first-year curriculum. Through class discussions and case analysis, the course prepares students to practice as corporate counsel, prosecuting attorneys, public interest attorneys or government counsel in this burgeoning area of the law.

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Equal Protection Clause

Ms. Jennifer Braceras

2 credits day; 2 credits evening.

This course will examine the Equal Protection Clause of the Fourteenth Amendment -- its historical origins, doctrinal development, and interpretive methods. It will also consider the EPC's application to specific civil rights topics, including racial profiling, criminal sentencing, gay marriage, desegregation, affirmative action, and voting rights. Written examination.

▶ **Prerequisite: Constitutional Law.**▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Equality and the Law: Advanced Legal Writing

Prof. Kate Nace Day

3 credits day; 3 credits evening.

This course will introduce upper class students to the principles of legal writing that lie beyond those covered in the first year of law school. The ability to write effectively is fundamental to the practice of law. A mature understanding of the strengths and weaknesses of one's own analytical process and writing skills is crucial. This understanding is best achieved through extensive critique and on-going editing. Students will engage in rigorous analysis of, and writing on, complex constitutional issues involving the Equal Protection guarantees of the Fourteenth Amendment. There will be weekly writing conferences. Writing conferences will be conducted one-on-one. Students will be evaluated on their writing and participation in the on-going critique and editing. There will be no final examination. **Not offered 2006-2007**

- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Equitable Remedies

Prof. Catherine T. Judge

3 credits day; 3 credits evening.

The course will cover: history, jurisdiction and powers of equity courts; interlocutory relief; the inadequacy of the remedy at law; injunctive relief against injuries to land, business, personality, and to social, domestic and political relations, specific performance of affirmative and negative contracts, defenses of laches, unclean hands, misrepresentation, mistake and hardship; reformation and rescission and equitable servitudes.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

ERISA and Retirement Plans

Ms. Sharon Remmer

2 credits day; 2 credits evening.

U.S. retirement plan assets amount to more than \$11 trillion. This course provides an introduction to the federal laws governing this enormous industry. It examines the basic principles of ERISA and the Internal Revenue Code, and how these laws apply to employee benefit plans and the employers who sponsor them. Topics include: How does an employer design its plan? What are the requirements for receiving favorable tax treatment? What are the restrictions on plan investments? Who is a "fiduciary"? What is the Enron litigation about? Emphasis on practical considerations facing not only the pension lawyer, but also lawyers advising operating companies, labor unions, investment managers, hedge funds, and estate planners.

- ▶ **Prerequisite: Basic Federal Income Tax is helpful but not required..**
- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Estate Administration**

Prof. Anthony B. Sandoe

3 credits day; 3 credits evening.

This course involves a comprehensive study of estate administration including practice and procedure before the Registries and Probate Courts of the Commonwealth. Particular emphasis is accorded to the duties, responsibilities and liabilities of the fiduciary. An overview of the Massachusetts and federal income and transfer tax structures as they relate to estate administration is included. A take-home course project will engage students in a practical application of property and property transfer theory to a detailed problem resolution. See also, [Prof. Sandoe's web page](#) for students interested in pursuing a career in the fields of Estate Planning and Trust and Estate Administration.

- ▶ **Prerequisite: Estates (formerly Wills).**
- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Project Required**

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[» Home](#) [» Academic Programs](#) [» Juris Doctor](#)**COURSE DESCRIPTIONS****Estate and Gift Taxation**

Mr. Stephen P. Houlihan, Ms. Margaret Muldoon, Mr. Alfred J. O'Donovan
 3 credits day; 3 credits evening. *Co-taught by Houlihan/Muldoon.*

This course studies the imposition of the federal tax on the transfer of wealth by gift, devise, bequest and inheritance. The unified system of imposing the gift and estate tax will be illustrated by examining the computation of both taxes and the interrelationship between them. To be considered are rules for taxing various transfers of property, including the implications of owning property as joint tenants, transfers to trust involving interests and powers retained by the transferor, the treatment of life insurance proceeds, the effects of holding general and special powers of appointment, transfers of interests in qualified and unqualified retirement plans and certain transfers made within three years of death. Deductions allowed in determining the amount of transfers subject to estate tax, including the debts of a decedent, expenses of administering an estate and the marital deduction allowed for gifts to a spouse and transfers to a surviving spouse will be addressed. Valuation of property issues will be analyzed, including recent case law relating to securing valuation discounts for transfers of interests in family limited partnerships.

▶ **Elective Course**▶ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Estate Planning**

Mr. Kevin Flatley

2 credits day; 2 credits evening.

An examination of the manifold problems confronting the attorney in providing for the intelligent and effective disposition of property and the diverse considerations, both legal and extralegal, that bear on the resolution of those problems. Particular emphasis is given to the employment of various types of trust, the administrative problems of fiduciaries and the impact of federal income, gift and estate taxation.

▶ **Prerequisite:** Trusts, Estate and Gift Taxation. Estates (formerly Wills) is recommended..

▶ **Enrollment is limited:** 20

▶ **Elective Course**

▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Estates (Formerly Wills)

Prof. Anthony B. Sandoe, Ms. Michelle Carron
2 credits day; credits evening.

This course studies aspects of post-mortem real and personal property transfer by operation of wills and intestate statutes. The course is segmented into three general areas of consideration: the purposes and limitations of 1) estate administration, 2) wills statutes, and 3) intestate statutes. The course provides a detailed treatment of the components and operation of estate administration and wills. A take-home course project will engage students in practical application of legal theory and policy considerations. **Formerly Wills. This course may be taken concurrently with either the course in Trusts or Advanced Estates, Powers, and Trusts.**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Project Required**

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COURSE DESCRIPTIONS

Estates (Formerly Wills)

Mr. Nicholas S. Gray

2 credits day; 2 credits evening.

This course studies aspects of post-mortem real and personal property transfer by operation of wills and interstate statutes. The course is segmented into three general areas of consideration: the purposes and limitations of 1) estate administration, 2) wills statutes, and 3) interstate statutes. The course provides a detailed treatment of the components and operation of estate administration and wills. **Formerly Wills. This course may be taken concurrently with either the course in Trusts or Advanced Estates, Powers, and Trusts.**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

European Union

Prof. Sara A. Dillon

3 credits day; 3 credits evening.

An introduction to the law of the European Union, with an emphasis on those laws, regulations, and rulings promoting the integration of the European economy. The course will examine the fundamental economic principles of the EU, including free movement of goods, free movement of workers, the right to provide services, and establishment rights. The course will also review EU competition law, social environmental and monetary policies. **Students may choose to write a final examination or submit a research paper in lieu of the examination.**

- ▶ **Elective Course**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Evidence**

Hon. Isaac Borenstein, Hon. David A. Lowy, Distinguished Prof. John E. Fenton, Jr., Prof. Michael Avery, Prof. Rosanna Cavallaro, Prof. Clifford E. Elias
4 credits day; 4 credits evening.

Evidence will develop the principles, decisions, and jurisdictional choices, relating to the presentation of facts, within the context of the adversarial trial system. Emphasis will be placed upon the Federal Rules of Evidence, applied to issues of: relevance; character and credibility; hearsay; examination of witnesses; opinions; scientific proof; law and fact; functions of the judge and the jury; testimonial, circumstantial and real evidence; competency and privilege; examination and cross examination of witnesses; best evidence rule, parole evidence rule, hearsay exceptions, and burdens of proof.

- ▶ **Elective Course**
- ▶ **Meets Base Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Family Law

Hon. William F. McSweeney III, Prof. Charles P. Kindregan, Jr., Ms. Susan A. Atlas, Mr. Pasquale DeSantis

3 credits day; 3 credits evening.

Survey of Family Law issues including the factual and legal underpinnings of marriage and divorce; state regulation of marriage and divorce; jurisdictional requirements including venue and domicile; grounds for divorce and separate support; alimony uniform and federal laws; division of marital property; custody and visitation of children; adoption; state intervention in child custody matters; domestic violence; assisted conception; domestic partnership; and the constitutional issues attendant to all of the above.

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Family Law Practice Seminar

Hon. Edward M. Ginsburg

2 credits day; 2 credits evening.

This seminar is designed to develop a sensitivity to the realities of family law practice. Students are presented with everyday problems and are helped to develop practical resolutions. The topics include all aspects of family law. Sample topics include the psychodynamics of divorce, attorney's fees, custody, termination of parental rights, alimony, child support, the theory and practice of property division, and ethical considerations of family law practice.

- ▶ **Prerequisite: Family Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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COURSE DESCRIPTIONS

Federal Courts

Prof. Victoria J. Dodd

3 credits day; 3 credits evening.

A study of the federal judicial system and its role in the governmental scheme. Among the topics to be covered: separation of powers, congressional power to curtail federal jurisdiction, Supreme Court review of state courts, the case and controversy requirement, federal post conviction review, habeas corpus, federal question jurisdiction, state court jurisdiction in Article III cases, sovereign immunity, immunity in suits against state and federal offices, abstention, and injunctions against suit.

▶ **Prerequisite: Civil Procedure and Constitutional Law. Prerequisites may not be taken concurrently..**

▶ **Elective Course**

▶ **Meets Civil Litigation Concentration Requirements**

▶ **Recommended for the Mass Bar**

▶ **Final Exam Required**

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[Home](#) ▶ [Academic Programs](#) ▶ [Juris Doctor](#)**COURSE DESCRIPTIONS****Federal Courts**

Prof. Karen Blum, Prof. Andrew M. Perlman
3 credits day; 3 credits evening.

A study of the federal judicial system and its role in the governmental scheme. Among the topics to be covered: separation of powers, federalism, congressional power to curtail federal jurisdiction, the case and controversy requirements as it relates to doctrines of standing, ripeness, and mootness, sovereign immunity, Congressional power to abrogate Eleventh Amendment immunity, Ex Parte Young doctrine, section 1983 litigation, absolute and qualified immunity in suits against state and federal officers, abstention doctrines, inter-system preclusion, and Rooker-Feldman doctrine.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Feminist Legal Theory**

Prof. Kate Nace Day

3 credits day; 3 credits evening.

Examines "a groundbreaking collection of feminist work proceeding from the core assumption that the differences among women are essential to feminist analysis." Rather than presenting feminist legal theory sequentially, with "African American feminism" or "critical race feminism" added on at the end, this course thoroughly integrates key readings from non-white, non-middle class, and non-mainstream writers throughout.

Feminist Legal Theory will explore the intersections of race, class, and gender in such areas as theory, family, work and economic issues, and violence against women. Each section of our inquiry begins with an introduction providing context and insights into how the particular pieces included challenge norms and create new paradigms. This vibrant, challenging collection of work by a broad range of feminists represents the cutting edge of feminist theory in concrete applications essential to gender equality. Students will be evaluated on the basis of participation, individual projects, and a final examination.

Not offered 2006-2007▶ **Elective Course**▶ **On List of Recommended Perspectives Courses****▶ ACADEMIC****▶ Juris Doct**

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COURSE DESCRIPTIONS**Feminist Legal Theory Seminar**

Distinguished Visiting Prof. Martha Chamallas
2 credits day; 2 credits evening.

This seminar investigates a variety of feminist approaches to law and the study of legal culture, including such contemporary topics as the debate about the meaning of equality, comparison of liberal, radical, cultural and postmodern strands of feminist thought and the intersections between gender subordination and subordination based on race, ethnicity, and sexual orientation. Most of the readings will be drawn from books and law review articles, with less emphasis on cases and legal doctrine. The seminar is open to all students -- men and women -- who have an interest in legal theory of sexual equality, even if you have taken no other courses in women's studies, jurisprudence, or gender-based discrimination. The grade in the course is based primarily on a research paper, with class participation taken into account.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
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COURSE DESCRIPTIONS

Financial Issues in Family Law Cases

Prof. Charles P. Kindregan, Jr.,
2 credits day; 2 credits evening.

Using Massachusetts law as an example, the seminar will cover the following topics: the rules of domestic relations procedure, discovery of financial information, identification and valuation of property, assignment of property interests, spousal support, child support, child support enforcement and guidelines, financial agreements, support in parentage cases, federal tax and bankruptcy law and federal pension statutes.

- ▶ **Prerequisite: Family Law.**
- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

First Amendment Defamation, Privacy and Right To Know

Mr. Gregory V. Sullivan

2 credits day; 2 credits evening.

This course examines the history and development of the five freedoms guaranteed by the First Amendment; freedom of religion, speech, press, to peaceable assembly, and to petition the government for a redress of grievances. The clash of the five freedoms with other constitutional rights, such as fair trial, privacy, national security, and public safety, and the balancing of those rights by state and federal courts, are examined.

▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Food and Drug Law**

Mr. Marc Heller

2 credits day; 2 credits evening.

A study of the major substantive laws, regulations, judicial decisions, administrative procedures and legislative controls governing development, manufacture and commercial distribution of products subject to the jurisdiction of the Food and Drug Administration (FDA). FDA-regulated products include food, human prescription and non-prescription drugs, animal feeds and veterinary drugs, medical devices, biologics, blood products and cosmetics, which together comprise approximately 25 percent of the gross national product. The course will examine the FDA's organization, product approval processes, enforcement practices and procedures, as well as the relationship between various international, federal and state regulatory requirements. The course will touch upon a number of contemporary public policy issues, including compassionate use of experimental products, expedited approvals of certain products, and regulation of rapidly evolving technologies. Grade based upon a closed-book final examination.

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COURSE DESCRIPTIONS

Gender and Law

Prof. Kate Nace Day

3 credits day; 3 credits evening.

The insights of feminist legal theory over the past two decades pose an implicit challenge to many questionable assumptions about the relationship between law and gender, by demonstrating the importance of the overall structure of law in maintaining a gendered society. This course examines different perspectives of feminist legal theory, including their theoretical claims and practical aspirations, to expose different ways of thinking about the relationship between law and gender. These perspectives include: formal equality, substantive equality, different voice theory, non-subordination or dominance theory. These perspectives are not mutually exclusive: they draw from and play off of one another, as feminist theory evolves and changes. Students are encouraged to be both open to, and critical of, each approach. Students will be evaluated on the basis of class performance and a final examination. **Not offered 2006-2007**

▶ **Prerequisite:** Students who have taken Women in the Law may not enroll..

▶ **Elective Course**

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COURSE DESCRIPTIONS

Global Issues of Law, Policy and Ethics in the New Technologies

Prof. Stephen C. Hicks

2 credits day; 2 credits evening.

This seminar is intended primarily for graduate students who already have a basis for a comparative and theoretical approach to legal issues. It presents a broad overview of the impact of technology on common sense, science, politics, justice, medicine, communication, property, and education, from the different perspectives of the market, the professions, political interests, and various philosophical and religious traditions. Particular issues considered include individual privacy and choice, social welfare and stability, cultural traditions and change, the future we bequeath and the past we have inherited, and, perhaps most importantly, the meaning of nature and the meaning of human being in a global, virtual, bio-engineered hi-tech world.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
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COURSE DESCRIPTIONS**Global Technology Transfer**

Mr. Jerry Cohen

2 credits day; 2 credits evening.

This seminar will explore the issues of international technology transfer from several perspectives, including individual transfers of technology, aggregate patterns and involvement by governments. We will discuss a variety of international agreements affecting global technology transfer, including general agreements and more technology-specific or industry-specific ones. We will also look at restrictions on transfer including export control, foreign asset control, boycotts, military security, anti-terrorism measures, tax policy, import burdens for goods and data, requirements for perfection, antitrust and misuse limitations and enforcement of intellectual property rights and gray market issues. Various means of technology transfer, such as licensing agreements, joint ventures and foreign direct investment, will be discussed with the goal of examining the effects that these various arrangements have on global technology transfer.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Government Contracts**

Mr. Daniel Kelly

2 credits day; 2 credits evening.

The course is designed to give the student a basic introduction to the statutes, regulations and case law surrounding the \$250 billion business of the acquisition of services, products and R&D by the federal government. The course will focus on three primary areas: formation, performance and disputes resolution. Students will examine the unique features associated with the government's solicitation of contracts with commercial entities. Further, students will analyze important distinctions between the government's and the commercial contractor's rights and obligations in contract performance. Finally, students will review the procedures and limitations associated with litigating disputes arising in the award and performance of government contracts, and the specialized courts and tribunals which adjudicate such disputes. Topics currently dominating national headlines will be addressed including competition requirements, procurement ethics, and lobbying restrictions on government contractors. The instructor is a practitioner – students will get a practical and hands-on "feel" of day-to-day legal issues that confront companies doing business with the government. The course will be taught in a seminar format. Individual students will be assigned specific topics on which group discussions will be led. The final grade will be based on class participation (25%), problem assignments (25%) and a final examination (50%).

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COURSE DESCRIPTIONS

Health Care Fraud and Abuse

Mr. Paul Shaw

2 credits day; 2 credits evening.

This course examines federal and state laws that impose criminal and civil penalties on health care providers for a variety of activities, ranging from payment for referrals to the submission of false claims. The focus will be on the federal and state illegal remuneration statutes, the federal civil monetary penalty and exclusion laws, the federal anti-referral (Stark) law, and the federal false claims laws.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
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[» Home](#) [» Academic Programs](#) [» Juris Doctor](#)**COURSE DESCRIPTIONS****Health Care/Legislative Process**

Ms. Christie Hager

2 credits day; 2 credits evening.

In this seminar, students will learn the lawmaking process in close proximity to Beacon Hill and those who work there. This courses will use a series of case studies from health care and public health to illustrate the process by which laws are drafted, redrafted, enacted, and implemented. The respective roles of the legislative, executive, and judicial branches are explored and analyzed in this course, which will examine not only the process by which laws are made, but also who influences the lawmaking process, and how. This course will draw on various legislative materials, statutes, regulations, and court decisions. Guests from the legislative and executive branches and non-governmental entities will join some classes for interactive discussion. Students will develop skills in legislative drafting, legislative research, and policy analysis. Grading will be non-anonymous and by alphabetic grade method. Evaluation will be based on class participation and three short writing assignments.

▶ **Prerequisite:** There is no prerequisite for this course, but previous experience in the public health or health care field is desirable..

▶ **Enrollment is limited:** 16

▶ **Elective Course**

▶ **Meets Health/Biomedical Concentration Requirements**

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Prof. Renée M. Landers

3 credits day; 3 credits evening.

The course introduces students to the United States health care system. The course will examine the law relating to health care institutions, (hospitals, managed care organizations, and other payers and providers) and selected health care programs such as Medicare and Medicaid. Specifically, the course examines how health care providers are reimbursed, the regulation of health care facilities, the tax status of health care institutions, fraud and abuse laws, the patient-doctor relationship, informed consent, and selected issues in bioethics. The casebook will be supplemented by current legal materials. **Course required for the Health and Biomedical concentration.**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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Prof. Marc A. Rodwin

3 credits day; 3 credits evening.

This course introduces students to the law, organization and finance of our health care system. We will examine private health insurance, and the Medicare and Medicaid programs as well as health care institutions, mainly, hospitals, managed care organizations. We will also examine how hospitals and physicians are paid, the regulation of health care facilities, the tax status of health care institutions, issues of access to health care services and quality of care. Other issues examined include how medical personnel and insurers make decisions of medical necessity, the role of grievance and appeals when services are denied, health care fraud and abuse in the role of liability, contracts, and joint-ventures. Our casebook will be supplemented by current legal materials (e.g., pleadings, regulations, contracts) as well as news and policy articles, and Internet-based sources. **Students have the option to write a research paper or take an exam.**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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COURSE DESCRIPTIONS**Health Law Advocacy**

Ms. Laurie Martinelli, Ms. Clare D. McGorrian

2 credits day; 2 credits evening. *Co-taught by Martinelli & McGorrian*

This is a seminar for upper-class students, preferably who have taken Health Law or have a health care background. The course will introduce students to the skills involved in representing consumers who seek access to health care, using current topical problems. After an introduction to the lawyer's role in consumer health care advocacy, the course will be organized around multi-week "modules", such as individual client advocacy, regulatory advocacy, advocacy through impact litigation, and community-based advocacy. Each module will involve a lecture, discussion of assigned reading, introduction of the case problem, and an oral exercise or written assignment. Skills to be addressed will include client interviewing and advising, strategizing about case development, writing effectively, and negotiation. Students will be graded on class participation and the quality of written work and oral presentation throughout the semester.

- ▶ **Enrollment is limited: 16**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Health Law Seminar: Conflicts of Interest in Medicine

Prof. Marc A. Rodwin

2 credits day; 2 credits evening.

This course examines physicians' conflicts of interest in medical practice, the means the medical profession has used to address them, and the role of legislatures, regulatory agencies, and courts in coping with these problems. We will examine how physician roles, payment, and financial ties with 3rd parties can compromise the physician's duty to act in the interest of their patients. The course probes problems related to physician entrepreneurialism, and also the relations between physicians and pharmaceutical and insurance companies, and other physician-owned and investor-owned for-profit firms. The focus is on contemporary practice in the United States but we will also review how conflicts of interest have evolved, and how conflicts of interest differ in other countries due to institutions, laws, and financing arrangements. Students will write a paper on a topic of their choice. Grades will be based on a paper and class participation. Taking this seminar does not preclude taking another health care seminar on a different topic.

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ Meets Health/Biomedical Concentration Requirements
- ▶ May Fulfill Legal Writing Requirement
- ▶ Final Paper Required

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COURSE DESCRIPTIONS**Heath Law Seminar: Health Care Reform**

Prof. Marc A. Rodwin

2 credits day; 2 credits evening.

This course examines efforts to reform the health care in the United States with the focus on proposals to expand or provide universal insurance coverage. It will explore reform proposals before Congress and state legislatures, how various interest groups influence the formation of these policies, how these proposals have or would affect the public and the relation of these proposals to key health policy problems. Course materials include books, articles, government reports, news articles, legal materials such as legislative bills and testimony, videotapes of public speeches and media campaigns. Students will write a paper on a health care reform of their choice. These may include topics unrelated to health insurance, such as reform of medical malpractice law. The paper can evaluate either a proposed reform, a reform implemented, or unsuccessful reform efforts. Grades will be based on a paper and class participation. Taking this seminar does not preclude taking a health care seminar on another topic.

- ▶ **Elective Course**
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- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Identity, Law & Culture Seminar

Prof. Frank Rudy Cooper

3 credits day; 3 credits evening.

This course will explore the relationship between identity, law, and popular culture. We will begin by exploring how the meanings of race, gender, sex orientation, and class are constructed. We will proceed to explore Critical Race Theory, which is the jurisprudence of how identity affects law. We will then explore Law & Cultural Studies, which is the jurisprudence of how popular culture affects law. We will then consider some examples of scholarship on the relationship between identity, law, and culture. Articles will concentrate on Criminal Procedure issues, especially racial profiling. The class will require extensive reading of theoretical articles. **Grading will consider class participation and a final essay.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Immigration Law**

Prof. Valerie C. Epps, Mr. Rodney Mylne Barker
3 credits day; 3 credits evening.

A study of the immigration, nationality, and naturalization laws of the United States. The topics discussed are: the constitutional bases of the immigration power; the immigrant selection system; grounds for admissibility of aliens; grounds for removal; change of status within the United States, including refugee and asylum status; review of immigration decisions through administrative procedures, appeals, and the courts; citizenship by birth and by naturalization; revocation of naturalization and expatriation; employer penalties for hiring illegal aliens; and benefits available to aliens.

- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Income Taxation II

Prof. William T. Corbett

3 credits day; 3 credits evening.

This course is a continuation of the Basic Income Taxation course. Students who take this course and Basic Income Taxation will have a thorough exposure to the principal topics and concepts concerned with federal income taxation. Topics covered in the course include property dispositions under section 1231, depreciation recapture under sections 1245 and 1250, bad debts, worthless securities, casualty losses, at risk under section 465, hobby loss rules and the rules under section 280A restricting deductions with regard to homes, passive activity rules of section 469, tax accounting methods, original issue discount, installment sales and section 1031 like kind exchanges.

- ▶ **Prerequisite: Basic Federal Income Taxation.**
- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**

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COURSE DESCRIPTIONS**Income Taxation of Trusts and Estates**

Prof. William T. Corbett

2 credits day; 2 credits evening.

This course will present an in-depth study of the federal taxation of trusts and decedents' estates. The course will cover simple and complex trusts; short term trusts; the throwback rule; distributable net income deduction and the two tier system. It will also cover some of the basic elements of estate planning relative to trust and estate income taxation, as well as the use of trusts and estates as income splitting devices. **Not offered 2006-2007.**

▶ **Prerequisite: Basic Federal Income Taxation.**▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Indigenous Peoples Rights**

Prof. Lorie M. Graham

3 credits day; 3 credits evening.

This course explores a body of law intended to address the legal relationship among American Indian nations, the federal government, and states. This body of law is expressed in treaties, federal statutes and regulations, Solicitor's opinions, and Supreme Court decisions. It is a rapidly expanding field that implicates other branches of legal study, such as constitutional law, property, administrative law, environmental law, international law, and federal jurisdiction. It also addresses the interests and rights of non-Indians vis-à-vis their legal encounters with indigenous nations and tribes. The course also considers the impact that American Indian law in the United States is having globally as Native groups from around the world move to establish rights to natural resources, sovereignty, and cultural diversity. As a practicing attorney, you are more likely than ever before to encounter Indian law issues - from business transactions to adoption to complex jurisdictional and choice of law questions. Beyond practice, the study of Indian law tells us a great deal about how our legal system deals with issues of pluralism and about the tenor and contemporary morality of society.

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ On List of Recommended Perspectives Courses
- ▶ Meets International Law Concentration Requirements
- ▶ Take Home Exam Required

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COURSE DESCRIPTIONS**Individual Rights**

Prof. Michael Avery

3 credits day; 3 credits evening.

This survey course acquaints students with the broad themes relevant to the protection of individual liberty. The course focuses on the substance of the rights involved, rather than the mechanics of litigating violations of rights. The topics we will take up include: freedom of expression, obscenity, hate speech, academic freedom, right to travel, privacy (other than Fourth Amendment issues taught in criminal procedure), voting rights, religious freedom, and the rights of private organizations. **Not offered 2006-2007.**

▶ **Prerequisite: Constitutional Law.**▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Insurance Law**

Mr. Stephen R. McNaught

2 credits day; 2 credits evening.

Regulation of insurance business; insurable interest; the insurance contract; the interests protected by contracts of insurance; construction of policies; rights under the policies; subrogation; processing of claims and suits for insureds, claimants and insurers.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Insurance Litigation

Mr. Stephen R. McNaught

2 credits day; 2 credits evening.

The course examines the process of the interaction of the claimant and/or policyholder and the insurer through the filing, investigation and acceptance or denial of the claim. It also examines the process of filing of litigation in a disputed claim, the burden of proof, the process delivery, potential motions, use of arbitration/mediation in the potential resolution of claims and the trial. It also examines the professional and legal issues surrounding the tripartite relationship among insurer, defense counsel, and policyholder. The course also examines some of the principles of civility and professionalism, which ideally should direct the actions and behavior of lawyers in the conduct of their relationship with claimants and claimant's counsel.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Intellectual Property**

Prof. Andrew Beckerman-Rodau, Prof. Stephen Michael McJohn
2 credits day; 2 credits evening.

Intellectual property law protects creations of the mind: inventions, trade secrets, artistic creations, computer software, brand names and image/persona. This course will provide an overview of the US legal systems that protect such creations, with primary focus on patent, copyright, trademark and trade secret law. The course serves as a basic building block for more advanced intellectual property courses within the Intellectual Property Concentration curriculum. Intellectual Property Concentration students are required to take this course before taking other Concentration courses. **This course is strongly recommended as a precursor to Patent Law, Copyright Law, and Trademark Law.**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Final Exam Required**

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Ms. Susan Barbieri Montgomery
2 credits day; 2 credits evening.

This seminar will address the legal issues that arise in the international licensing of patents, copyrights, trademarks, and trade secrets (or know-how). We will begin with brief overviews of intellectual property and of licensing terms and strategies, but the main emphasis will be on the limits to intellectual property owners' control of their property. Most of the course will focus on antitrust/competition law and on the limits it imposes on licensing arrangements. Included in this portion of the course will be an examination of the U.S. cases and guidelines, the EC block exemptions, and the Japanese guidelines. In addition, we will discuss the ways in which owners can be forced to provide access to their intellectual property, such as through the imposition of implied or compulsory licenses.

- ▶ **Prerequisite: Intellectual Property or Antitrust.**
- ▶ **Enrollment is limited: 14**
- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

International Banking and Finance

Prof. TBA

3 credits day; 3 credits evening.

This course surveys the complex regulatory regime that is evolving to govern the operations of private banking organizations in the global marketplace. Banking had its origins in a quintessentially transnational context: the facilitation of commerce between merchants doing business in distant places. The course covers (1) national legal regimes applied to transnational financial transactions and multinational banks, including particularly U.S. regulation of international banking (which comprises both regulation of foreign banks' activities within the United States and regulation of U.S. banking organizations' activities abroad); (2) regional laws that cross national boundaries, e.g., the European Union's Second Banking Directive and other pertinent directives; (3) supranational regulation of banking organizations (e.g., the Bank for International Settlements and the G-10 countries "Basle Accords", international anti-money laundering initiatives and international anti-terrorism initiatives under the auspices of the United Nations, the OECD, and other multilateral arrangements); and (4) international public finance, including consideration of international organizations such as The World Bank and the International Monetary Fund. Neither **Banking Law** nor **International Law** is a prerequisite for this course, though both are recommended. **Not offered 2006-2007.**

- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**

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Prof. Christopher Gibson

3 credits day; 3 credits evening.

A survey of some of the legal aspects of international business transactions. Specific topics examined within the course will include international documentary sales; export controls; licensing of intellectual property; foreign direct investment; exchange controls; international antitrust; choice-of-law and choice-of-forum; and settlement of international business disputes. A number of sessions will be devoted to analyzing transactional instruments, such as letters of credit, distribution agreements, technology licenses, and joint venture agreements.

- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Final Exam Required**

<<Course Updated: August 01, 2006>>

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COURSE DESCRIPTIONS

International Children's Rights

Prof. Sara A. Dillon

3 credits day; 3 credits evening.

This course will examine the legal structure for the protection of children's rights across a wide range of subject areas. The topics covered will include children and the global economy (child labor); children and war (child soldiers); children and the global sex industry (sex tourism and child trafficking); children without families (including the plight of street children and intercountry adoption); and the children's movement in developed countries (with a focus on corporal punishment). In each case, the relevant treaty law and national responses will be analyzed. The course will attempt to situate children's rights in the larger context of international human rights, especially with regard to weaknesses in mechanisms of enforcement. Class participation will be an important component of this course. **Students may choose to write a final examination paper or submit a research paper in lieu of examination.**

- ▶ Elective Course
- ▶ Meets International Law Concentration Requirements
- ▶ May Fulfill Legal Writing Requirement

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Prof. Jeffrey J. Pokorak

3 credits day; 3 credits evening.

This course will explore aspects of international criminal law, focusing on the United States' role in the legal regime. The course will consider the basis of international jurisdiction, U.S. Constitutional restrictions on extradition and rendering, money, laundering, terrorism, and the nuclear non-proliferation and nuclear weapons reduction treaties. Throughout the course we will utilize a number of sources- international conventions, treaties, international systems of criminal justice and jurisdictional cooperation, model codes and statutes, law review articles, and articles from the popular press. The goal of the course is to initiate students into the legal world of international crime; articulate how such crimes are currently detected, investigated, and punished; and generate ideas regarding how the international criminal justice system might better operate in the growing interdependent global community. **Enrollment in both Int'l Criminal Activity and Int'l Criminal Law Seminar is prohibited.**

- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Final Exam Required**

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Ms. Ivy V. Schram

3 credits day; 3 credits evening.

This seminar provides an introduction to both the underpinnings and the practice of international environmental law. Students are introduced to the various ways in which international law is ordered, the fundamentals of environmental concerns and responses thereto, and the framework within which international environmental law must operate. Students participate in group problem-solving activities as well as act as "ambassadors" during a mock treaty negotiation.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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Prof. Eric Blumenson

3 credits day; 3 credits evening.

This is an introduction to human rights law and its enforcement mechanisms. The course will include the study of: (1) the international laws that enumerate and protect civil rights; economic and social rights; rights against racial, ethnic, religious and gender discrimination; and rights to self-determination. (2) The development and contemporary functioning of human rights institutions and their processes. (3) The relation of human rights law to the humanitarian laws of war and the prosecution of international war crimes. (4) The legitimacy and enforceability of human rights laws, with particular attention to challenges lodged on cultural relativist and state sovereignty grounds. The course will study these issues in the context of concrete cases and conflicts. It will also introduce those areas of international law necessary to an understanding of human rights.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

International Human Rights

Prof. Lorie M. Graham

3 credits day; 3 credits evening.

This is an introduction to human rights law and its enforcement mechanisms. The course will include the study of: (1) the international laws that enumerate and protect civil rights; economic and social rights; rights against racial, ethnic, religious and gender discrimination; and rights to self-determination. (2) The development and contemporary functioning of human rights institutions and their processes. (3) The legitimacy and enforceability of human rights laws, with particular attention to challenges lodged on cultural relativist and state sovereignty grounds. The course will study these issues in the context of concrete cases and conflicts. It will also introduce those areas of international law necessary to an understanding of human rights. **Final grade is based upon a project and in-class participation.**

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ On List of Recommended Perspectives Courses
- ▶ Meets International Law Concentration Requirements
- ▶ Final Project Required

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COURSE DESCRIPTIONS**International Intellectual Property**

Ms. Susan Barbieri Montgomery
2 credits day; 2 credits evening.

The globalization of business has increased the need for an understanding of the differing intellectual property laws around the world and the application of those laws to the exchange of information, workers, goods and services across national boundaries. Technological inventions, creative works, brand equity and the accumulated experience and expertise of the workforce are important assets in the current global economy. Although the intellectual property laws intended to protect and regulate these assets are national, the assets are not readily confined to the country of origin and exploitation is often multi-national. Advising clients in this environment requires an understanding of the sources and application of a variety of laws and policies.

This course will begin with a series of classes introducing the relevant legal and trade principles, economic and cultural influences and sources of law. These classes will consider important basic principles and institutions, including territoriality, national treatment, choice of law and cultural property and the role of WIPO. The balance of the course will be devoted to a series of problems that will allow the class to examine intellectual property laws, including patent, copyright and trademark laws, from a comparative perspective, to analyze the influence of treaties and other arrangements affecting treatment of foreign interests, and to discuss practical approaches for doing business and protecting intellectual property assets globally.

In lieu of an exam, each student will be responsible for presenting a topic related to one of the problems and leading the class discussion. Students will be evaluated on their knowledge of substantive law, their reasoned analysis and practical application of law and policy, the quality of their presentation, their participation in class discussions, and a short paper prepared by students following their individual presentation and covering issues addressed in the presentation and class discussion.

Prior satisfactory completion of one or more of the following courses is strongly recommended: Copyright Law, Intellectual Property, Patent Law, or Trademark Law.

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ Meets International Law Concentration Requirements

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COURSE DESCRIPTIONS

International Law

Prof. Sara A. Dillon, Prof. Valerie C. Epps
3 credits day; 3 credits evening.

A survey of public international law, its nature, sources, and application. Some or all of the following topics will be addressed: international agreements, international organizations, including the United Nations, states and recognition, nationality and alien rights, territorial and maritime jurisdiction, state responsibility and international claims, including expropriation and the act of state doctrine, the laws of war, and the developing law of human rights. **Professor Dillon: Students may choose to substitute a paper for the final examination. Professor Epps: Final Exam.**

- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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COURSE DESCRIPTIONS

International Legal Practice

Mr. Christian Campbell Mr. Dennis Campbell

2 credits day; 2 credits evening. *Co-taught by Christian and Dennis Campbell*Center for International Legal StudiesInternational Internship

International Legal Practice (2 credits) will be co-taught by Dennis Campbell and Christian Campbell as an intensive **six-week** course during the Spring 2007 semester. This course is a requirement for any student who enrolls in an international legal internship for credit, unless otherwise approved by an Associate Dean. The course may be taken before or after the internship. The course is not limited only to internship students and is open to any student interested in enrolling. It should be noted that the completion of the course does not guarantee a placement in an international legal internship. The course is a combination of live in-class instruction and on-line instruction over the Internet.

The course will be divided into **three segments** as follows: one week of on-line instruction; two weeks of live instruction at the Law School; three weeks of on-line instruction. There will be a take-home examination to be administered at the conclusion of the course in February. The course will be graded **on a pass/fail basis**. During the Spring 2007 semester, we will offer two sections of *International Legal Practice*. Students, *whether in the day or evening division*, will be permitted to register for either section. Each section will be divided into the following **three** segments. You may register for either the Day or Evening Section.

Part I - The on-line portion of the class will begin on January 16, 2007 and continue through January 24 and will resume after the live session on February 5. There will be a total of 2 hours of on-line instruction for a period of 4 weeks, some of it expected to be live discussion. Students will be expected to have access to the Internet at scheduled times. The on-line portion of the course will be taught by Christian Campbell.

Part II - The live sessions will be taught at the Law School by Dennis Campbell on four successive days from Wednesday, January 24, 2007 through Saturday, January 27 and from Wednesday, January 31 through Saturday, February 3.

Classes will meet as follows:

Day Section Classes

Wednesday, January 24 and Wednesday January 31: 12:00pm to 2:00pm

Thursday January 25 and Thursday, February 1: 12:00pm to 2:00pm

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Friday, January 26 and Friday, February 2: 5:00pm to 8:00pm

Saturday, January 27 and Saturday, February 3: 9:30am to 12:30pm

Evening Section Classes

Wednesday, January 24 and Wednesday, January 31: 8:00pm to 10:00pm

Thursday, January 25 and Thursday, February 1: 8:00pm to 10:00pm

Friday, January 26 and Friday, February 2: 5:00pm to 8:00pm

Saturday, January 27 and Saturday, February 3: 9:30am to 12:30pm

Part III - The on-line portion will resume on February 5 and will continue through February 23.

International Legal Practice will cover the basics of practicing law in an international context, i.e., the practicing lawyer's response to ever more frequent confrontation with foreign law issues.

In the **first** on-line segment, students will study the basic structures of some foreign legal systems and the different roles of lawyers, including ethical and practical considerations and constraints when "foreign" counsel gives or receives instruction.

The **second and third week** (in-class instruction) will focus on dispute resolution in a transnational context. The resolution of international litigation issues in U.S. courts, such as problems of jurisdiction, service, discovery, and enforcement of judgments, will be compared with the approaches and responses of non-U.S. judicial systems. Consideration will be given to the alternative of international commercial arbitration, and approaches of different legal systems toward forum selection and choice of law.

During the **fourth to sixth weeks** (the second on-line segment), students will become familiar with aspects of international business transactions through a combination of problems and discussions associated with different legal entities in other legal systems and the practicalities of import/export controls and tariffs, foreign agent and distributor issues, competition law, and efforts to address corruption in international business.

- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**

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Mr. Dragan M. Cetkovic

2 credits day; 2 credits evening.

This course surveys a distinct and cohesive body of case law emerging from international civil disputes litigated and adjudicated in U.S. courts. The course covers major topics and common themes unique to disputes involving foreign litigants or transactions, including: personal and subject matter jurisdiction, discovery abroad, foreign sovereign immunity, act of state doctrine, extraterritorial application of U.S. laws, arbitration, and enforcement of judgment. The course focuses on problems facing litigants in the course of U.S. litigation.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

International Tax Law

Prof. William T. Corbett, Mr. Alfred J. O'Donovan

3 credits day; 3 credits evening. *Co-taught by Prof. Corbett and Mr. O'Donovan.*

Course topics include the reach of U.S. tax jurisdiction; classification of income as foreign or domestic source; determining individuals' residence for U.S. tax purposes; U.S. taxation of income effectively connected with foreign taxpayers' U.S. business activities; the U.S. withholding tax regime for foreign persons' other U.S. income; foreign tax credits; treatment of entities that U.S. taxpayers use to invest abroad, and tax treaties.

▶ **Prerequisite: Basic Federal Income Taxation which may not be taken concurrently..**

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COURSE DESCRIPTIONS

International Trade Law

Prof. Sara A. Dillon

3 credits day; 3 credits evening.

This course introduces the student to the legal and policy basis for international disputes in trade-related matters. Starting with the genesis of the GATT system in the postwar period, students will read widely in the legal texts representing the development of our contemporary global trade regime. Students will study such important subjects as intellectual property and trade, free trade in investments and services; as well as the "trade and environment" dilemma. They will become familiar with recent high-profile trade disputes brought before the World Trade Organization. **Students may choose to substitute a paper for the take-home exam.**

- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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COURSE DESCRIPTIONS

Internet Law

Prof. Christopher Gibson, Prof. Michael Rustad
2 credits day; 2 credits evening.

The Internet is transforming issues such as personal jurisdiction, conflict of law, choice of law, choice of forum, intellectual property, torts, contracts, privacy and public regulation. This course examines the sources of Internet Law: industry standards, U.S. caselaw, national regulations, and supranational law. Global Internet Law issues such as the Brussels Regulation, European Union Directives, and cross-border litigation will be explored. This course focuses on practical issues confronting a hypothetical e-business in a global world system such as: 1) How to protect intellectual property in cyberspace; 2) How to create and enforce web site and other online contracts; 3) How to avoid liability and protect rights in cyberspace; 4) How to conduct a legal audit prior to doing business on the Internet; 5) E-Commerce law and policy; and 6) Compliance with national and supranational law and policies. Students wishing to complete their legal writing requirement may write a substantive research paper in lieu of the final examination with approval of the instructor. **Students will be evaluated on the basis of a final examination in addition to participation in classroom excersises.**

- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Interviewing and Counseling**

Prof. Richard G. Pizzano

2 credits day; 2 credits evening.

This course is designed to raise the student's level of awareness of the interaction between the lawyer and client and train the student in the preventive law and counseling functions of law practice. Among topics included are: the initial interview active and passive listening, the reluctant client, decision making, lawyer and client, who's in charge, and selected ethical considerations. Techniques will include extensive role-playing by each student, student observation, and critique by the students and the instructor.

- ▶ **Enrollment is limited: 12**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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[» Home](#) [» Academic Programs](#) [» Juris Doctor](#)**COURSE DESCRIPTIONS****Introduction to U.S. Law**

Prof. Stephen C. Hicks

2 credits day; 2 credits evening.

The course introduces international LL.M. students to the basics of the U.S. Legal System, including the structure of the federal courts, use of precedent, and methods of reading, analyzing and synthesizing case law. Basic terminology and principles of common law subjects, including torts, contracts and property, are introduced and explored through case law readings. LL.M. students who do not hold a degree from a U.S. law school are required to take the course. LL.M. students who have a U.S. law degree may also enroll in the course with the prior approval of the instructor.

▶ **Prerequisite: Restricted to non U. S. LLM Students..**▶ **Enrollment is limited: 20**▶ **Elective Course**

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COURSE DESCRIPTIONS**Investment Management Regulation**

Prof. Joseph Franco, Mr. Peter Ambrosini

4 credits day; 4 credits evening. *Co-taught by Prof. Franco & Mr. Ambrosini*

This course provides a survey of applicable standards under the federal securities laws governing investment management regulation and an introduction to the application of this legal framework in practice. In particular, the course will focus on the Investment Company Act of 1940 and the Investment Advisers Act of 1940, although it will also draw upon other federal securities law requirements. The principal legal topics covered include: definition of an investment adviser as well as investment companies, conflict of interest prohibitions affecting investment companies, and governance of investment companies. While the course will give primary emphasis to legal doctrine, approximately one-quarter of the course will be devoted to analysis of practical issues such as drafting of investment advisor contracts, making board presentations, and application of an internal code of ethics to regulate the conduct of investment personnel. Prof. Franco will have principal responsibility with respect to the legal survey while Mr. Ambrosini will focus primarily on the practical applications of relevant legal standards. Completion of or concurrent enrollment in Securities Regulation is recommended but not required.

In addition, a limited number of students enrolled in this course will be eligible for placement in designated internships intended to complement the subject matter of this course. The designated internships will be for a minimum of 3 credits and enrollment in Investment Management Regulation will satisfy the classroom requirement for the internship. Students interested in the internship option should see the clinical professor for internships when registering for Investment Management Regulation and consult applicable internship requirements.

The Law School's Financial Services Concentration has worked closely with three providers of investment management services (Brown Brothers Harriman & Co., Baring Asset Management and CDC IXIS Asset Management Services, Inc.) to develop the three internships that will be offered in conjunction with the School's Investment Management Regulation offering in the spring semester. Internship responsibilities will vary between companies, but each company will make an effort to give interns working exposure to at least some of the topics addressed in the course. Additional internship duties will depend upon the nature and current needs of the company selected. The internship placements are briefly described below.

Baring Asset Management ("Baring") is a global investment management company that manages \$32 billion on behalf of clients located worldwide. The company offers a wide range of equity and fixed income products in both domestic and international markets through commingled and separate account vehicles. The intern will be placed in Baring's North American legal department and will assist with product creation, contract drafting, and implementation of controls and procedures to ensure compliance with regulatory and statutory requirements, including the Investment Advisors Act of 1940. The intern will also assist with Baring's compliance with the Investment Company Act of 1940 in its role as an advisor to registered investment companies and provide legal support to Baring's offshore and onshore unregistered

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vehicles.

Established in 1818, **Brown Brothers Harriman & Co. ("BBH")** is the only major private commercial bank operating in the U.S. today. With offices located globally, BBH provides banking, custodial, investment advisory and trustee services to a variety of institutional clients. Through its Investor Services group, BBH provides custody, accounting and administration services to various investment vehicles including mutual funds, private funds and separate accounts. The selected intern will work with the Legal Administration group providing corporate secretarial and regulatory services to mutual funds clients.

IXIS Asset Management Advisors Group ("IXIS") is part of the corporate family of France's leading institutional asset manager, IXIS Asset Management Group, a \$507 billion global investment management firm that ranks among the top 20 money managers in the world as of 9/30/05. IXIS' Legal/Compliance Department possesses extensive expertise in all aspects of corporate governance, disclosure and other regulatory matters affecting mutual funds, separately managed accounts and their service providers including investment advisers, sub-advisers, distributors and transfer agents. Working within IXIS' Legal/Compliance Department, the intern will be exposed to and work on projects concerning one or more of the following areas: investment product structure and disclosure, the roles and legal obligations of the various service providers, corporate governance, compliance with regulatory requirements and established policies and procedures, and due diligence. **Securities Regulation is recommended.**

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Financial Services Concentration Requirements**

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Hon. Joseph Nolan

2 credits day; 2 credits evening.

Jurisprudence is the study of legal philosophy. In this course the student will be led through the many schools of legal philosophy. The students will be to address the class in an oral presentation on a subject of jurisprudence. **The grade will be based entirely on an evaluation of the oral presentation.**

▶ **Elective Course**▶ **On List of Recommended Perspectives Courses**

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COURSE DESCRIPTIONS

Jurisprudence Seminar

Prof. Patrick Shin

2 credits day; 2 credits evening.

An introduction to selected topics in jurisprudence and the philosophy of law. What is law? Is it anything more than what judges say it is? Are judges anything more than legislators in black robes? Can there be "right answers" to undecided questions of law? How should ambiguous statutory texts be interpreted? What is the relation between law and morality? Do judges have an obligation to follow laws that they believe to be immoral or unjust? Do lawyers act immorally when they induce courts or juries to reach conclusions that they actually believe to be false? By taking up these and related questions, we will try to gain a better understanding of the concept of law and the institutional activities that are central to it. Course grade will be based on class participation and a take-home final examination. Students may write a final paper in lieu of the final examination, but only if the paper will be submitted to fulfill the Legal Writing Requirement.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
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- ▶ **May Fulfill Legal Writing Requirement**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Justice, Morality and Film**

Prof. Steven M. Eisenstat

2 credits day; 2 credits evening.

This seminar will examine how movies depict the relationship between morality, justice, and the law. We will explore such topics as the conflict between natural law and formal law, the moral and legal justification of revenge, and the conflict between a lawyer's duty to client, self and society. The course will also examine how society's changing views of lawyers and the law have been reflected in film.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Take Home Exam Required**

<<Course Updated: July 25, 2006>>

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COURSE DESCRIPTIONS**Justice, Rights and the Law**

Prof. Eric Blumenson

2 credits day; 2 credits evening.

This course explores the meaning of justice and its application to law. The course will begin by examining theories of justice and rights that have been propounded by Rawls, Mill, Sandel, Nozick and others. It will then consider the relationship of justice to law generally and to some contemporary legal issues, including (1) obligations to obey or disobey unjust laws; (2) whether requirements of justice transcend nations and cultures; (3) whether rights should extend to non-citizens, or even non-humans in some respects; (4) what constitutes just punishment; (5) whether law should regulate "private" conduct; (6) issues of distributive justice, including whether a just legal regime should redistribute property; and (7) issues of equal justice, including how a just legal system should respond to past injustices such as slavery, and present-day racial or gender discrimination. Course requirements include a paper on any topic relevant to the course.

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ On List of Recommended Perspectives Courses
- ▶ May Fulfill Legal Writing Requirement
- ▶ Final Paper Required

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COURSE DESCRIPTIONS

Labor and Employment Arbitration

Prof. Marc D. Greenbaum

3 credits day; 3 credits evening.

This course will examine arbitration as a dispute resolution mechanism in two related, but distinct, contexts. First, the course will study the widely accepted use of arbitration to resolve disputes arising under public and private sector collective bargaining agreements. Thereafter, it will examine the legal principles governing arbitration use to resolve disputes arising under employment regulation statutes like Title VII of the Civil Rights Act of 1964 and individual contracts of employment. The course will use simulations designed to assist students in developing the practical skills necessary to represent clients in labor and employment arbitration. May fulfill the Legal Writing Requirement. **Students will be required to write a final course paper.**

▶ **Prerequisite:** Labor Law, Employment Law, or Employment Discrimination Law which may be taken concurrently..

▶ **Enrollment is limited: 15**

▶ **Elective Course**

▶ **Meets Skills Menu Requirement**

▶ **Meets Health/Biomedical Concentration Requirements**

▶ **May Fulfill Legal Writing Requirement**

▶ **Final Paper Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Labor Law**

Prof. Marc D. Greenbaum, Mr. John B. Cochran
3 credits day; 3 credits evening.

This course will examine the regulation of labor-management relations in the private sector. Particular emphasis will be placed upon the union organizing campaign, the means of designating a union as exclusive bargaining representative, the regulation of strikes, lockouts, picketing and other forms of concerted activity, the duty to bargain collectively and resolution of disputes through grievance-arbitration process.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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Associate Dean Bernard V. Keenan
2 credits day; 2 credits evening.

This course covers the analysis of case law and relevant legislative materials relating to various topics including variances, special permits, nonconforming uses, amendments, spot zoning, interim zoning, contract zoning, exactions and fees, condominiums and zoning, growth controls, cluster zoning, intergovernmental zoning conflicts, exclusionary and inclusionary zoning. **The final grade is based solely on the final examination performance.**

▶ **Elective Course**▶ **Final Exam Required**

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Prof. William Berman

2 credits day; 2 credits evening.

This course is designed to offer the student an in-depth look at significant issues relating to housing law. We will examine topics such as housing discrimination, consumer protection as it relates to housing, receivership, housing related public policy initiatives, public housing, and the development of housing. Along with readings, we will utilize hypothetical scenarios to explore the issues in depth. Various professionals working in the housing community will speak in class and will offer additional perspectives on the issues through their personal experiences. Guest speakers will include housing advocates, developers, and public and private sector attorneys. Students may fulfill their legal writing requirement with the research paper. **The final grade will be based upon in class participation and a paper.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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Prof. Rosanna Cavallaro

2 credits day; 2 credits evening.

This course will examine the depiction of law and the legal system in literature, as well as considering the application of literary theory and criticism to legal texts. Students will read works of fiction (short stories, drama, and novels), as well as critical essays, and will write a paper. **There is no exam, however, the final grade is based on a paper.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Law and Public Policy Formation

Prof. Russell G. Murphy

2 credits day; 2 credits evening.

This seminar/independent study is an introduction to non-traditional public sector lawyering. Its purpose is to examine the numerous roles performed by lawyers in the formulation, implementation and interpretation of public policy. Students will assume a position held by the lawyer in the policy-making process such as lobbyist, legislator, office holder, public interest lawyer, prosecutor, or judge. From the perspective, each student will then research and analyze a major issue of public law (capital punishment, school vouchers, Internet privacy...) for the purpose of drafting, explaining or interpreting policy on that issue. Students will be evaluated on the basis of video presentations (and supporting documentation) summarizing the student/lawyer's research and describing the role-based experience. **Students who have previously taken the course in Contemporary American Politics may not enroll in this course.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**

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COURSE DESCRIPTIONS

Law and Religion

Prof. Marie Ashe

3 credits day; 3 credits evening.

This course will focus on the relationship between law and religion in broad terms and on contemporary American church-state interaction. Readings will include interdisciplinary materials (historical, sociological, philosophical, theological and literary) as well as major Constitutional cases interpreting the Free Exercise and Establishment Clauses of the First Amendment. **Not offered 2006-2007**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Law Practice Management I: Planning for Law as a Career and an Enterprise Seminar**

Prof. R. Lisle Baker

3 credits day; 3 credits evening.

Some students are unclear about what role in the legal profession they would like to undertake upon graduation. This course is designed to help students research both themselves and the legal profession. More particularly, it is designed to help students clarify their interests, skills, and values to develop criteria for evaluating their professional opportunities. The students use those criteria to find a good fit in the legal profession by conducting both library and online research on law practice as well as personal interviews of attorneys in their chosen fields. The students then present the preliminary results of their work to the seminar both orally and in writing. The students then build on that foundation to evaluate the feasibility of their preferred roles, including preparing a pro-forma financial analysis as well as examining some of the non-financial issues involved in conducting a successful law practice. The students also do further research on how they might make their preferred role a reality, including planning specific next steps to be undertaken while in law school or after graduation. The course concludes with an oral presentation to a practicing attorney who has started a law firm. In lieu of an examination, the students prepare a formal written law practice management plan incorporating the results of the course research and analysis.

- ▶ **Enrollment is limited: 18**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Intellectual Property Concentration Requirements**

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COURSE DESCRIPTIONS**Laws of War**

Prof. Valerie C. Epps

3 credits day; 3 credits evening.

This course will study the laws applicable to armed conflict, both international and non-international. The course topics will include: peaceful settlement of disputes; the use of force, start of hostilities; the Geneva Conventions and Protocols; war crimes, the Nuremberg Principles; crimes against humanity; the crime of aggression; international criminal courts; peacekeeping; alliances and defense agreements; chemical and biological weapons; nuclear weapons; arms control and non-proliferation.

▶ **Prerequisite:** It is preferable that students have completed the International Law course..

▶ **Elective Course**

▶ **Meets International Law Concentration Requirements**

▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

Legal Practice Skills

Prof. Julie A. Baker, Prof. Shailini Jandial George, Prof. Geraldine C. Griffin, Prof. Stephanie Roberts Hartung, Prof. Lisa H. Healy, Prof. Melissa W. Johnsen, Prof. Philip C. Kaplan, Prof. Samantha A. Moppett, Prof. Ann McGonigle Santos, Prof. Louis N. Schulze, Jr., Prof. Kathleen Elliott Vinson

3 credits day; 3 credits evening.

The Legal Practice Skills Program is a two-semester, three-credit program for first year students including (a) an orientation to law school, the sources of law, and the study of law; (b) instruction in the use of the law library and legal research tools; (c) practice in issue analysis and the writing of legal memoranda; (d) preparation of trial briefs and oral arguments; and (e) an introduction to computerized legal research systems. The program is designed to prepare the student for the writing and research work expected of the modern practitioner.

▶ Required Course

▶ Final Paper Required

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COURSE DESCRIPTIONS**Legal Process and Practice**

Prof. Bernadette Feeley

2 credits day; 2 credits evening.

This course is required for all students registered for a legal internship placement. The two credits granted for this course are in addition to and independent of any credits awarded for that field placement exercise. The classroom component will cover topics including ethical issues relating to internships; economic, social and moral issues in the legal profession; workplace skills; and discussion of field experiences. For their internship placement, students are required to keep regular journals which also will be discussed in this class. Readings and class participation are essential components of the course. An in-class oral presentation on a topic related to the student's fieldwork experience is required and other class members will participate in the critique of that presentation. **Student work is graded on a Credit/No-Credit basis.**

▶ **Prerequisite: Internship students only..**▶ **Elective Course**

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COURSE DESCRIPTIONS

Legal Writing and Drafting

Prof. Julie A. Baker, Prof. Lisa H. Healy, Prof. Philip C. Kaplan, Prof. Elizabeth Z. Stillman, Prof. Kathleen Elliott Vinson, Ms. Lisa R. Freudenheim, Mr. James A. Janda
3 credits day; 3 credits evening.

A comprehensive review of the principles of good legal writing. Major assignments include drafting a legal document and writing a brief. Individual conferences supplement the lectures.

- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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Mr. Louis A. Rizoli

3 credits day; 3 credits evening.

This course will acquaint students with the significance of law making and statutes in our legal system, and will study the legislative process; the organization, structure, and procedure of legislative bodies including the powers of investigatory committees and the rights of witnesses before such committees; legislative contempt power; legislative grants of immunity to witnesses; and related procedural matters. It will also consider various constitutional issues. Finally, it will deal with the pervasive role of statutes in modern law.

▶ **Elective Course**▶ **Final Exam Required**

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Prof. David C. Yamada

3 credits day; 3 credits evening.

This course provides an in-depth introduction to the legislative process, statutory interpretation, and related topics of electoral law and direct democracy. It assumes that the student has a basic familiarity with government and politics. .

▶ **Elective Course**▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

Licensure of Intellectual Property Rights

Mr. Donald Mahoney, Mr. Peter M. Moldave
2 credits day; 2 credits evening.

This course will explore the various elements, terms and considerations employed in drafting the various types of intellectual property licenses, including those involving innovative technology, software and franchising, as well as cover relevant and current case law, address a multitude of associated liability and business issues, including Antitrust, Bankruptcy and Compensation, help to understand potential litigation issues, and additionally cover these issues as directed to different license objectives in today's complex business environment.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Managed Care**

Prof. Marc A. Rodwin

3 credits day; 3 credits evening.

This seminar examines the changing legal, political and economic context in which managed care operates from the origins of Health Maintenance Organizations (HMOs) in 1973 legislation to the current managed care regulation and public backlash against managed care. Topics include federal and state regulation of HMOs and other managed care organizations (MCOs), consumer patient protection laws, regulation of quality care, accreditation, dispute resolution between consumers and MCOs, contractual relations between MCOs, providers, and purchasers, and other legal issues. We will also consider current legislation, class-action lawsuits now ongoing, and reform proposals. We will draw on cases, legal pleadings, legislation, regulations, policy materials, news articles, videos, the instructor's research on managed care, and Internet-based sources. Students have the option to either write a research paper or two short analytical papers, or take an exam. **Not offered 2006-2007**

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

<<Course Updated: August 01, 2006>>

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Prof. TBA

3 credits day; 3 credits evening.

This course will survey the evolution of First Amendment law as it affects the legal rights and privileges of the print and electronic media. Topics will include prior restraints, libel, privacy, reporters' privilege and access to courts, as well as emerging issues in commercial speech doctrine. The course will also examine the statutory and common law rights of access to government-held information, and will consider the constitutional implications of government regulation of media content, particularly that of the "new media". **Not Offered 2006-2007**

▶ **Elective Course**

<<Course Updated: March 22, 2006>>

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Ms. Beverly Coles-Roby

2 credits day; 2 credits evening.

A seminar focusing on the procedural and appellate aspects of state administrative agency process. Students will be divided into working groups to develop procedural and legal strategies pursuant to the agency's enabling regulations for a particular case. The final grade will be based on a paper or memorandum of law requesting judicial review of the agency's administrative action in the case.

▶ **Prerequisite: Administrative Law.**▶ **Elective Course**

<<Course Updated: August 01, 2006>>

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Associate Dean Marc G. Perlin, Mr. Paul Kelly, Mr. Robert S. Sinsheimer
 2 credits day; 2 credits evening.

This course deals with civil practice and procedure in the Massachusetts state courts. Primary emphasis is on the Massachusetts Superior Court and District Court, with some discussion of the Appeals Court and the Supreme Judicial Court. The course focuses on jurisdiction of the Massachusetts courts, personal jurisdiction, commencement of actions, service of process, use of attachment and trustee process to secure assets, responsive pleadings, discovery, pre-trial methods to terminate litigation, judgments, and methods to enforce judgments. Particular emphasis is placed on the Massachusetts Rules of Civil Procedure.

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Massachusetts Practice - Summer 2006

Associate Dean Marc G. Perlin

2 credits day; 2 credits evening.

This course deals with civil practice and procedure in the Massachusetts state courts. Primary emphasis is on the Massachusetts Superior Court and District Court, with some discussion of the Appeals Court and the Supreme Judicial Court. The course focuses on jurisdiction of the Massachusetts courts, personal jurisdiction, commencement of actions, service of process, use of attachment and trustee process to secure assets, responsive pleadings, discovery, pre-trial methods to terminate litigation, judgments, and methods to enforce judgments. Particular emphasis is placed on the Massachusetts Rules of Civil Procedure. Students may choose to take a final examination or write a paper on an approved topic which may qualify for satisfaction of the legal writing requirement for Suffolk Law students.

- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**

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Mr. Serge Georges

2 credits day; 2 credits evening.

The course deals with Massachusetts practice at both trial and appellate levels and among a variety of topics covers the following: jurisdiction of the various courts; venue; commencement of action; service of summonses; trustee process; action to reach and apply; arrest; supplementary process parties; complaints; motions to dismiss; answers; amendments; counterclaims; interrogatories; request for admission; production of documents and entry upon land for inspection and other purposes, and termination of litigation prior to trial.

- ▶ **Enrollment is limited: 24**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Take Home Exam Required**

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COURSE DESCRIPTIONS

Mediation

Ms. Ericka B. Gray

3 credits day; 3 credits evening.

This course introduces you to the theory and skills of mediation, examines current legal and policy issues in the field, surveys the practice of mediation in a range of areas including family, public policy, and commercial, and provides the opportunity to practice techniques as mediators and advocates in the mediation process through simulations. Note: While the class is regularly scheduled for an hour and 50 minutes per week, this is a three credit course due to additional sessions scheduled on a Friday afternoon and full Saturday early in the Semester to fulfill the training requirements. (In 2006, 9/8 and 9/9 are training dates) Students will complete a research paper in lieu of a final examination, which will fulfill the upper-level writing requirement. Preference will be given to students who have not previously enrolled in Alternative Dispute Resolution. **Preference will be given to students who have not previously enrolled in Alternative Dispute Resolution.**

- ▶ **Enrollment is limited: 24**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Mediation Seminar

Prof. R. Lisle Baker

3 credits day; 3 credits evening.

Mediation is becoming an increasingly important vehicle for resolving disputes that might otherwise go to court, or if in court, to trial. While the framework of litigation is well-established, mediations often are shaped by both the nature of the dispute the nature of the disputants, and the nature of the mediator. This course helps students understand mediation as a form of consensual dispute resolution that assists the disputants in negotiating a resolution that is preferable to the litigation alternative. To that end, students begin learning basic negotiation theory and practice and then move to applying that learning in the mediation context. Students keep an extensive journal about their readings and their experiences in course simulations that form the basis of a brief paper on their own mediation skills. In lieu of an examination, students also write a paper that can involve both library and field research on some aspect of dispute resolution which they present to the seminar. **Not available to students who have taken other mediation or negotiation courses. Not offered 2006-2007.**

- ▶ **Enrollment is limited: 18**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Medical Malpractice

Ms. Carol Kelly

2 credits day; 2 credits evening.

This course is divided into two parts. The first part will focus on a review of the law in the area of medical malpractice: negligence; informed consent; hospital liability; respondeat superior; the discovery rule, and the proximate cause of the injuries. There will be a brief overview of risk management in the areas of both the hospital setting as well as the office setting. The second part of this course will focus on the mechanics of a medical malpractice lawsuit: the evaluation of the case, the retaining of an expert, the Offer of Proof, the medical malpractice tribunal, the discovery process, the decision-making process of whether to settle, try, or use Alternative Dispute Resolution.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Medical Research Law

Ms. Nancy R. Rice

2 credits day; 2 credits evening.

Medical research is an exciting, fast-moving scientific and business activity, with competing interests that require legal protection and public policy consideration. This course will look at the legal and ethical issues affecting those who sponsor and conduct medical research and those who volunteer as research subjects. How do law and public policy prevent fraud in research and manage conflicts of interest to protect patients? Who is responsible for the quality and safety of the clinical trials? Should research subjects be paid to participate in trials? How should wealthy nations conduct human trials in underdeveloped countries? Who can legally consent to participating in research? The course looks at the role of the federal and state agencies in promoting and protecting the quality of research and the role of the Food and Drug Administration in the development of new drugs, biologics and medical devices. Course requirements include participation in a mock ethics research review meeting, two short oral research reports, and a final examination. This course should be particularly useful for students interested in health law, life sciences, medical-legal ethics, administrative law and public policy. There are no prerequisites.

Course Introduction

Medical research is a growth industry, involving the development and testing of new drugs and other therapies in human volunteers. Medical research is also a very active field for lawyers, whose services are required to resolve disputes, advise on the ethics and regulations affecting clinical trials, develop licensing and other agreements that support the clinical trial activities, secure government approvals of new therapies, and to prosecute and defend clients in various law enforcement initiatives.

This course examines the legal interests and ethical challenges that surround this industry. The course begins with the legal issues involved in protecting the quality of scientific discoveries, and then moves from the laboratory to the health care arena, where the new therapies are tested in highly regulated clinical trials, involving both healthy and sick children and adults. The course will examine legal and ethical issues involved in clinical trials, including limitations on clinical study design, the protection of privacy, the recruitment of subjects with significant educational or cultural differences, the requirements of informed consent in the research setting, the management of financial conflicts of interest that could infect research results, and the role of state and federal agencies in regulating new therapies. In this field there are often several valid competing interests, which give students the opportunity to consider problem-solving alternatives and techniques.

Although this course uses a single business activity as a basis for developing legal talents, it is in many respects a survey course, involving a wide variety of legal themes. Students will have an opportunity to examine topics of particular interest in more detail and share their findings and observations in two short oral reports.

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COURSE DESCRIPTIONS**Medicare and Medicaid**

Mr. Thomas R. Barker

2 credits day; 2 credits evening.

Mr. Barker will teach a number of the classes from Washington D.C. Students at Suffolk will be able to listen to him and interact with him in real time while they are sitting in a classroom at Suffolk Law School. Mr. Barker will also teach some of the classes in person at the Law School.

Together, the federal Medicare and Medicaid program are the largest health insurance providers in America. Last year, Congress passed the the President signed the most significant expansions of the Medicare program since it was enacted in 1965. Any attorney who intends to practice health care law must understand the operation of Medicare and Medicaid, and this course is designed to teach students the significant legal issues that arise in the operation of these programs.

The first half of the course is devoted to legal issues that arise in the operation of the Medicare program, with special emphasis on the law passed in December of 2003. It will also cover Medicare reimbursement issues; Medicare conditions of participation; the structure of the Medicare program; and, perhaps the most significant legal issue in Medicare today, the Medicare coverage process. The Medicare coverage process is of crucial importance to attorneys who practice in Massachusetts, given the prevalence of medical device and pharmaceutical/biological manufacturers in the state.

The second half of the course is devoted to legal issues that arise in the operation of the Medicaid program. It, like the Medicare component of the course, will consider eligibility for Medicaid and the benefits available under the program. Students will also learn the legal and constitutional issues that arise in enforcing rights under the Medicaid program. The course will also discuss special topics in Medicaid, such as the requirements for coverage of prescription drugs under the Medicaid program, as well as Medicaid long-term care issues. Finally, the Medicaid section will also consider the financing issues that arise in this joint federal-state program.

The course is taught by the Deputy General Counsel of the U.S. Department of Health and Human Services in Washington, D.C. Mr. Barker will teach half of the classes in person at Suffolk; the remaining classes will be taught by long-distance learning through the use of Picture-Tel. Mr. Barker will be available for office hours the weeks that he teaches in Boston, and is always available for email or telephone consultation on the weeks he teaches the course from Washington.

▶ **Prerequisite:** Only students who have completed 28 credits may enroll. A laptop and a valid Suffolk e-mail address is required.

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▸ **Meets Health/Biomedical Concentration Requirements**

▸ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Mental Health Issues in Civil and Criminal Law**

Hon. Rosemary B. Minehan

3 credits day; 3 credits evening.

Mental health issues arise in a variety of cases, both civil and criminal, faced by both private practitioners and attorneys working in the public sector. This course will offer practical information and tools in this complex area of the law, along with the history of criminal and civil mental health law in Massachusetts. The course will also examine current trends in case law and legislation in mental health and health law.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Military Criminal Justice**

Prof. Joseph D. Cronin

2 credits day; 2 credits evening.

This survey course will cover the background leading to the adoption of the Uniform Code of Military Justice; military crimes; non-judicial punishment; jurisdiction of courts-martial; summary, special and general courts-martial; military judges and panels; the role of the commander; self-incrimination, search and seizure and entrapment problems in the military justice system; plea bargaining; sentencing; appellate review. A theme of the course will be comparing the military and civilian justice systems, considering whether the military system is in some respects overly "civilianized" or insufficiently "civilianized."

▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Municipal Law

Mr. Arthur S. Fulman

2 credits day; 2 credits evening.

This course will examine the origins, choices, and forms of local governance. The relationships of municipalities to Federal, State, and County government will be reviewed in the context of centralization versus decentralization of power. The interaction of neighboring municipalities, interlocal compacts and conflicts, and city and suburban disputes will be discussed. How local governments relate to their citizens, business constituents, and public interest groups will be explored. The role of municipal public officials (elected and appointed) and public employees in developing and implementing policy decisions will be reviewed with particular emphasis on funding, education, environmental, and public safety choices.

▶ **Prerequisite:** There are no prerequisites, but a general interest and knowledge about contemporary local political issues will be helpful..

▶ **Elective Course**

▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Negotiation for Lawyers**

Prof. Richard M. Perlmutter

3 credits day; 3 credits evening.

The course will focus on negotiation issues and the lawyering process, including goal defining and objective setting; dealing with adversaries and allies; advising clients; ethical issues in negotiation, preserving professional relationships while acting on the client's behalf, settlement, understanding cooperation; competition and compromise; realistic evaluation of strength and weakness of positions; settlement agreements and releases. Students will have the opportunity to engage in negotiations in simulated settings and will be evaluated on the basis of their success. Guest and media sources will be utilized to explore a variety of settings and contexts, including special problems presented in negotiation by and with professionals of the opposite sex and the range of negotiation styles and strategies commonly utilized in legal and business activities. Readings will be used primarily to support practical and realistic negotiation exercises.

Registration in Negotiation and Alternative Dispute Resolution is prohibited.

- ▶ Enrollment is limited: 16
- ▶ Elective Course
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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Negotiation for Lawyers**

Prof. Dwight Golann

3 credits day; 3 credits evening.

This seminar will examine the theory and practice of negotiation, focusing primarily on the use of bargaining to resolve legal disputes. Class time will consist of a mixture of role-plays, discussion, and analysis of video, combined with short lectures by the teacher. Each student will be asked to keep a weekly journal reflecting on their experience in classroom exercises. The final grade will be based on the student's performance in exercises, class participation and, primarily, their journal. Class will meet for 4 hours on the morning of Saturday, November 4, 2006, in lieu of two regular class meetings. **May not also enroll in Alternative Dispute Resolution.**

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Health/Biomedical Concentration Requirements**

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COURSE DESCRIPTIONS

New Hampshire Practice

Hon. Francis Frasier

2 credits day; 2 credits evening.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****New York Practice and Procedure**

Prof. TBA

2 credits day; 2 credits evening.

Examines in detail local practice and procedure rules of the State of New York. This course is graded on a pass/unsatisfactory/fail basis and offered at the New England School of Law during the spring semester only.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Non-Profit Organizations**

Prof. TBA

3 credits day; 3 credits evening.

This course will address the legal regulation of nonprofit organizations from the perspective of state and federal tax law, with equal emphasis to theoretical, doctrinal and practical planning issues. Topics to be covered include: theoretical rationales for the nonprofit sector and federal tax benefits; formation and dissolution of nonprofit corporations and charitable trusts; operations and governance, including the legal duties and liabilities of directors and trustees; requirements to qualify and maintain federal tax-exempt status; the distinction between public charities and private foundations; the tax consequences of business and investment activities of nonprofits; basic charitable giving strategies; and regulation of charitable solicitation. Although the course will emphasize charitable nonprofits, some attention also will be devoted to mutual benefit organizations such as trade associations and social clubs. Final Exam (Open Book).

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Partnership Taxation

Prof. Tommy F. Thompson

3 credits day; 3 credits evening.

This course is an introduction to the federal income taxation of partnerships and their partners. Students learn the income tax aspects of the formation of a partnership; dealings between a partnership and its partners; the pass through of income and deductions from a partnership to its partners; termination of a partnership, and transfers of partnership interests.

- ▶ **Prerequisite: Basic Federal Income Tax unless waived by instructor.**
- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Patent Law

Prof. Andrew Beckerman-Rodau
3 credits day; 3 credits evening.

This course provides a detailed treatment of the constitutional, statutory, and policy bases of US patent law, focusing primarily on the requirements to obtain a patent. Enforcement of patent rights will also be introduced. Issues raised by the patentability of current technologies and by recent changes in the law will be explored. **Intellectual Property Law is strongly recommended but not required as a prerequisite for this class.** However, it is a required prerequisite for Intellectual Property Concentration students.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Patent Litigation Seminar**

Mr. Philip C. Swain

2 credits day; 2 credits evening.

This course will overview procedural and substantive aspects unique to U.S. patent infringement litigation. Simulations will begin with initial fact investigation and proceed through drafting the complaint, discovery (written and depositions), pre-trial dispositive motions, and trial. Simulations will also explore aspects of litigation having a unique "flavor" in the patent context, including notifications of infringement; assertions of attorney-client privilege and attorney work product; preparation of infringement, and validity opinion letters.

- ▶ **Prerequisite: Civil Procedure, Evidence, Patent Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
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- ▶ **Meets Intellectual Property Concentration Requirements**

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COURSE DESCRIPTIONS

Police Misconduct Litigation

Prof. Karen Blum

3 credits day; 3 credits evening.

This course will focus primarily on police misconduct litigation under 42 U.S.C. section 1983. Materials for the course will include recent federal cases on racial profiling, excessive force, high-speed pursuits, use of canine units, police response to incidents of domestic violence and failure to provide police protection. There will be extensive examination of the problems encountered in establishing, as well as defending against, claims asserting individual officer liability and supervisory or municipal liability based on inadequate screening, training or disciplining. Considerable attention will be given to the particular defense of qualified immunity for individual officers and its application in various contexts. **Students are given the option of a final exam or graded project.**

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**

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COURSE DESCRIPTIONS

Practice Before the U.S. Patent and Trademark Office

Mr. Thomas C. Meyers

2 credits day; 2 credits evening.

The course will concentrate on patent application drafting, filing and prosecution including responses to various Office Actions and the filing of appeals with the Board of Patent Appeals and Interferences. Client intellectual property counseling and patent litigation as well as reexamination, reissue and interference practice, will also be discussed. Students will be required to draft a patent application and an appeal brief.

- ▶ **Prerequisite: Patent Law.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Intellectual Property Concentration Requirements**

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Prof. Linda Sandstrom Simard, Mr. Brian Kelly
3 credits day; 3 credits evening.

This course provides an opportunity to plan and conduct the pretrial phase of a civil lawsuit. The class is divided into small "law firms" of approximately three to four students, each performing the tasks necessary to represent their client. Students will plan the strategy of their case, research relevant law to determine the causes of action, draft pleadings, conduct the necessary formal (including drafting written discovery and conducting depositions) and informal fact investigation, prepare a final pretrial memorandum and participate in a final pretrial conference. Students should note that there are two discovery-related courses offered: Pretrial Civil Litigation and Drafting Discovery Documents. The content of these courses is substantially similar and thus students may enroll in only one of the two discovery-related courses. **May not also enroll in Drafting Discovery Documents.**

- ▶ **Prerequisite: Evidence.**
- ▶ **Enrollment is limited: 24**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

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COURSE DESCRIPTIONS

Pretrial Civil Litigation

Mr. Michael Roitman

3 credits day; 3 credits evening.

This course covers the pre-trial events of civil litigation from initial client interviews through the final pre-trial conference. The course will cover civil discovery including document requests, interrogatories and depositions. Pre-trial motions including motions to amend, to dismiss, for sanctions and for summary judgment will also be covered in this course. Students will prepare two legal Memoranda in support of pre-trial motions and will conduct a deposition. Students should note that there are two discovery-related courses offered: Pretrial Civil Litigation and Drafting Discovery Documents. The content of these courses is substantially similar and thus students may enroll in only one of the two discovery-related courses.

- ▶ **Prerequisite: Evidence.**
- ▶ **Enrollment is limited: 24**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

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Mr. Eddie Jenkins Jr.

2 credits day; 2 credits evening.

The course will focus on state and federal criminal pre-trial procedures and practice, from the complaint, arraignment, and bail stages until trial. Students will learn how to develop pre-trial discovery as well as motions to suppress and dismiss. Although this course will discuss the difference between the federal and state systems, the primary focus will be towards the practice in Massachusetts Superior and District trial courts. Students will be required to prepare and argue substantive motions and submit to final exam. **The substantive motion will be 25% of the grade and the exam is 75%. Students may not also receive credit for Criminal Trial Tactics or Pretrial Federal Criminal Litigation..**

- ▶ **Enrollment is limited: 24**
- ▶ **Elective Course**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Pretrial Federal Criminal Practice

Prof. Bernadette Feeley

2 credits day; 2 credits evening.

This course focuses on procedural rules, oral advocacy skills and writing skills for the pretrial phase of criminal litigation. The primary focus will be on pretrial criminal practice in federal courts and the Federal Rules of Criminal Procedure dealing with preliminary proceedings, indictment, arraignment and preparation for trial. Students will argue on behalf of the government or defense at several pretrial stages including arraignment, detention and pretrial motions. Students will draft several documents related to these stages and write and argue one substantive pretrial suppression motion. Grades are based upon preparation and performance on assigned oral exercises and written submissions. **Students may not enroll in this course and Pretrial Criminal Litigation or Criminal Trial Tactics.**

▶ **Enrollment is limited: 15**▶ **Elective Course**

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COURSE DESCRIPTIONS

Private Placements and Venture Capital Practicum

Mr. Timothy E. McAllister

2 credits day; 2 credits evening.

This course provides students with an introduction to the basic types of documents that lawyers are called upon to negotiate and prepare in private equity financing transactions. Based on the model of a hypothetical high-technology start-up company, the course will explore different types of equity capital transactions, including private placements and venture capital investments. Using model documents from actual transactions, students will examine drafting and negotiation issues involving stock subscription agreements, investor questionnaires, private placement memoranda, warrants, and stock purchase agreements. **Completion or concurrent enrollment in Securities Regulation is strongly recommended.**

- ▶ **Prerequisite: Corporations.**
- ▶ **Enrollment is limited: 15**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Financial Services Concentration Requirements**

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COURSE DESCRIPTIONS

Probate Family Trial Practice

Hon. Edward M. Ginsburg

2 credits day; 2 credits evening.

The Probate Trial Practice course is designed on the model established by the National Institute of Trial Advocacy to teach trial practice. The course follows the outline which is used annually in teaching the MCLE week long course on family law advocacy. The emphasis is on getting each student to perform as much as possible.

Each student begins with an uncontested motion, followed by a contested motion, followed by opening statements, and the direct and cross examination of parties and experts. Each week an experienced family law trial attorney critiques the students.

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

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COURSE DESCRIPTIONS**Products Liability**

Mr. Brian P. Burke

2 credits day; 2 credits evening.

This course presents a study of the liability of the supplier of defective products, services and structures - and includes theories of recovery such as negligence, express and implied warranty and strict liability. Among specific topics covered, are: nature of defect (manufacturing design, failure to warn); unavoidably unsafe products; crashworthiness; criteria for plaintiffs invoking strict liability; strict liability for economic harm and commercial losses. A survey of available defenses is also included as well as discussion of defendants subject to strict liability.

▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Products Liability Seminar

Prof. Jeffrey D. Wittenberg

2 credits day; 2 credits evening.

This course presents a study of the liability of the supplier of defective products, and includes theories of recovery (negligence, express and implied warranty, strict liability). Among specific topics covered, are: Nature of defect (manufacturing design, failure to warn); unavoidably unsafe products; crashworthiness; criteria for plaintiffs invoking strict liability; strict liability for economic harm and commercial losses. A survey of available defenses is also included as well as discussion of defendants subject to strict liability.

- ▶ **Enrollment is limited: 16**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**

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COURSE DESCRIPTIONS**Professional Ethics and Transnational Law Practice**

Prof. Bernard M. Ortwein

2 credits day; 2 credits evening.

The growth of the global market over the past 10 years or so has affected not only the complexion of the business environment but also has had a direct impact on practice of law and the concomitant responsibilities of the American legal profession. More American lawyers are either practicing abroad or representing and advising domestic clients with substantial interests abroad. In order for an attorney to operate effectively in this environment it is important not only to have an understanding of the cultures, histories and traditions of the foreign countries in which they practice but also the various codes of professional conduct to which they may be subjected.

This is a two-credit seminar designed to introduce American law students to the work that foreign lawyers do, the roles that they play, and the formal rules of ethics (if any) they are bound by in various different legal cultures. In essence it is a combination comparative legal professions/comparative legal ethics course. In an overview fashion, we will compare primarily the legal professions in the United States, on one hand, with France, Germany, Italy, Norway and Sweden on the other. Students will develop an understanding of not only how the rules of ethics from their home jurisdiction might affect them as they engage in transnational practice but also how the rules of ethics for the legal profession in the foreign country might affect both their professional counterpart as well as their own practice. Grades will be based upon completion of a short paper, classroom presentation, and general class participation.

Not offered 2006-2007.

- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **Meets International Law Concentration Requirements**
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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Professional Responsibility**

Hon. Bonnie MacLeod, Prof. Gerard J. Clark, Prof. Jennifer Gundlach, Prof. Bernard M. Ortwein, Prof. Andrew M. Perlman, Prof. Patrick Shin, Mr. Martin J. Newhouse
 2 credits day; 2 credits evening.

Power of courts over the legal profession, admission to practice, lawyer discipline, peer regulation, law firms, lawyer-client relationship, withdrawal, fees, division of fees, confidentiality, conflict of interest, competence and diligence, legal malpractice, limiting liability, raising claims and defenses, ethics in presenting evidence, fraud, perjury, duty to court and adverse parties, role of lawyer as advisor, intermediary, negotiator and mediator, preservation of client's funds and property, duty to use IOLTA account, advertising and solicitation, contact with unrepresented persons and public service. Judicial ethics will be referred to only briefly in class. Students are expected to actively participate in the class discussion. The Model Rules of Professional Conduct will be the primary source, but reference will also be made to differences in the Massachusetts Rules, the Code of Professional Responsibility and common law principles.

Method of final grading will be determined by professor. See final exam schedule.

▶ **Required Course**▶ **Recommended for the Mass Bar**

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COURSE DESCRIPTIONS

Property

Prof. R. Lisle Baker, Prof. Andrew Beckerman-Rodau, Prof. Barry Brown, Prof. Herbert Lemelman

5 credits day; 4 credits evening.

A study of the acquisition, ownership, and transfer of property both personal and real, including an analysis of ownership concepts, rights of possession, donative transactions, future interests, concurrent interests, landlord and tenant issues in the conveyancing system and governmental regulations.

- ▶ **Required Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Property Law Special Issues**

Prof. R. Lisle Baker

2 credits day; 2 credits evening.

This course is designed to complement but not duplicate the existing advanced property electives in mortgages and conveyancing. The course will cover issues including but not limited to the following: tenant assignment and sublease (as background for future interests), easements and covenants, restraints on alienation, rights and duties of adjoining landowners such as nuisance, special problems of government control of land, and if time permits, some issues related to intellectual property. The course will follow a problem oriented format.

▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Public Health Law

Ms. Donna E. Levin

2 credits day; 2 credits evening.

This course will introduce the student to public health concepts and legal issues. The course will explore the legal basis for, and exercise of, public health authority and the limits on that authority. Issues discussed will include: surveillance/research and confidentiality; communicable disease control; emergency public health authority/bioterrorism (vaccination/isolation/quarantine); torts/public health litigation and environmental health. The text will be supplemented by cases, and supplementary legal materials including case studies and regulatory resources from the Massachusetts Department of Public Health. **Grading will be non-anonymous and by alphabetic grade method. Evaluation will be based on class participation, short writing assignments, and a final presentation.**

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**

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Prof. David C. Yamada

2 credits day; 2 credits evening.

The course will consider the different venues in which public interest work can be done (non-profit, governmental, and private sector settings), the different types of public interest work (litigation, transactional, public policy), and public interest career development issues facing law students and lawyers. Students will complete a variety of written exercises and a final paper.

The course grade will be based on written work, class participation, and a final paper.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Real Estate Litigation

Mr. Mitchel S. Ross

2 credits day; 2 credits evening.

This course explores the areas of real estate law which frequently reach Massachusetts courts. Particular attention will be paid to contested property valuations in the context of real estate tax abatement, eminent domain, contract actions and actions affecting the title, possession, or use of real property. Procedural issues will be discussed (e.g. attachments, Land Court and Housing Court practice, lis pendens, and summary process), as will other forms of civil action primarily directed to real estate issues.

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Real Estate Mortgages and Conveyancing

Hon. Joseph Nolan

2 credits day; 2 credits evening.

A thorough review of real property law is of top priority, following an analysis of real estate mortgage law. Finally, a practical, bread-and-butter approach to conveyancing rounds out the course. **Registration for both Conveyancing and Mortgages and Real Estate Mortgages Law and Conveyancing is prohibited.**

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Research Assistant

Prof. TBA

2 credits day; 2 credits evening.

A student who has completed the first year of legal study may serve as a Faculty Research Assistant. This position offers a student the opportunity to work with a full-time faculty member or adjunct faculty member (with approval of an associate dean) on a supervised project relating to the faculty member's course offerings or scholarly activities. Such a project is intended to provide the student with supervised research and writing instruction, in addition to an opportunity for the student to engage in analytical discourse with the faculty supervisor. The project may result in a paper or detailed memorandum prepared by the student. A student should expect to devote a minimum of 90 hours as a Research Assistant. The Law Registrar's Office provides a form that must be signed by the student and faculty member. The completed form must be filed with the Law Registrar's Office. The student and faculty member should meet regularly to discuss all aspects of the student's project. The student's work as a Research Assistant is graded on a Credit/No Credit basis. Although the student is awarded two credits for completion of the Research Assistantship, the grade is not included in the calculation of the student's grade point average. Depending on the nature and scope of a student's work, a student's written project may be submitted to the faculty supervisor for satisfaction of the law school's legal writing requirement. All work must be completed in accordance with the provisions of the law school's Academic Integrity Regulations. No student may receive more than two units of credit in a semester for "Ungraded Activities." "Ungraded Activities" include a Directed Study Project, membership on the Journal of High Technology Law, Moot Court Board, Moot Court Team, Suffolk University Law Review, Suffolk Transnational Law Review and service as a Research Assistant.

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COURSE DESCRIPTIONS

Rhode Island Practice

Hon. Thomas Dickinson

2 credits day; 2 credits evening.

This course deals with both the practice and procedure in the Rhode Island state courts. Primary emphasis is on the trial court level, with some discussion of appellate procedure. Particular aspects of the Rhode Island Constitution receive attention, as do the Rhode Island Rules of Evidence. The course also presents an analysis of court structure, jurisdiction of the various courts, venue, commencement of an action, service of summonses, including writs of attachment of real and personal property, the amendment procedure, the filing of responsive pleadings, pleading practices, discovery tools and techniques, methods of termination of actions before trial, judgments, and post-judgment motions, new trial motions, and appeals. **This course will be letter graded.**

- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Scientific Evidence

Prof. Michael Avery

3 credits day; 3 credits evening.

Students study the cases that have established the standards and methods that govern the introduction of scientific and expert testimony. We will examine the scientific method and explore the way in which scientists and experts establish facts, in comparison to how lawyers prove facts in court. We will study a number of particular fields of expertise, which are commonly employed in trials and have guest speakers who are experts in these areas. Final grade is determined by project and in-class presentation. **Not offered 2006-2007**

- ▶ **Prerequisite: Evidence.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Final Project Required**

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COURSE DESCRIPTIONS

Search, Seizure, and Suppression

Hon. Joseph Grasso

3 credits day; 3 credits evening.

This course focuses on the peculiarities of Massachusetts law and the greater protections afforded by Articles 12 and 14 of the Massachusetts Declaration of Rights, and common law that are afforded by the Fourth, Fifth, and Sixth amendments to the U.S. Constitution. Massachusetts law is far more defendant friendly than federal law. Keeping abreast of the continuing evolution of the separate protections afforded under Articles 14 and 12 and the exclusionary rule is critical to criminal practice in Massachusetts. The course provides not only a detailed exposition of the issues, but more importantly a framework for analyzing, presenting, and deciding any problem in the area of search and seizure, from field encounters, stop and frisk, arrest, searches with a warrant, and searches undertaken without a warrant. Similarly the course considers statements and identifications and the constitutional and common law requirements in these important areas. Students will learn how to raise issues properly under the Fourth, Fifth, and Sixth Amendments to the U.S. Constitution, Art. 14 and 12 of the Massachusetts Declaration of Rights, and the common law consonant with Rule 13 of the Mass. R. Crim. P. Knowledge of the rules of evidence is helpful, but not required.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Secured Transactions

Prof. Stephen Michael McJohn, Mr. Matthew F. Furlong
3 credits day; 3 credits evening.

A survey of commercial lending transactions, with particular emphasis on Article 9 of the Uniform Commercial Code, consumer legislation, relationship to real estate mortgage transactions, relationship to bankruptcy problems, fraudulent conveyances, federal tax liens, etc.

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Securities Litigation and Enforcement

Mr. Juan M. Marcelino

3 credits day; 3 credits evening.

This course builds on the basic concepts developed in the Securities Regulation course as applied in enforcement proceedings brought by the Securities and Exchange Commission. The course will explore procedural issues involving investigation and civil and administrative proceedings as well as substantive issues governing remedies and sanctions such as injunctions, disgorgement, and civil penalties. Special emphasis will be given to investigation and prosecution of internet-related frauds.

- ▶ **Prerequisite: Securities Regulation.**
- ▶ **Elective Course**
- ▶ **Meets Civil Litigation Concentration Requirements**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

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Mr. Peter Ambrosini

3 credits day; 3 credits evening.

This course provides an introduction to the federal securities laws, with particular attention focused on the registration, disclosure and liability provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. The role of the Securities and Exchange Commission in administering and enforcing the federal securities laws will also be examined.

- ▶ **Prerequisite: Corporations.**
- ▶ **Elective Course**
- ▶ **Meets Financial Services Concentration Requirements**
- ▶ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Sexual Orientation in the Law: Regulation and Recognition**

Ms. Ellen Zucker

2 credits day; 2 credits evening.

This course will explore the ways in which the law regulates and recognizes sexuality and sexual orientation. We will examine the historical roots of such regulation as well as the changing legal landscape regarding sexual orientation in the areas of employment law, domestic relations, criminal law, housing, and immigration. Our inquiry will focus on the constitutional principles at issue in challenges to the regulation of sexuality and deprivation of equal treatment to the lesbians and gay men: freedom of speech and association, the right to privacy, equal protection, and substantive due process. **This course will have a final take-home examination and class participation will be weighed in the final grade.**

- ▶ **Prerequisite: Constitutional Law.**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **Take Home Exam Required**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Sexual Violence Seminar**

Prof. Ilene Seidman

2 credits day; 2 credits evening.

This seminar explores the development of judicial and legislative responses to the changing social attitudes toward sexual violence and domestic abuse. Students in the course study the unique issues that our courts and legislatures have addressed in this area including: domestic violence and rape counseling records privileges, rape shield statutes, the ethics and social policy considerations involved in victimless prosecutions, issues unique to child and adolescent sexual assault, and the legal response to the high incidence of rape on college campuses. Particular emphasis will be placed on the role of the victim in the legal system and the development of alternative avenues of relief such as domestic violence and sexual assault torts. A paper is required which may be applied to the legal writing requirement. Students enrolled in the seminar may also elect additional credits for an internship placement at the Victims Rights Law Center of the Boston Area Rape Crisis Center which would provide them the opportunity to represent individual rape victims or to work on related research projects.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Software Law

Mr. Kirk Teska

2 credits day; 2 credits evening.

The licensing of software has evolved as the chief mechanism for transferring value in the information age economy. This course will cover software licensing as well as other software contracting issues addressed by the Uniform Computer Information Transactions Act of 1999. Software law covers topics such as software contracting, information security, computer malpractice, torts arising from defective software, computer crimes, privacy, First Amendment and controls over encrypted software. This course will provide students with a background on how software copyrights, software patents, trademark law, the law of trade secrets, and trade regulation law apply to software. Finally, the course will draw comparisons to how the U.S. protects software with European Community Directives and foreign legal systems.

▶ **Elective Course**

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COURSE DESCRIPTIONS

Sports Law

Ms. Kristen A. Kuliga

2 credits day; 2 credits evening.

This course focuses on issues of amateur sports in the United States; eligibility and the right to participate; regulatory authority and the limitations thereon; professional sports leagues; player agency relationships; professional league contracts; arbitration provisions, and other related issues based upon the direction of meeting discussions and research areas being pursued by the individual course participants. A major student responsibility will be the preparation of a substantial written work.

- ▶ **Enrollment is limited: 24**
- ▶ **Elective Course**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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COURSE DESCRIPTIONS

State Criminal Practice

Mr. Richard L. Zisson

2 credits day; 2 credits evening.

This course covers all aspects of a criminal trial, including arrest, bail, lower court proceedings, grand jury proceedings, indictment, discovery, interlocutory appeals and motions to dismiss. In addition, the course will include search and seizure law and the use of motions to suppress physical evidence and statements under the Massachusetts and federal constitutions. Right to counsel and competency of counsel issues will also be discussed. The course will be more practical than theoretical. The purpose of the course is to familiarize the student with practice on the criminal side of the District and Superior Courts. A student should be able to competently step into any criminal session courtroom in Massachusetts and feel comfortable after the successful completion of this course. Guest lecturers may include noted Justices of the District and Superior Courts as well as experienced trial attorneys. **Registration for both State Criminal Practice and Federal Criminal Prosecution is prohibited.**

▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS

State Criminal Practice

Hon. Paul K. Leary

2 credits day; 2 credits evening.

This course covers all aspects of a criminal trial, including arrest bail, lower court proceedings, grand jury proceedings, indictment, discovery motions, motions to dismiss, problems during trial, and post-trial motions. The purpose of this course is to familiarize the student with criminal forms and procedures in the District and Superior Courts. Guest lecturers include a District Court Justice, trial attorneys and a probation officer. **Registration for both State Criminal Practice and Federal Criminal Prosecution is prohibited.**

▶ **Elective Course**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Supreme Court Seminar**

Prof. Gerard J. Clark

3 credits day; 3 credits evening.

The focus for this course will be the docket for the current Supreme Court term. Each student will be required to choose a case to be heard in the Court's current term. The student will produce a paper and make a class presentation based upon a study of lower court opinions and briefs filed as well as newspaper commentary on the parties and the issue and scholarly commentary on the issues presented. The theme will be the dynamics of the participation of the judicial branch in the nation's governance. The grade will be based upon the paper, class presentation, and class participation. **Not offered 2006-2007.**

▶ **Prerequisite: Constitutional Law.**▶ **Enrollment is limited: 20**▶ **Elective Course**▶ **Final Paper Required**

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COURSE DESCRIPTIONS

Tax Practice and Procedure

Prof. William T. Corbett

2 credits day; 2 credits evening.

This course will examine the Internal Revenue Service (IRS) as an administrative agency, its regulatory and rule making processes, tax returns, appellate practice within the IRS, deficiency assessment procedures, claims for refunds and considerations relating to choice of forum issues inherent in deficiency and refund proceedings and tax collection issues, including tax liens and levies, and transferee liability.

▶ **Elective Course**▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Technology, Energy and the Environment

Prof. Steven Ferrey

2 credits day; 2 credits evening.

Energy has been the motive technological force driving civilization from the early invention of the wheel which allowing use of animal power, to pre-industrial use of wind and water power. Coal and the steam engine created the industrial era, petroleum is the foundation of 20th century industrialized society, and electricity is the often unappreciated driver of our information society, computers, air conditioning, and even making possible high-rise city design. Advances turned on energy. The societal "cost" of our patterns of energy use is significant pollution, congestion, and global warming. Energy and its production, sale and use are very significantly regulated at the federal, state and local levels. Twenty states, including almost every major state in the U.S. and all Northeastern states, are in the process of deregulating and making competitive the once monopolistic utility/energy business. This course will use real-world simulation/problem solving modules with significant class participation to examine how, by whom and at what levels energy, and the technology it creates, are regulated and the legal implications of deregulation. The class will examine the issues listed above, the recent collapse of the California energy market, as well as international experience, based on the professor's work with the United Nations on renewable energy projects. After establishing this foundation, the class will engage in a month-long simulation of a local Massachusetts community utilizing local legal tools to attempt to stop a power project from locating within its borders. Students will complete a paper on an energy, environmental, or related socio-legal topic of their choosing, in lieu of an exam.

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ Meets Skills Menu Requirement
- ▶ May Fulfill Legal Writing Requirement
- ▶ Final Paper Required

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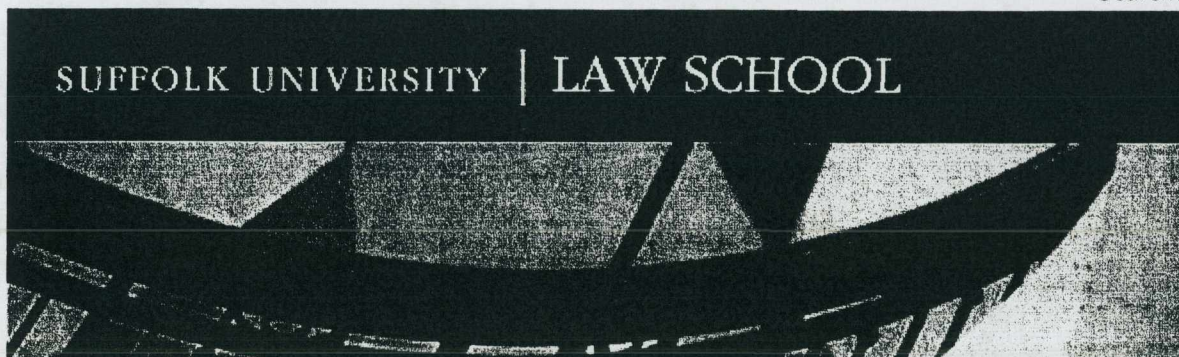
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COURSE DESCRIPTIONS

Terrorism and the Law

Mr. Robert J. Roughsedge

2 credits day; 2 credits evening.

This course will explore the unique and difficult issues confronting the government in its war on terrorism. The course will compare the obstacles that hindered law enforcement and other governmental agencies in combating and preventing terrorist acts prior to 9/11 with the tools provided to government agencies in response to 9/11, e.g., the USA PATRIOT Act. The goal of the course is to provide a basic understanding of terrorist activities, past, present and future; familiarize students with the historical and legal authority for the use of military commissions, international tribunals and the laws of war; and, analyze the effects of the war on terrorism on individual rights with regard to the use of profiling, posse comitatus, the forum for prosecuting terrorists and freedom of speech.

- ▶ **Elective Course**
- ▶ **Meets International Law Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Torts

Prof. Steven M. Eisenstat, Prof. Joseph W. Glannon, Prof. Elbert L. Robertson, Prof. Michael Rustad, Prof. Patrick Shin

4 credits day; 4 credits evening.

General principles, sources and policies of modern tort law, including intentional torts (such as assault, battery and false imprisonment), negligence, strict liability, and products liability. Special attention is paid to the elements of recovery in negligence, including the standard of care, duty problems, and causation, to defenses, including comparative negligence and assumption of risk, and to principles of joint liability, contribution, and imputed liability. Recent statutory changes in these tort principles are also addressed.

- ▶ **Required Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Exam Required**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Trade Secrets Protection and Exploitation**

Mr. Jerry Cohen

2 credits day; 2 credits evening.

The course covers theoretical and practical application of trade secret law, including: trade secrets in relation to other intellectual property (IP) forms such as patents and copyrights, covenants not to compete, related unfair competition such as solicitation of employees, customers or vendors, slander, hacking sabotage, identify theft; access controls of telecommunication, exploiting trade secrets and related rights via licensing, internal use, joint ventures, enforcing trade secret and other IP rights in civil, criminal and agency proceedings and defenses; government regulation of trade secrets, international and Internet dimensions, creating and implementing trade secret programs and definition of today's cutting edge issues. There will be some mock trial, counseling and negotiation sessions, but most sessions will be of seminar discussion form with pre-assigned leaders from the class.

- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Intellectual Property Concentration Requirements**
- ▶ **May Fulfill Legal Writing Requirement**

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[» Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Trademark Law**

Prof. Jessica Silbey, Mr. Lawrence R. Robins, Ms. Amy Spagnole

2 credits day; 2 credits evening. *Co-taught by Robins and Spagnole.*

This course will cover how trademarks rights are obtained, protected, and enforced, with a focus on common law rights as well as federal registration under the Lanham Act. Recent significant developments in the areas of trade dress protection and dilution will also be addressed.

▶ **Prerequisite: Intellectual Property Survey is recommended but not required..**

▶ **Enrollment is limited: 20**

▶ **Elective Course**

▶ **Meets Intellectual Property Concentration Requirements**

▶ **Final Exam Required**

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COURSE DESCRIPTIONS**Transactional Law and Practice**

Mr. Todd Krieger

2 credits day; 2 credits evening.

This course is available to two groups of students:

1) Those students who are registered, during the Spring 2006 semester, in a legal internship placement focusing on transactional practice, and 2) Those students, not enrolled in such a legal internship placement during the Spring 2006 semester, but interested in studying transactional law and practice. (This is a limited enrollment course. Priority is available to those students who will be registered contemporaneously in the previously-described legal internship placement.) (See detailed information below.)

1. This course is a focused section of the two-credit, contemporaneous course requirement for students registered in a legal internship placement in the Spring, 2006 semester. The two credits granted for this course are in addition to and independent of any credits awarded for field placement experience. This specialized section of the internship classroom requirement will focus on transactional law practice subjects including contract analysis and drafting; entity formation; intellectual property research and licensing; client counseling; etc. Guest lecturers, including practitioners from major local law firms, will lend their experienced insight and examples to further enhance the students' learning experience. This course is graded Credit/No-credit and a student's grade will be based on his or her journal entries, class participation, individual or group presentations and other assigned projects. Students placed at Bose Corporation, selected local law firms with a transactional practice, and other in-house counsel and IP firms will be eligible for participation in this section. Any student interested in registering in the legal internship placement must see Prof. Bernadette Feeley for approval before registering for the classroom component.
2. This course will focus on transactional law practice subjects including contract analysis and drafting; entity formation; intellectual property research and licensing; client counseling; etc. Guest lecturers, including practitioners from major local law firms, will lend their experienced insight and examples to further enhance the students' learning experience. This course is graded pass/fail and a student's grade will be based on class participation, individual or group presentations and other assigned projects.

Restricted admission. Contact Professor Bernadette Feeley for approval.

- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Financial Services Concentration Requirements**

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COURSE DESCRIPTIONS

Trial Advocacy: Intensive

Prof. Timothy Wilton

3 credits day; 3 credits evening.

This course teaches students how to conduct a trial. Students will learn to deliver opening statements and closing arguments and to conduct witness examinations. Among other topics, we will study techniques of direct and cross examination, impeachment of a witness, refreshing recollection, introduction of real evidence and documents and the use of demonstrative evidence. Students will conduct a full videotaped trial from a civil or criminal case file. Written critiques of a classmate's trial performance and of a student's own videotaped trial performance are required. **Grading is pass/fail only.**

- ▶ **Prerequisite: Evidence is suggested.**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

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COURSE DESCRIPTIONS

Trial Practice

Hon. Gordon Doerfer, Hon. Linda Giles, Hon. Thomas C. Horgan, Hon. Joseph Nolan, Mr. Terry Segal

2 credits day; 2 credits evening.

The focus is on having each student participate in various phases of a trial. Students will be asked to select a jury, make an opening statement, conduct a direct cross-examination, examine an expert, and give a closing statement. Classes consist of short lectures on each topic followed by student participation based on fact situations in Mauet & Wolfish, Materials in Trial Advocacy. Students are required to read about each phase of a trial in Mauet, Trial Techniques, 5th Edition. Evidence is helpful but not a prerequisite. There is no paper. Grades are based upon evaluation of students as they conduct phases of a trial. Because of the heavy emphasis on student participation, enrollment is limited. **Enrollments will vary by Professor**

- ▶ **Prerequisite: Evidence helpful..**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Trial Practice: Criminal**

Prof. Diane S. Juliar

2 credits day; 2 credits evening.

This course focuses on teaching students to become effective trial advocates, using criminal case materials. Students will learn how to deliver opening statements and closing arguments, and to conduct direct and cross examination of witnesses (including examination of expert witnesses, introduction of real and documentary evidence, use of demonstrative evidence, and techniques for impeachment of witnesses and refreshing recollection). Students will perform trial exercises and receive feedback. Grades are based upon preparation and performance of assigned exercises, and other class participation. Students will have assigned readings and case materials.

- ▶ **Prerequisite: Evidence is desirable..**
- ▶ **Enrollment is limited: 16**
- ▶ **Elective Course**
- ▶ **Meets Skills Menu Requirement**
- ▶ **Meets Civil Litigation Concentration Requirements**

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COURSE DESCRIPTIONS

Trusts (Formerly Fiduciary Relations)

Prof. Anthony B. Sandoe

2 credits day; 2 credits evening.

This course provides a basic introduction to the law of Trusts, Agency and Powers of Appointment—three important common law fiduciary relationships. This course complements the student's exposure to fundamental common law principles begun with the Contracts, Torts and Property courses. The primary focus of the course will be the fundamentals of trust law. Topics will include: what is a trust; what are its essential elements; how are trusts created, modified, and terminated; trust functions and limitations; the rule against perpetuities; trusts and powers of appointment; the rights, duties, responsibilities, liabilities and immunities of the parties; and the rights of third parties. Fundamentals of agency law will be considered as they pertain to the administration of the trust. The context of this course will be the management and transfer of private wealth. Throughout the course, the trust will be used to demonstrate the principles and the importance of the fiduciary relationship. A take-home course project will be given in lieu of an examination. A student may not enroll in Trusts if the student has completed Fiduciary Relations. **Formerly Fiduciary Relations. The Trusts course or Fiduciary Relations is a prerequisite to the course in Advanced Estates, Powers, and Trusts.**

- ▶ **Elective Course**
- ▶ **Recommended for the Mass Bar**
- ▶ **Final Project Required**

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COURSE DESCRIPTIONS**Voting Rights**

Prof. Michael Avery

2 credits day; 2 credits evening.

The right to vote in the United States. The course will review the historical efforts to overcome discrimination in determining voters and candidates. This will include the Voting Rights Act of 1965, including minority vote dilution litigation under Section 2, federal preclearance of voting procedures under Section 5, and constitutional challenges to voting rights remedies. We will also study current voting issues, such as apportionment, partisan gerrymandering, race, disability, campaign finance, the participation of minority parties, fusion voting, litigation over the 2000 presidential election and its implications, computer voting machines and others.

- ▶ Enrollment is limited: 20
- ▶ Elective Course
- ▶ May Fulfill Legal Writing Requirement
- ▶ Final Paper Required

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» [Home](#) » [Academic Programs](#) » [Juris Doctor](#)**COURSE DESCRIPTIONS****Worker's Compensation**

Mr. John D. Hislop III

2 credits day; 2 credits evening.

A review and focus of the workers' compensation laws in Massachusetts from both a substantive and procedural aspect. The course attempts to initially focus on what constitutes a personal injury arising out of and in the course of employment, and then focuses on all of the benefits available to injured workers and their families. The course also focuses on all of the procedures at the Department of Industrial Accidents from conciliation to conference to hearing to Reviewing Board and, if need be, to the Appeals Court. The course will also briefly focus on other available benefits, such as social security disability insurance benefits and relationship of third party tort cases with workers' compensation injuries. Finally, the instructor will make a conscientious effort to continually update the students with any recent relevant case law decisions.

- ▶ **Elective Course**
- ▶ **Meets Health/Biomedical Concentration Requirements**
- ▶ **Final Exam Required**

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COURSE DESCRIPTIONS

Workplace Bullying and Discrimination

Prof. David C. Yamada

3 credits day; 3 credits evening.

This is a seminar-style, multidisciplinary, writing-intensive course that examines various forms of mistreatment of employees in the workplace, including discrimination, harassment, bullying and mobbing. The course will review a wide variety of statutory and common law causes of action that may be invoked in these situations, including employment discrimination laws, whistleblower protections, workers' compensation and tort actions. In addition, students will read and discuss related materials drawn from labor studies, human resources, organizational behavior, psychology, economics, and gender and race theory. Students will be evaluated based on an office memorandum, a public policy paper, and class presentation and participation. **Not Offered 2006-2007**

- ▶ **Prerequisite: Employment Law or Employment Discrimination is recommended..**
- ▶ **Enrollment is limited: 20**
- ▶ **Elective Course**
- ▶ **On List of Recommended Perspectives Courses**
- ▶ **May Fulfill Legal Writing Requirement**
- ▶ **Final Paper Required**

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