B514 Private Practice Externship ^^ (2) – Van der Cruysse

**COURSE GOALS:** The student will work with in-house counsel of a corporation, or law-firm, and will gain insight in how the corporation is run as a business, and how it is serving its client(s).

A handful of for-profit corporations partnered with the school for educational purposes: for those in IP, you must register for course B551 (see course description and guidelines for the application process). For paid positions in a for-profit environment, the student first finds a paid position with the employer, and can then request approval for externship credit, as long as the employer agrees to follow the requirements for the externship program.

**COURSE COMPETENCIES:** Prerequisite specialized courses which vary according to substantive area.

**STUDENT ROLE:** Legal research and writing, observer at meetings with internal clients and – in some cases— with outside counsel.

For this course, the student will register for 2 credits or 104 hours of on-site work. Additional externship course requirements include weekly time-sheets and reflective essays, and 2 self-assessment exercises.

**COURSE QUALIFICATIONS:** Specialty courses related to substantive area of the externship.

**CLIENTELE SERVED:** The private corporation, or clients to the corporation.

**NATURE OF PRACTICE:** A variety of assignments, but in general: research and writing, document review, transactional work.

**APPLICATION METHOD:** Faculty approval prior to registration will be required: students can contact Prof. Inge Van der Cruysse at ivanderc@indiana.edu for a conversation and for the approval form.

Updated 10/17

B519 State Constitutional Law ## (2) – Fisher

Nowadays, stiff challenges to state laws come not only from federal lawsuits but from claims arising under state constitutions. From abortion regulation to school vouchers and more, much of the interesting doctrinal development in constitutional law is happening at the state level. *State Constitutional Law* will explore constitutional history, texts, principles and precedents from various states, especially including but not limited to Indiana. For students interested in constitutional law generally or state government specifically, this two-credit-hour course will provide important tools for future practice.

Updated 10/17

B526 Tax Policy Colloquium ## (2) – Lederman
This course offers an opportunity for students to read and react to articles in progress on an array of federal tax topics. There generally will be seven presentations during the semester, made by professors from other schools, with five short reaction papers required. For information on the types of topics covered in past years, see the Colloquium website at http://www.law.indiana.edu/instruction/tax-policy/index.shtml.

Students will be expected to read each work-in-progress in advance of the presentation, along with background reading, and write a short reaction paper in response to most of the papers; to discuss the article draft and background materials in the class session prior to the presentation; to pose questions to the presenter about the article; and to participate in a synthesis discussion in the class session following the presentation. Interested I.U. faculty members and others will also attend the presentation sessions and participate in those discussions.

Introduction to Income Tax is a prerequisite. This course satisfies the writing requirement for graduation. Also, please send your resume to Professor Lederman for approval prior to registration in November or prior to the end of Drop/Add in January.

Updated 10/17

B532 Federal Circuit Advocacy ^^ (2) – Castanias
The U.S. Court of Appeals for the Federal Circuit is an important but controversial part of the federal judicial system. It was formed by an Act of Congress in 1982 with the predominant goal of "strengthen[ing] the United States patent system in such a way as to foster technological growth and industrial innovation." In the intervening 35 years, with the Federal Circuit becoming the exclusive appellate court for patent cases, the United States has indeed seen significant technological growth, but the court has also been widely criticized as being out of step with the Supreme Court—which has regularly reversed the Federal Circuit’s patent decisions in recent years—with some judges and academic writers even calling for the court’s ouster as the exclusive appellate venue for patent cases. Nonetheless, given its central role in administering the U.S. patent system—it has appellate jurisdiction over virtually every kind of patent-related case that a court or administrative agency could decide—it is critical for any practitioner (particularly, but not limited to, IP practitioners), whether a future litigator or otherwise, to possess a systematic understanding of the Federal Circuit, its history, procedures, doctrines, and dynamics. Through selected readings, vigorous class discussion, visits by former (and perhaps current) Federal Circuit judges, and a mock Federal Circuit argument (among other facets of the course), students should complete the class with a far better understanding of this unique court. No specialized knowledge of or background in IP or patent law is required for this course—the professor, who has appeared before the Federal Circuit more than almost any other lawyer in the country, majored in English and Philosophy and never took an IP course in law school.

Updated 10/17

B534 Civil Procedure II (3) – Quintanilla
This course explores subject matter jurisdiction, personal jurisdiction, venue, removal, the Erie doctrine, and class actions among other topics. Civil Procedure II addresses topics formerly covered in the second semester of our year-long Civil Procedure course, and so may be fairly characterized as "foundational"—not just for prospective litigators, but also for aspiring non-litigators who, as corporate lawyers, tax lawyers, trusts and estates lawyers, real estate lawyers, intellectual property lawyers, and others, practice law in the shadow of civil litigation.

Updated 10/17
B536 Health Privacy Law (2) – Crosley
Health Privacy Law is a fast-growing area of law that has seen significant recent regulatory and enforcement activity globally. This course addresses information privacy laws and regulations that have been enacted around the world, including the Health Insurance Portability and Accountability Act’s Privacy and Security Rule, the FTC Act, Data Breach Notification laws of US State and Federal and European and Asian jurisdictions, and the EU General Data Protection Regulation. It will also consider enforcement decisions by the Department of Health and Human Services Office of Civil Rights, the Federal Trade Commission, and U.S. and European courts.

While the course will include a review of these relevant laws, regulations and enforcement actions, it will also devote a substantial amount of time to applying critical concepts of data privacy, data strategy, and data ethics to traditional health activities as well as cutting edge areas like artificial intelligence, neural networks, and machine learning. The course will be taught from my practitioner’s perspective based on 20 years of experience working with some of the largest multinational companies in tech, health, and medical devices. The course will thus have a strong emphasis on critical decision-making and relevant application of the law necessary to provide meaningful guidance in a real world, highly dynamic, client setting. As such, the course will use a diverse range of materials, including tools designed to aid in risk analysis and decision-making for counseling and advocacy work and will utilize case studies developed directly from actual client issues. The overall intent is for the course to have the character of a law firm partner teaching an associate or client how to, in turn, counsel their clients on health privacy issues.

Updated 10/17

B537 Nonprofit Law Clinic ^^ (3) – Prusak
The Indiana University Maurer School of Law’s Nonprofit Legal Clinic is a three-credit, one semester, transactional legal clinic, offered to second- and third-year law students.

The clinic allows students to engage in public interest lawyering through business and transactional work for nonprofit organizations. Students form new nonprofit entities; counsel clients looking to dissolve existing entities; draft contracts; provide basic tax advice; advise on governance, employment, communications, intellectual property, and compliance matters; provide general corporate support; and provide other transactional legal assistance as needed.

Students develop fundamental analytical, editorial, counseling, planning and negotiation skills through live projects and classroom work that make them well suited to serve as in-house or outside counsel to organizations in a wide variety of settings. Client communication and collaboration skills are emphasized throughout the semester.

Prerequisites:
1. Registration preference will be given to students who have taken Corporations and/or Nonprofit Organizations, or who plan to enroll in one or both courses the same semester they enroll in the clinic.

2. Prior to registering interested students must submit a short statement of interest to Professor Jennifer Prusak (jsprusak@indiana.edu), the NPLC Director.

Updated 10/17

B544 Intellectual Property Transactions (2) - Mattioli
Through case studies, class exercises, and in-class discussions, this course introduces students to the theory and practices of IP transactions. In addition, agreements adapted
from practice and copies of publicly available deal papers will be used as the basis for in-
class exercises. As the course progresses, the complexity and depth of these exercises will
expand from discrete topics to fact patterns that take several sessions to work through.
Updated 10/17

**B545 Criminal Law Externship ^^ (1-4) – Main**

The Criminal Law Externship provides an opportunity for selected second-year and third-
year students to receive 1-4 hours of academic credit for their work at various prosecutors
and public defenders offices in south central Indiana.

The course is graded on a pass/fail basis. In order to “pass”, a student must:

1) Perform 52 hours of work per credit hour (i.e., 52, 104, 156 or 208 hours for 1, 2, 3
or 4 credits, respectively);
2) Maintain a time/activity log tracking hours worked and work activities;
3) Submit 1-4 reflective essays (one essay per credit hour) on a scheduled basis
regarding their externship experience (2-3 pages, double-spaced);
4) Participate in 2 one-on-one meetings during the semester (one at the beginning and
one at the end);
5) Submit a sample work-product (with employer’s approval); and
6) Complete a final self-evaluation form.

Prerequisites: Students must be eligible for certification as a “student legal intern” per
Indiana Supreme Court Admission and Discipline Rule 2.1 (requiring completion of 1/2
of the hours required for graduation and enrollment in or completion of “The Legal
Profession” course). Information regarding certified legal interns and the application
is available at: [http://www.in.gov/judiciary/ble/2334.htm](http://www.in.gov/judiciary/ble/2334.htm)

Permission to register: Enrollment is limited and participation may be restricted to one
semester. Students must obtain permission to register for the class from David Main.
Interested students should submit a resume and schedule an interview with Prof. Main
(dmmain@indiana.edu, 855-3028, Room 016B) as part of the approval process.

Participating Offices:
- Bartholomew County Prosecutor
- Brown County Prosecutor
- Hamilton County Prosecutor
- Greene County Prosecutor
- Johnson County Prosecutor
- Lawrence County Prosecutor
- Lawrence County Public Defender
- Marion County Prosecutor
- Marion County Public Defender Agency
- Monroe County Prosecutor
- Monroe County Public Defender
- Morgan County Prosecutor
- Owen County Prosecutor
- Other prosecutor and public defender offices by request

Updated 10/17

**B547 Public Interest Internship Program: Student Legal Services and Indiana
Legal Services ^^ (2) – Farnsworth**
COURSE GOALS: To understand the intersection of the study and practice of law by working under the supervision of both a licensed, onsite attorney and the academic supervisor. Placement at either SLS or ILS will determine substantive areas of practice, the degree of client interaction, and litigation experience.

COURSE COMPETENCIES/STUDENT ROLE: Perform legal research and writing, draft documents and pleadings, observe/participate in client meetings, develop pre-trial and litigation and transactional skills, and work with professional ethics issues as they arise.

COURSE QUALIFICATIONS: Prior to registration for the course, students must be accepted as an intern at ILS or SLS. Students wishing to become certified legal interns must satisfy Indiana Supreme Court Admission and Rule 2.1 (requiring completion of ½ of the hours required for graduation and enrollment in or completion of “The Legal Profession” course).

CLIENTELE SERVED: SLS: Undergraduate and Graduate Students at Indiana University, Bloomington; ILS: Clients who qualify financially and meet other ILS requirements.

NATURE OF PRACTICE: Depends on the placement. Students should contact SLS and ILS for specific information regarding intern responsibilities.

COURSE REQUIREMENTS: The course is graded on a pass/fail basis. In order to “pass”, a student must:
1. Perform ten hours of work per week during the weeks that law school classes meet;
2. Maintain a time/activity log tracking hours worked and work activities;
3. Submit a one-page statement of goals and the employer agreement;
4. Submit three reflective essays on a scheduled basis regarding the externship experience (two double-spaced pages for each week of work);
5. Participate in two one-on-one meetings during the semester with the academic supervisor (one at the beginning and one at the end); and

APPLICATION METHOD: Make an appointment with Director of Career Services/Adjunct Faculty - Externships, David Main, dmmain@indiana.edu, 812-855-3028.
Updated 10/17

B547 Public Interest Externship Program ^^[3] – Van Der Cruysse
COURSE GOALS: The student acquires a behind-the-scenes insight about how non-profit organizations, corporations, local, state, and federal government organizations work. Students will be offered the opportunity to serve clients directly under the supervision of a licensed attorney. Students will also receive classroom instruction on lawyering in the public interest, with a focus on challenges related to professional ethics, client-relationships, etc. that are specific to public interest attorneys.

COURSE COMPETENCIES: Some placements require that the student has already taken specialized classes related to substantive areas or the willingness to take specific courses contemporaneously. Most placements, however, require only the successful completion of the 1L curriculum.

STUDENT ROLE: Legal research and writing, observation at meetings with clients, litigation and pre-litigation skills, transactional skills, active participation in class discussions. For this course, the student will register for 3 credits: 2 credits will take place in the field placement (104 hours of on-site work), and 1 credit will consist of classroom instruction lawyering in the public interest, Mondays, 5:35PM-6:30PM.
Additional externship course requirements include weekly time-sheets, reflective essays, and self-assessment exercises.

**COURSE QUALIFICATIONS:** General externship requirements: must have successfully completed the 1L curriculum.

**CLIENTELE SERVED:** Varies from a government agency to underrepresented populations.

**NATURE OF PRACTICE:** A variety of assignments, but in general: research and writing, document review, document drafting, transactional work, litigation work, compliance work.

**APPLICATION METHOD:** For placement assistance, you may contact the Career Services Office. For any questions regarding course requirements please contact Prof. Inge Van der Cruyssse at ivanderc@indiana.edu

Updated 10/17

**B549 International Intellectual Property (3) – Leaffer**
The law of intellectual property (patent, trademark, and copyright) has increasingly assumed an international dimension. In today’s world of intellectual property law, one must understand how the rights of inventors, brand name owners, and creative artists, and software developers are protected in international and comparative law. Mirroring this reality, this course has two basic objectives. One is to equip students with the methodology necessary to engage in international intellectual property practice in both public and private international law. It will consider topics such as territoriality, national treatment, choice of law, multilateral treaties, and regional agreements that frame the substantive rules and practice of intellectual property law in a transnational setting. As a second objective, this course will consider intellectual property from a comparative law dimension. In this regard, it will focus on the basic differences in the approach to patent, trademark, and copyright law in national and regional systems. Within this theme, this course will examine the cultural and economic differences that have led to divisions between developed and developing countries on the protection of intellectual property.

Updated 10/17

**B551 IP Externship ^^ (1-4) – Janis**
The Intellectual Property Externship program consists of a series of externship opportunities developed and administered by the law school in connection with the Center for Intellectual Property Research. The number and type of externships will vary from semester to semester. Some may be available during the summer. Intellectual Property externship opportunities will be posted at designated times during the fall and spring semesters. Students will ordinarily apply directly to the externship hosts, who will be responsible for selecting externs. Student externs will then enroll in the Intellectual Property Externship course. Prerequisites will vary, depending upon the externship.

Updated 10/17

**B553 Disability Law Clinic ^^ (3) – Weng**
The Disability Law Clinic is a three-credit course open to second- and third-year students. Students will assist low-income clients with claims involving Social Security, Veterans, and Medicaid disability benefits; and simple wills; and disability service providers with community projects. Students serve as the primary case handlers, handling client interactions, fact investigation, brief writing, agency communications, and most administrative hearings. Students are expected to devote 10-12 hours per week to their clinic responsibilities. This time includes a weekly supervision meeting with the clinic director and office hours.
The primary academic focus of the DLC is problem solving. Students learn a model for problem solving and apply it in their client work and interactions with clinic colleagues. Grading is based on a problem solving portfolio and competency in client work.

If a student has completed 44 credit hours and has taken or is taking the Legal Profession course, the student may be eligible for certification as a legal intern. Certification is required to handle state administrative hearings (Medicaid) and judicial review petitions. Additional requirement: All students who enroll in the DLC must consent to criminal background and sex offender registry checks pursuant to the Indiana University Policy for Programs Involving Children. More information about the policy and use of information obtained through these checks is available at: http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml.

Enrollment requires permission of the clinic director. To apply, please send a statement of interest and a copy of your resume to Carwina Weng (wengc@indiana.edu), two days before the deadline for 3L registration.

Updated 10/17

**B554 Legislation (3) – Popkin**
The course is primarily about statutory interpretation.
Part I of the materials (in Chapters 1-3) discusses the historical evolution of judicial approaches to statutory interpretation.

Part II (The Technique and Theory of Statutory Interpretation – Chapters 4-7) discusses specific techniques that have been advanced for interpreting statutory texts. Chapter 4 deals with textualism -- the variety of ways that a text can acquire meaning and the various ways that the text can be uncertain. Chapter 5 discusses purposivism and intentionalism, which look for evidence statutory meaning outside the text. Chapter 6 provides some obvious examples of the influence of substantive background considerations on statutory interpretation -- the substantive canons of construction. Part II concludes with a separate Chapter 7 on change -- how judicial interpretation of statutes reacts to changing circumstances.

Part III (Lawmaking Responsibility and Competence) considers the impact of administrative lawmaking (Chapter 8) and legislative history (Chapter 9) on statutory interpretation. Chapter 10 discusses legislative and judicial efforts to establish rules of statutory interpretation.

Part IV considers Statutes as a Source of Law. Chapter 11 examines how statutes can be extended both when there is and is not a judicial common law power. Chapter 12 looks at a special corner of this issue – judicially inferring a private cause of action when the statutory text is silent. Chapter 13 looks at the interaction of multiple statutes – e.g., when later law might change prior law and when prior law tries to influence how later law is made.

Part V on the Lawmaking Process takes up some issues which do not involve statutory interpretation. It discusses state constitutional law, which is otherwise likely to go unnoticed in law school. Chapter 14 looks at the Legislature, including state rules on procedural requirements for legislation (such as the “one-subject stated in its title” rule) and substantive limits on legislation (such as prohibiting “special” legislation). It also considers how Direct Democracy (initiatives and referendums) applies those rules. Chapter 15 deals with the relationship of the Executive and Legislative branches (for example, the line item veto and the legislative veto).
A dominant theme in the course is pragmatic judging, which in this setting means that the judge is influenced by substantive values to determine the meaning of a statute (whatever judges may say in their confirmation hearings). Substantive concerns may be front and center or may be lurking in the wings, but they are always present in the judge’s mind. This is apparent from reading judicial opinions carefully, which is what the course challenges the student to do. To that end, we often focus on opinions written by specific judges, such as judges Hand, Frankfurter, Stevens, Scalia, and Kennedy (among others), whose interpretive approaches are often out in the open and sometimes hard to figure out.

We meet from 8:25 a.m. - 9:40 a.m. Monday through Thursday, unless there is a holiday. The course is compressed so we meet from January 10 through March 1; the exam is over two days during regular class time, March 5 and 6.

The exam will be the conventional type, testing your understanding of the concepts relevant to statutory interpretation and your ability to critique arguments about the right way to interpret legislation. The exam is completely open-book; you can bring anything into the exam that you think will help, including prepackaged material on your computer.

Updated 10/17

B558 Conservation Law Clinic ^^ (3) – Weeks, Director; Hyman, Staff Attorney
The Conservation Law Clinic is an opportunity for second and third year law students to serve as interns in the Conservation Law Center, a public interest law firm that represents non-profit clients who need legal assistance with natural resource conservation matters. The Clinic is a three credit hour course. Conservation Law Clinic interns, working closely with Clinic Attorneys, participate directly in the representation of Conservation Law Center clients. Clinical work is supplemented with readings and discussion that will focus on practice skills and the legal background of a conservation issue of current issue; the topic for the fall semester of 2017 was the challenge of conserving top predators in a densely populated landscape. Clinic interns report that they value the experience of representing real-world clients and working in a law firm setting. Clinic matters have included analysis of conservation related laws; development of and commenting on new administrative rules; drafting legislation; and litigation at administrative, trial and appellate levels. Registration preference will be given to students who have completed half of the required course work toward a degree or joint degree, and to students interested in enrolling in the Clinic for two consecutive semesters. To apply, please send a statement of interest and a copy of your resume to W. William Weeks (wwweeks@indiana.edu) prior to registration.
Updated 10/17

B559 Patent Prosecution ^^ (2) – Gandy
Patent prosecution is the vital precursor to your client’s realization of value through product sales, licensing, litigation or other means. Effective patent prosecution must be forward looking with a fine understanding of how the US Patent Office and Federal courts interpret claims and assess the application for patentability and infringement determinations. A complex set of federal statutes, regulations, and case law is involved. This course will provide a foundational understanding of these requirements and will emphasize drafting and advocacy techniques for successfully navigating the US Patent Office to a patent that provides value to your client.

The course begins as most representations begin, focusing upon the initial client contact and matters that must be well handled at the start. Issues related to subject matter conflicts and party conflicts will be addressed. This is followed by instruction upon how to work with clients (inventors) to understand and develop their invention disclosures to enable maximal protection, particularly in view of developing enablement and written description
requirements of the law.

The course then turns to providing a foundation relating to the statutes, regulations, patent office rules and case law that govern the requirements of an application for patent. This foundation is then quickly put to work in practical drafting and review sessions for the major patent application components: claims defining the scope of the invention (a major focus of the course); the specification containing a detailed written description sufficient to enable others to make and use the invention; and, the background section setting up the need for the invention. Several in-class and take-home practical sessions will be given to provide hands on drafting experience designed to simulate real world experiences as a patent attorney. The prosecution of patent applications typically involves a series of exchanges between the patent attorney and the Patent Office Examiner. Arguments are forwarded with respect to whether the claimed invention is deserving of patent protection. These exchanges explore whether the claims define an invention which meets the statutory requirements of novelty and nonobviousness set forth in Title 35 of the United States Code. It is the Examiner's job to make sure that no "unworthy" inventions proceed to patent. It is your job to advocate that the claimed invention is patent-worthy and to help the client make key decisions whether the claims need to be amended to more fully distinguish from the prior art. Again, practical drafting sessions will be conducted.

After an application has been successfully prosecuted with a given set of claims, there are still other issues that need to be considered. Should another related application be filed to pursue additional protection through claims that are worded differently? "Continuing" patent application practice affords the opportunity to do this, and the related principles and procedures will be addressed in the course. Patent Law is a prerequisite for this course. Updated 10/17

B561 Elmore Entrepreneurship Law Clinic ^^ (3) – Need

The Elmore Entrepreneurship Law Clinic is designed to provide students the unique opportunity to work on actual business formation, planning, and strategy issues in a multidisciplinary setting. Students interested in transactional law practice, advising entrepreneurs, or becoming entrepreneurs are typical candidates for participation in the Clinic.

The Clinic operates much like a small law firm, with Clinic interns working under the supervision of the Clinic Director, providing legal and business consulting to a variety of early stage companies. Client projects vary widely, but frequently include advising clients on appropriate business form; drafting necessary formation documents; obtaining permits and licenses; negotiating contracts and leases; and providing business planning advice. Students frequently have opportunities to review and provide feedback on business plans of actual startups.

Clinic interns meet with the Director in groups or individually to review project status and to discuss experiences and concerns. Clinic interns also attend a two-hour class each week. The course surveys typical legal issues affecting entrepreneurial enterprises, including choice of entity issues; ownership and governance issues; employment issues; operational liabilities and insurance issues; financing issues; and employment issues.

Strongly suggested prerequisites for participation in the Clinic include Corporations, Corporate Taxation, and Business Planning, or equivalent preparations as determined by the Director. Per Indiana Supreme Court Rules, students participating in the Clinic must also
have completed or be in enrolled in a Professional Responsibility course. 3Ls or 4th-year JD/MBAs only. Enrollment in the clinic is limited, so students must, at or prior to enrollment, submit a current resume and a brief statement of interest to the Director by email in order to obtain permission to participate, and proceed to enroll in the course while awaiting approval.

Updated 10/17

B564 PreTrial Litigation ^^ (3) – Rosiello
In today’s litigation world, where only a miniscule percentage of civil cases actually go to trial, litigators devote the vast bulk of their time and effort to pretrial proceedings. This course will address those aspects of civil litigation – from the pleadings through summary judgment and settlement negotiations. We will look in detail at the real-world issues that arise in pretrial litigation, with the goal of understanding best litigation practices to achieve the most favorable outcome for the client.

The framework of the course will be a close examination of the meaning and use in practice of the relevant Federal Rules of Civil Procedure, along with cases and articles dealing with specific litigation issues. We will also discuss some of the Rules of Professional Conduct that apply to the conduct of litigation.

In addition to the class sessions, the course will have three short writing assignments and two out-of-class clinical exercises, a witness interview and a deposition, with review of the students’ performance by experienced lawyers.

The course will be graded based on class participation and the out-of-class assignments. There will be no final exam.

The general topics in the course will be: Structure of a Civil Lawsuit; Interviewing the Client; Preliminary Case Evaluation and Initial Disclosures (writing assignment – prepare outline of initial investigation based on complaint); Pleadings and Motions to Dismiss; Interviewing Witnesses (clinical exercise – conduct a 30-minute witness interview); Written Discovery; Introduction to Electronic Discovery; Depositions (writing assignment – prepare outlines of deposition issues and witness interrogation; clinical exercise – take a 30-minute deposition); Pretrial Proceedings from the Federal Magistrate’s Perspective; Introduction to Expert Witness Issues; Use of Expert Evidence in Pretrial Proceedings; Summary Judgment (writing assignment – draft an opinion on a summary judgment motion, deciding whether there is a genuine dispute of material fact); Managing Pretrial Litigation; Settlement and Mediation: What the Client Wants and Needs; Settlement: Negotiating with the Other Side; Settlement: Preparing the Settlement Documents; Pretrial Proceedings: The View from the Bench.

Evidence is a prerequisite.

Updated 10/17

B564 Federal Habeas Litigation ^^ (2) – Lahn / Ausbrook
Students in this experiential course will work on active habeas corpus cases in the federal district courts and the Seventh Circuit. These cases mainly present federal constitutional claims that, having been rejected on direct appeal and in state post-conviction proceedings, may now be raised in habeas petitions under 28 U.S.C. § 2254. After exploring the fundamentals of habeas law in the first three weeks of the course (during which the class will meet for an extra hour weekly), students will analyze the records of clients’ state-court convictions; identify potential meritorious claims for habeas; conduct investigations and discovery; write motions and briefs; and prepare for live hearings and oral arguments. This first-hand experience with habeas practice will be especially useful for those planning to apply for jobs as federal law clerks; with state attorneys’ general offices; or in criminal
defense. But it will also enhance anyone’s understanding of the American justice system as a whole, including the current national policy debates about mass incarceration, wrongful convictions, and sentencing reform. Enrollment will be limited to six (6) students and is with the permission of the instructor. There is no final exam; grading will be based on evaluations of students’ case work and reflective essays. To apply, or for further course information, please email Prof. Lahn at slahn@indiana.edu.

Updated 10/17

**B567 Intellectual Property Practicum: Legal Aspects of the Entertainment Industry**

This course will involve working in a quasi-clinical mode for actual entertainment law clients and compliments Entertainment Law, Copyright Law and other intellectual property offerings. A prerequisite for this course will be Entertainment Law (or permission of the instructor). Enrollment will be limited to 12 students.

Methods for this course will include readings, legal research, contract drafting, classroom role enactments, client presentations and meeting and discussions. The class will work much in the way a small law firm or legal clinic would work, where the professor will play the role of firm partner or clinic director, and the students will turn in their work product to me. Students will be evaluated on legal writing exercises—either legal memoranda or contracts—and in client presentations and meetings. Students will be assigned readings from Donald Passman’s “Everything You Need to Know About the Music Business” and from other sources and will work on a variety of actual entertainment and IP representations and issues (e.g., recording and music publishing agreements, literary publishing agreements, copyright/trademark registrations and disputes) for several types of clients, such as recording artists, authors and visual artists.

Updated 10/17

**B568 Gender & the Law ## (2) – Matthews**

A critical examination of the historical and modern treatment of gender under the law, this course will provide an introduction to the concrete legal contexts in which issues of gender have been articulated and challenged and a discussion of the extent to which these issues have been resolved. This course aims to provide students with an understanding of the strategies used to undermine and recreate women's legal status in the United States. The goal of the course is to think broadly and critically regarding the interaction of law, society, and gender while exploring the potential and the limitations of law and litigation as tools for social change. Although this course will use a number of different feminist legal theories as a framework for discussion and analysis, this course is not a survey of feminist jurisprudence. Topics may include education, the legal profession, the public/private divide, issues in the workplace and in the family, and the role of power and difference.

Students will be evaluated on participation in class discussion, short reflective assignments, memos, analytical papers, and oral presentations in class. As such, this course satisfies the advanced writing requirement for graduation.

Updated 10/17

**B569 Nonprofit Organizations (2) – Prusak**

Over one million tax-exempt and nonprofit organizations, supported by over $300 billion in annual gifts, provide essential services ranging from large urban hospitals, major universities, national social service agencies and grant-making private foundations to "grassroots" homeless shelters, food pantries and health clinics. Attorneys fulfill an important role as counsel to tax exempt organizations and to the donors who support these charitable missions.
This course examines the legal issues of nonprofit and tax exempt organizations. Specific topics will include:

- Formation, operation, and governance of nonprofit organizations
- Tax-exempt status for public benefit and mutual benefit organizations
- Creation of private foundations, donor advised funds and supporting organizations
- Duties and liabilities of officers and directors
- Lobbying and political campaigning
- Inurement, private benefit and intermediate sanctions
- Commercial activity and unrelated business income tax
- Charitable giving
- Oversight by state attorney general and Internal Revenue Service
- Special issues for membership organizations
- Mergers, joint ventures, dissolution and antitrust

Prerequisites: Corporations
Updated 10/17

B570 American Constitutional Law for Foreign Lawyers (2) -- Gjerdingen
It is intended for LLM and SJD students interested in a general survey course in American Constitutional law. It will cover most topics covered on the MBE. This includes the history of the Constitution, judicial review, modern federal power under the commerce clause, separation of powers, federalism issues such as dormant commerce clause and article IV privileges and immunities, modern equal protection and due process, as well as First Amendment speech and religion. A special emphasis will be placed, as well, on background American history for major Constitutional cases.
No prerequisites.
Updated 10/17

B572 Intellectual Property Clinic ^^ (3-4) – Hedges
The IP Clinic provides students the opportunity to work directly with clients on actual intellectual property law matters (e.g. patent, trademark, and copyright applications, interaction with the United States Patent & Trademark Office (USPTO), licenses, due diligence, and non-infringement and/or invalidity opinions). Students interested in IP law and advising individuals, start-ups, and small business are candidates for the Clinic. Because the Clinic is certified by the USPTO, students are eligible to receive temporary registration to practice before the USPTO. The Clinic is organized much like a law firm, with students working with other students and adjunct professors under the supervision of the Clinic Director. Students meet with the Director to review project status and to discuss experiences and concerns and attend at least a two-hour class each week. Students elect to participate in either (1) the patent section of the Clinic; (2) the non-patent section of the Clinic (trademark and other non-patent IP matters); or (3) both sections. Class sessions survey practical IP legal issues, including ethics, ownership, protection strategies, infringement avoidance, and client counseling.
Enrollment in the Clinic is limited, so students must submit a resume and an interest statement to the Director to obtain permission to enroll. Strongly suggested prerequisites or co-requisites include at least one of Patent Law, Trademark Law, or Survey of IP or equivalent experience.
3-4 credits, professional skills.
Updated 10/17

B580 Civil Rights Statutes ## (3) – Fuentes-Rohwer
This course examines the nature and scope of various federal civil rights laws, including the Civil Rights Act of 1866, the Civil Rights Act of 1964, and the Voting Rights Act of 1965. We
will make sense of these iconic statutes as both historical artifacts as well as legal tools. That is, we will situate these laws within their historical milieus, consider their purposes, and evaluate their effectiveness.

As we explore these statutes, two overarching inquiries will anchor our discussion. First, what role do the federal courts and the political branches play in defining the meaning and extent of these rights? In thinking about this question, it is important to note that these statutes came into being during moments of Reconstruction, times when the country was trying to figure out what it meant to be free. This observation leads to a second question: what role have social movements played in this narrative? This is an important if ironic question. This course will help you think about some very interesting answers.

This is a course that will interest students of American history, constitutional law, American political development, statutory interpretation, Democracy and voting rights, and/or race. This is also a writing course. This means that we will spend a great deal of time writing, both in class and outside. We will do so while engaging some of the pressing issues of our day.

Updated 10/17

**B582 Mergers & Acquisitions (2) – Greene**

Duration: 7-weeks (offered only in the first 7-weeks of the spring semester...note this course is NOT on Law School schedule, classes start on Tuesday, January 9)

This course is a survey of “M&A”. The classes follow the life cycle of a deal: from strategy to deal search to valuation to due diligence to structuring to negotiating to post-merger integration.

The following topics are covered in B582/A570

<table>
<thead>
<tr>
<th>Subject</th>
<th># of class periods</th>
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<tbody>
<tr>
<td>Strategy, Deal Search/Origination</td>
<td>2</td>
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<tr>
<td>Valuation</td>
<td>3</td>
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<tr>
<td>Due Diligence</td>
<td>1</td>
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<tr>
<td>Structuring: Financing, Earn-outs, Tax and Accounting</td>
<td>2</td>
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<tr>
<td>Legal issues (including documentation)</td>
<td>2</td>
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<tr>
<td>Negotiation</td>
<td>1</td>
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<tr>
<td>Post-merger integration</td>
<td>1</td>
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**Course Learning Objectives**

As a cross-listed course (with Kelley), the learning objectives for Maurer students differs slightly from those which apply to business school students. Here is an edited version, of the Kelley “LOs”...Maurer edits are italicized/underlined.

After taking this course, you should be able to:

1. Assess M&A as a means to achieving an organization’s strategy
2. Understand the M&A life cycle/process
3. **Understand the concepts** "normalized TTM EBITDA” and a "working capital peg”, and **how to draft legal documents reflecting these (and other) financial/accounting concepts.**
4. **Understand how a company is valued**
5. Incorporate uncertainty (risk and synergies; operating, financial, tax, legal) into pricing
6. Develop a transaction structure that mitigates/allocates risk
7. Assess legal risks associated with a transaction, especially those relating to corporate governance
8. Navigate legal agreements relating to an M&A transaction (LOI, “definitive” agreement) and understand key concepts included therein (representations and warranties, covenants and conditions)
9. Negotiate a transaction in a competitive environment
10. Recognize the “human element” in an M&A transaction

This course is cross-listed with the Kelley School of Business (and the majority of the students are from the Kelley graduate programs). B582 should be particularly useful for students seeking careers in corporate transactional work, whether as a corporate lawyer, tax lawyer or investment banker. Some background/knowledge of corporate finance/accounting is strongly recommended. A key element of the course is a week-long team-based negotiation of an acquisition (including price, structure and conditions).

Please note: This class meets according to Kelley School of Business regulations and calendar.
Updated 10/17

B588 Strategies in Critical Reading & Writing: The Letter & Literature of Family Law ## (3) – Conrad

This course emphasizes skills and techniques of analysis and evaluation, both in reading and in writing. This semester the substantive focus will again be Family Law. Our Readings will be drawn largely, but not entirely, from the scholarly literature. The course satisfies the "Advanced Writing Requirement." Any student might well choose to take the course as something of a general introduction to Family Law; but the course offers such an introduction that is neither as doctrinally comprehensive nor as pedagogically conventional as that offered in the other sections of the introductory Family Law course at our School.
Updated 10/17

B595 Advanced Environmental Law & Practice ^^## (3) – Barnes

This is an advanced course that builds on knowledge acquired in Introduction to Environmental Law and develops practice skills in the contexts in which environmental lawyers commonly utilize their knowledge and skills. These include: compliance/counseling; enforcement; litigation; and policymaking. Students undertake a number of exercises that entail legal research and analysis, drafting of memos and complaints, negotiation, interviewing, and oral presentations. This class satisfies the advanced writing requirement. Prerequisite: Introduction to Environmental Law.
Updated 10/17

B601 Criminal Procedure: Investigation (3) – Bell

This class focuses on the constitutional constraints imposed on criminal investigation by the Fourth, Fifth, and Sixth Amendments. The bulk of the course examines the Fourth Amendment. After briefly exploring the meaning of the text of the Fourth Amendment, we will examine the connection between the Amendment's reasonableness and warrant clauses. Next, we explore criminal procedure in the following areas: arrests and searches incident to arrests; stop and frisk; pre-textual stops; consent searches; warrantless searches of premises, vehicles, and containers; and the exclusionary rule. The latter portion of the course examines the Fifth Amendment as it relates to criminal confession. In this regard, we will concentrate mainly on three areas, the law governing self-incrimination, the constitutional constraints governing how law enforcement may secure confessions, and rules regarding the interrogation of suspects. At the end of the course, we turn our attention to the Sixth Amendment rules as they apply to police interrogation.
Updated 10/17
**B608 Family Law (3) – Sanders**

This course examines legal and policy issues that arise from the government’s regulation of family and other intimate relationships. Topics to be covered include marriage (who can get married, as well as the law’s regulation of marriage), divorce, non-marital relationships and families, constitutional privacy in sexuality and family life, how one becomes a parent (it’s more varied and complicated than you think), the parent-child relationship, and assisted reproductive technology. The course is primarily doctrinal, intended to provide necessary grounding in principles and case law for students planning to do family law work -- as a primary concentration, or as part of a larger practice – in any state. We’ll also have some guest speakers – practitioners and judges – who can talk about how practice differs from theory.

Family law inevitably involves many policy choices and social dilemmas, and so along the way we will confront questions such as: How should we balance the need for fixed, predictable rules that reflect longstanding social norms, against the values of human autonomy and the need for flexibility to accommodate increasingly diverse family forms? Should government require employers to better accommodate their employees’ family and caregiving responsibilities? Should government privilege traditional family settings like marriage over other forms of caregiving and family arrangements? What is the significance of changing gender roles within marriage and society as a whole? What new challenges has family law had to confront as a result of same-sex couples raising children?

Grades will be based primarily on an open-book take-home final exam. In-class preparation and participation also will count.

Updated 10/17

**B614 The Legal Profession for LLMs (2) – Pruden**

This class explores regulation of lawyers in the United States, the effectiveness of such regulations, and explores the conflicting goals of both the regulations and the broader societal goals of the legal profession and justice system.

The goal of the class is to introduce the tools to create understanding of the regulatory process of the profession and to develop a sense of ethical knowledge and values for both theoretical and practical application.

The course will introduce you to the regulations governing lawyers both ethically and procedurally, to understand how the laws of lawyering in the United States in both the federal and state systems and the relationship of governing organizations and the courts.

The course will introduce you to the various forms of the practice of law, including, but not limited to private practice in small and large settings, government practice, corporate or single client settings, private enterprise and public service.

The course will introduce you to strategies for successful practice (ethical and effective) and demonstrate conducts that results in negative or anti-successful practice.

The course will primarily consist of lectures, class discuss and occasional guest speakers on specific topics.

Final grading will be based upon a test, short paper and class participation:
- Test: 85%
- Class Participation: 15%
B615 Land Use Controls (3) – Stake
This course examines issues of equity and efficiency that arise when public and private actors regulate land use and development. The principal topics covered include the common law of nuisance, servitudes, zoning, and the "taking" clause. The course should be useful to lawyers engaged in real estate practice or local government law, perhaps helpful on the bar exam, and interesting to anyone who cares about the ramifications of democratic decision making.

The course applies principles from such areas as property, constitutional law, administrative law, and law and economics. There are, however, no prerequisites for the course other than the first-year curriculum at IU Maurer School of Law.

Students are expected to participate frequently on a voluntary basis. Students should note that laptops may not be used during class except by students who have pledged to use them only for the purpose of taking notes in a word processing program. The exam will certainly include multiple-choice questions.

B620 Negotiations ^^ (2) – Ardery
NEGOTIATE BETTER...ENJOY IT MORE

Negotiation occurs when human beings collide over the division of limited resources of time, talent or treasure.

We negotiate for ourselves and others to get what we want and to avoid losing what we have. This class is designed for you to ask the large and small questions about how human beings go about the process of having the hard conversations. We will address priorities, develop skills, consider styles and strategies and become aware of internal and external conflicts. We will talk about what it is to listen radically, pay attention to physical cues, and practice what it is to integrate skills to become a highly effective negotiator.

You will share your own personal negotiation experiences and learn from your classmates, whose experiences and approaches may vary from your own.

You will do 4-6 negotiations with a partner and we will de-brief those negotiations. Class participation is 60% of the grade.

We will consider various readings on negotiation, neuroscience, philosophy and sociology. We will look wherever we can to learn to negotiate in a principled and effective way.

The first day of class I will give you a Negotiation Diary. You are expected to write down a personal negotiation experience or conflict experience of your own each week and some observation from that week's readings. We will begin each class with someone sharing their real-life experience so we can see how this class has practical application.

The goal is to fear negotiation less and enjoy it more.
Grades- Grades will be determined with 60% attendance and class participation, 15% final paper, and 15% final negotiation that will be done with a partner on video. Note: 3Ls have priority for this course. Updated 10/17

**B620 Negotiations ^^ (2) – Hoeksema**
Class Purpose/Goal: LEARN TO NEGOTIATE BETTER AND TO ENJOY IT MORE

The class is designed to offer students an opportunity to increase their self-awareness and awareness of others and to learn and practice concrete negotiation skills. Students will be negotiating in class nearly every week. Students will learn to transfer theoretical understanding of negotiation skills from the classroom to address conflict and engage in negotiation in a professional, ethical and effective ways in professional and personal settings.

We will be using Negotiation: *Processes for Problem Solving* by Menkel-Meadow, Schneider and Love. Excerpts from texts other than the main book will also be used.

We will discuss specific negotiations in which members of the class may have engaged in during the course of their daily lives as well as examine current events and evaluate the effectiveness of negotiating skills of public figures.

Grades determined as follows:
60% attendance and class participation;
15% final paper;
25% final negotiation.
Note: 3Ls have priority for this course. Updated 10/17

**B623 Negotiable Instruments (3) – Hughes**
This is a course about risk allocations in payments made by checks, drafts, and promissory notes and in the check-collection process. Pure and simple: some risks are fully allocated by state or federal statute, some by contracts, and some by system rules. Understanding which risks are allocated already helps people draft contracts and manage transactions.

This course covers state and federal laws on making payments, and some of the special contract types and system rules that are taking over for newer payment methods. The essential rules governing commercial paper (checks, drafts, and promissory notes) and bank deposits and collections are contained in Articles 3 and 4 of the Uniform Commercial Code ("UCC"). Federal law covers expedited funds availability and electronic fund transfers (debit and prepaid cards).

The course also covers some other ways to make retail payments (credit cards, e-payments through companies such as Paypal and Coinbase, and bank-based electronic funds transfers, including debit and ACH) and wholesale payments (wire transfers and letters of credit) that play increasingly prominent roles in domestic and international trade transactions, but not in great detail.

We will concentrate on how the UCC and related federal statutes and regulations apply to common transactions and will evaluate problems likely to arise in practice, such as lost, stolen, and forged "instruments", stop payment orders, and wrongful dishonor of checks. We also will discuss technological changes and the stresses they place on payment systems.
Error resolution rules for non-UCC payments differ substantially from those covered by the UCC. We will discuss the differences in how error-resolution works in both arenas.

This course also covers suretyship and the law of guarantees that plays a huge role in insurance and commercial real estate development practices, and that assists in garden-variety commercial litigation as well.

Laws pertaining to commercial paper and the relationships among banks and their depositors affect nearly all businesses and consumers every day. There are strong practical as well as theoretical parts of this material. Students should leave this course able to recognize and research more complex problems as they arise. This course also introduces students to one of the toughest sets of bar materials to learn on one’s own.

I use a text by Linda Rusch and Stephen Sepniuck that emphasizes learning by working problems, rather than gleaning principles from judicial opinions. This approach requires students to read statutory materials and apply the statute to variant fact-patterns. Students then consider what stresses on these rules - technology and shift structure of domestic and international financial institutions and other payment systems service-providers - mean for the future of regulation of these payment mechanisms. I welcome class discussion.

This class will have a traditional in-class examination. I normally allow more than three hours for students to take it. LLM candidates will get additional time to complete this examination in accordance with the School’s graduate student examination policy.

I love all my courses, but this frankly is my personal favorite.

Updated 10/17

B631 Business Reorganization (2) – Carr
This course will be taught by James M. Carr, JD 1975, judge of the US Bankruptcy Court of the Southern District of Indiana. The course will cover the full range of issues related to the bankruptcy reorganization of business entities under Chapter 11 of the US Bankruptcy Code. Issues arising in the reorganization of the City of Detroit under Chapter 9 will also be addressed. Topics addressed will include an introductory overview and history of reorganization law in America (including the various uses of Chapter 11 to implement a variety of business strategies and a description of the key players in a Chapter 11 case); business operations in Chapter 11; the Chapter 11 "toolbox" (including rejection and assumption of leases and executory contracts; allowance, disallowance, estimation, and subordination of creditor claims; the reduction of secured obligations to the value of collateral; borrowing by the debtor ("DIP financing"); preference and fraudulent transfer avoidance actions; and sale of assets free and clear of liens); process and procedure regarding dispute resolution (motion practice, contested matters and adversary proceedings); special rules regarding small business debtors, individuals, single asset debtors and other special cases; the core importance of, and various concepts involved in, the valuation of assets and enterprises; the process of creating and proposing a plan of reorganization; standards for confirmation of Chapter 11 plans; and the alternatives for restructuring outside of Chapter 11. In addition to a conventional casebook, the course will explore several actual bankruptcy reorganization cases in which the instructor has presided or participated. Students will have to "roll play" as counsel for parties-in-interest in hearings regarding use of cash collateral/relief from stay and plan confirmation. Evaluation will be based on the exercises and a written examination. Prior completion of the basic Bankruptcy course may be helpful, although Bankruptcy is not a prerequisite.

Updated 10/17
**B639 Advanced Legal Research (3) – Ahlbrand**

Advanced Legal Research will offer students an opportunity to gain in-depth working knowledge of legal research methods and resources. The course will emphasize use and comparison of a broad range of legal research tools, including traditional print sources and a host of electronic materials. The course will review the complete range of federal and state primary sources, legislative history, administrative materials, all major secondary resources and practice aids, as well as specialized topical resources. Upon completion of this course students should be able to evaluate research options and make choices that best suit the widest possible variety of modern legal research situations.

Each class period will focus on a specific type of resource or research process (e.g. cases and the organization of the courts, administrative codes, legislative history) and will include lectures, demonstration of relevant electronic resources, and classroom discussion. Each class or group of classes will be followed by a brief research exercise to both measure and enhance the student’s expertise with the materials presented in the classroom. This bibliographic approach to the legal research process will lay the groundwork for the course’s capstone project, a detailed legal research memorandum in an area selected by the instructors. The process of researching and writing the memorandum will provide students with an opportunity to review all the studied resources within the context of a discreet substantive question and develop their skills at conveying the fruits of their research to others.

Each student’s course grade will be based on (1) research exercises given at the end of each subject or module, (2) a research memorandum on a topic of the instructors’ choice, and (3) class participation/attendance.  
Updated 10/17

**B639 Advanced Legal Research: LLMs & SJDs (2) – Morgan, Buckley**

*Advanced Legal Research: LLM and SJD* will offer LLM and SJD students an opportunity to gain in-depth working knowledge of legal research methods and resources. The course will emphasize use and comparison of a broad range of legal research tools, including traditional print sources and a host of electronic materials. The course will review the complete range of federal and state primary sources, legislative history, administrative materials, and major secondary resources.  

Upon completion of this course students should be able to evaluate research options and make choices that best suit the widest possible variety of academic legal research situations. Each class period will focus on a specific type of resource or research process and will include lectures, demonstration of relevant electronic resources, and classroom discussion. Each class or group of classes will be followed by a brief research exercise to both measure and enhance the student’s expertise with the materials presented in the classroom. This bibliographic approach to the legal research process will lay the groundwork for the course’s capstone project, an annotated bibliography in an area approved by the instructors. The project will provide students with an opportunity to review all the studied resources within the context of a discreet substantive question.  

Each student’s course grade will be based on (1) homework assignments, (2) the capstone project, and (3) class participation/attendance.  
Updated 10/17

**B645 Wills & Trusts (3) – Gjerdingen**

This course covers transfer of property at death. This includes probate transfers, such as wills and intestate succession, as well as nonprobate transfers such as gifts, trusts, POD accounts, and other will substitutes.
Topics include:
- Intestate succession.
- Execution of formal and holographic wills, as well as revocation and revival of wills.
- Interpretation and construction of wills, and will contests.
- Will substitutes, such as multi-party accounts, POD provisions, and gifts causa mortis.
- Creation, modification, and termination of public and charitable trusts, and other specialized trusts; trust construction and interpretation.
- Powers of appointment.
- Restrictions on gifts, including the Rule against Perpetuities.
- Fiduciary administration, including investing for trustees (and lawyers) under the Prudent Investor Rule as guided by Modern Portfolio Theory.
- A brief introduction to estate planning and estate taxation, including the importance of retirement accounts in estates.

This is an introductory survey course. Students with a serious interest in practicing estate planning are encouraged to take additional courses, if offered, in Gift & Estate Tax (B651) and Estate Planning (B740).

Updated 10/17

**B650 Intro to Income Tax (4) – Gamage**
The principal subject matter of this course is federal income tax law, especially as it applies to individuals. Topics covered in this course include what constitutes income subject to tax and what is excludible; what is deductible; the tax treatment of gains and losses; and which income items are taxed at preferential rates. Learning to read and apply the Internal Revenue Code and Treasury Regulations is an important focus of this course. Other focuses of this course include understanding tax planning dynamics and how tax law relates to both tax politics and tax policy. This is an introductory course with no prerequisites. This course is a prerequisite for most other tax courses.

Updated 10/17

**B653 Corporations (3) – Buxbaum**
This course provides a survey of the legal rules and concepts governing the modern corporation. Topics include rules of agency law, corporate formation, limited liability, fiduciary duties, corporate governance, executive compensation, and mergers and acquisitions. This course serves as a foundation for further coursework in the business law curriculum, and so many of the topics we will discuss are treated at greater depth in other, more specialized classes. The key theme for our purposes is to understand how corporate law regulates the relationships among the many different constituencies of the firm, including shareholders, directors, managers, creditors, employees, customers, and suppliers. There are no prerequisites for this course, and the presentation is designed to be accessible to students lacking a business background.

Updated 10/17

**B655 Information Privacy Practicum: Capstone (3) – Shackelford**
Enhancing cybersecurity and protecting privacy are critical issues impacting all of us, and are forces increasingly shaping the competitiveness of firms and the security of governments. This course takes an interdisciplinary, global, and hands-on approach to introduce students to the practice of privacy and cybersecurity law and policy. Specifically, this course focuses on the management of information privacy and security within organizations. While it includes key legal issues in these fields—including U.S. and international cyber law and policy—it is more concerned with the challenges of addressing those issues effectively within public- and private-sector institutions. Those challenges include, for example, managing compliance across multinational organizations, best
practices for mitigating cyber risk, communicating effectively with executive leadership, motivating employees while managing insider threats, responding to data breaches and government investigations, and thinking strategically about how best to conduct cybersecurity due diligence in a given transaction or venture. Ultimately, we will analyze regulatory solutions as part of a larger universe of reforms needed to enhance cybersecurity and safeguard both intellectual property and civil rights, while applying the skills you have gained throughout your academic program for a real-world client.

*Note that this course meets online, though there will likely be one or more in-person client visits. It is primarily intended for students pursuing IU’s M.S. in Cybersecurity Risk Management, but Maurer students with sufficient background in cybersecurity and information privacy law and policy can enroll with special permission of the instructor. Please note: This class meets according to Kelley School of Business regulations and calendar.

Updated 10/17

B656 Corporate Finance (2) – Fitter
This advanced business law course explores a fundamental question for business organizations: how does a firm earn/raise money to finance its operations? Topics include fundamental and advanced finance concepts including: the time value of money, valuation of bonds and stocks, portfolio theory, market efficiency, capital structure, and behavioral finance. Fundamental principles of corporate financial decision-making will be covered including capital allocation and budgeting utilizing DCF/NPV. We will also explore corporate valuation methods in an M&A context and firm’s choice of capital structure. Gentle Warning: no prior finance experience is required, but a basic accounting course can be helpful. Overall, by law school standards, we will be using math frequently in this course. The course is taught from a largely a practical perspective to provide insight into the field of corporate/investments finance. There is no formal math pre-requisite as this course does not require high levels of mathematical sophistication (i.e. no calculus, no linear algebra, etc.). Solid high-school-level algebra is all that is required and we will leverage tools such as MS-Excel and/or a financial calculator to simplify the computational aspects of the course where possible. Students will be required to pass two exams and work through several numerical problem sets and group work exercises to develop the analytics and logic behind corporate finance as part of the course.

Updated 10/17

B658 Law & Education: Legal Perspectives on Education (3) – Emmert
This course will prepare students to 1) identify legal issues occurring in public PK-12 schools; 2) appreciate the importance of legal literacy for administrators, educators, policymakers, and others; 3) understand legal principles and apply them to real life scenarios; 4) describe and analyze key principles of school/district policy as well as federal and state law; 5) conduct legal research to stay abreast of evolving law; 6) collaborate with others to solve complex legal issues, and 7) legally advocate for parents, students, schools, and districts. This is a School of Education course (EDUC-A608) which will be taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses that is required for the Minor in Education Policy (see http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml). Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy and Janet Decker deckerjr@indiana.edu for further information about the course.

Please note: This class meets according to School of Education regulations and calendar.

Updated 3/17
**B658 Law & Education: Workshop on Selected Problems in Ed Leadership (3) – Decker or Eckes**
The purpose of this course is to hone students’ legal research and writing skills while increasing their knowledge about education law and policy. This is a School of Education course (EDUC-A720) which is a cross-listed and required course for the Minor in Education Policy (see http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml). Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy. Only Education Policy Minor students are eligible to enroll in this course. For further information, please contact Janet Decker deckerjr@indiana.edu. Please note: This class meets according to School of Education regulations and calendar. Updated 3/17

**B658 Law & Education: Advanced School Law (3) – Richardson**
This course analyzes current school legal issues from a district-level perspective. School leaders and policy makers need an in-depth understanding of several legal and ethical issues that impact schools. The Prerequisite for this course is: Legal Perspectives in Education (B658 Education Law/A608) or equivalent with consent from instructor. In Legal Perspectives in Education (B658 Education Law/A608), students explore legal issues from a building-level perspective. Specifically within A608, students discussed legal scenarios focused on teachers and principals. Advanced School Law (B658 Education Law/A615) goes beyond Legal Perspectives in Education to examine other complex school legal issues at the district-level, including public employment law, evaluation and other issues that affect superintendents and other district-level leaders.. This is a School of Education course which will be taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. The course also qualifies as one of the four School of Education cross-listed courses that is required for the Minor in Education Policy (see http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml). Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy and Janet Decker deckerjr@indiana.edu for further information about the course. Please note: This class meets according to School of Education regulations and calendar. Updated 3/17

**B661 Law & Biomedical Advance (3) – Cripps**
This course will examine the ways in which law is being affected by latest advances in biomedicine, including precision medicine. The sequencing of the human genome has brought us sophisticated genetic testing, screening and the possibility of human genetic modification. These are relatively new arrivals in doctors’ and pharmaceutical companies’ array of offerings. The cloning of genes, and indeed whole organisms, raises new questions for lawyers, whether they specialize in property, tort, criminal law, insurance, or intellectual property. Fascinating constitutional questions must now also be addressed, as is illustrated by litigation instigated by the Association for Molecular Pathology, the ACLU and others against a company holding patents on human genes. The new synthetic biology, which involves the creation of organisms in laboratories, will also be considered, as will novel legal questions that it raises. Three parent embryos, chimeras and other related technologies also spark legal and ethical issues that will merit our attention. No prior knowledge of either biotechnology or intellectual property law is necessary for this class, which will be conducted in an open discussion format. Updated 10/17

**B671 Appellate Practice & Procedure: Criminal Appeal ^^## (3) – Sylvia Orenstein**
This course is designed to acquaint the student with the ins and outs of criminal appellate
advocacy. He or she will learn how to read the file transmitted by trial counsel, communicate with the client, read the transcripts of the trial with an eye to identifying relevant issues, write a persuasive brief, and prepare for and engage in oral argument before the appellate court.

Evidence and Criminal Procedure recommended.
Updated 10/17

**B672 Secured Transactions (3) – Hughes**
This course surveys Article 9 of the Uniform Commercial Code as it applies to consensual and non-consensual security interests in personal property. The term "property " for this purpose includes such diverse tangible and intangible items such as motor vehicles, clothes in store inventories, rights in copyrights, trademarks and patents, agricultural products and commodities, contract rights, payment intangibles, accounts receivable, and equipment.

The textbook for Spring 2017 is Lopucki & Warren, Secured Credit (Aspen, most recent edition).

Students also need a Commercial Law statutory supplement an edition more recent than 2012, preferably Foundation Press’s edition. Please bring Articles 1 and 9 to class each day the course meets, as well as your textbook. I strongly recommend not relying on an electronic version of the Commercial Law statutory supplement for this course because you need to be able to follow it along with us in class as well as take notes.

The routine for this class is to discuss the theory and substance of the law briefly based on the textbook’s explanation of the law. Then, we spend more of the class period working work a series of problems in each chapter. Please plan to prepare each problem assigned in advance of class and bring your questions to class. Each “chapter” is intended by the authors as one class period of work.

The course focuses on consumer as well as commercial transactions. The course has interesting theory as well as substance that lawyers encounter frequently regardless of their chosen fields of law.

There is no prerequisite for this course. If a student can take only one Commercial Law course, it should be Secured Transactions. Some knowledge of secured transactions is very helpful in imagining the transactions your future clients will have, and will allow you to bring in experts before you get yourself and your clients into trouble. This material is tested on many bar examinations and is harder to learn on one’s own than Sales.

I encourage students planning to take Bankruptcy to take Secured Transactions (B672) as well.

This class will have an in-class examination and probably a one-essay question plus one or two short-answer questions.
Updated 10/17

**B678 Law & Sports (3) – Brown**
This course will address a number of significant issues that arise in Sports Law. While we will touch on a few issues involving high school athletics, most of our discussions will focus on Division I intercollegiate and professional sports.

For intercollegiate athletics, we will discuss regulating Intercollegiate Athletics, including the history of the NCAA, the relationship of the student athlete and the University, eligibility of
student athletes, and, to a limited extent, the enforcement of NCAA rules. We will also cover the significant impact of Title IX on gender discrimination in intercollegiate athletics. Title IX has changed American norms regarding participation of women in sports. This is also one area of law where the use of the middle level scrutiny test under the equal protection clause for gender discrimination, as opposed to strict scrutiny for race, makes a huge difference.

The NCAA has long trumpeted the notion of the “student athlete”. This athlete plays college sports for the love of the game. This vision of the collegiate athlete is proper when talking about almost all of the 463,000 collegiate athletes in the NCAA’s 3 different divisions. However, one of the most unusual aspects of collegiate sports is that the revenue generating sports of FBS Football and Division I Men’s Basketball, produce a tremendous amount of income for the NCAA and colleges and universities. For example, the NCAA funds its entire annual operations on less than half of the one billion dollars it receives for the television rights for the annual NCAA Basketball Tournament. And, many of the educational institutions use the funds generated by basketball and football to pay for the operations of all of their other sports programs. For example, at Indiana University-Bloomington for fiscal year of July 1, 2014 to June 30, 2015, the men’s basketball and football team generated 97.6% of the allocated revenue from all sports teams on campus. Yet, compensation for the football and basketball players is severely limited by the NCAA requirement that they must be amateurs in order to be eligible to compete and other legal restrictions.

No other area in American society involves a situation where those who generate the income are so limited in what they can be paid for their labor. And the issues surrounding revenue generating sports are magnified by a distinct racial aspect because most of the elite athletes in these sports are black males. If we are talking about the Power Five Conferences, 1 in 2013/4 black males constituted only 2.5 percent of the undergraduate students at these institutions, but they made up 56.3 percent of football players and 60.8 percent of men’s basketball players. As a result of the conflicts created by these realities, much of the developments regarding the NCAA and collegiate sports over the past sixty years centers on these conflicts. These developments include the creation of a number of academic requirements for all college athletes and a number of antitrust lawsuits against the NCAA. We will devote a significant amount of time understanding the complexities produced by the revenue generating sports.

We will cover a number of important issues relevant to the operation of professional sports, including the evolution of sports as a business and a profession, the internal league governance structure, and the commissioner’s authority. Free agency comes to professional sports through baseball shortly after Curt Flood loses his antitrust lawsuit in the early 1970s. Free agency has had a tremendous impact on professional sports and its institution typically involved very long and contentious work stoppages. Thus, we will discuss in detail labor law issues related to the development of free agency and the role of the players’ associations. Drug testing for both recreational drugs and performance enhancing drugs has been another contentious area in pro sports. We will talk about drug testing, including the aftermath of the steroid scandal in Major League Baseball. We will also focus on the Concussion Lawsuit that has dominated concern about the future of the NFL for years.

Updated 10/17

B680 Employment Discrimination (3) – Watson
This course focuses on the federal civil rights statutes that prohibit employment discrimination based on race, color, sex, religion, national origin, age, and disability. The

1 The Atlantic Coast Conference (ACC), Big Ten Conference, Big 12 Conference, Pac 12 Conference, and the Southeastern Conference (SEC) are the Power Five Conferences.
course considers litigation strategy and the sources, theories, and goals of anti-
discrimination law. Specific subjects covered include employers’ responsibilities (or lack
thereof) to accommodate or address pregnancy and family responsibilities, religious
practices, disabilities, and workplace harassment. The applicability of current law to alleged
discrimination on the basis of sexual orientation or gender identity is also addressed.
Students are required to engage in a simulated client intake and complete several pass/fail
assignments that provide practice applying the legal concepts discussed. Grades will be
based primarily on performance on an in-class open book final exam, but performance on
the assignments and in-class discussion may also be taken into consideration.
Updated 10/17

B681 Partnership Tax (2) – Halloran
It has been reported that anticipated tax overhaul legislation will substantially revise the
taxation of partnerships and their partners. Any passed (or pending) legislation will be
discussed in conjunction with and comparison to the current framework of Subchapter K of
the Internal Revenue Code. Topics covered include the tax treatment of contributions made
in conjunction with the formation of partnerships and LLCs, the taxation of partnership and
LLC business operations, the tax treatment of partnership and LLC distributions, and the
taxation of transfers of ownership interests in partnerships and LLCs. The course is
structured for the practitioner who will advise their clients upon the formation, operation,
and/or disposition of a partnership or LLC, or an interest therein. Introduction to Income
Taxation is a prerequisite.
Updated 10/17

B688 Community Legal Clinic ^^ (3) – Singleton
The Community Legal Clinic functions as a law firm comprised of second and third year law
students who provide legal representation to clients while acting under the supervision of a
licensed supervising attorney. The objective of the course is to allow students to gain
practical experience while using the excellent intellectual and analytical skills gained
elsewhere in the law school.

The course has two components: 1) a classroom seminar and 2) the actual representation
of clients. Clinic clients are local residents with family law problems involving dissolutions of
marriage, child custody, child support, parenting time, paternity, guardianship, adoption
and abuse and neglect. Most, if not all, Clinic clients have limited incomes and may not be
able to afford private counsel. Clinic students have primary responsibility for assigned cases
and may be expected to perform some or all of the following tasks: client interviewing,
drafting legal documents, engaging in discovery (including taking formal depositions),
representing, negotiating, mediation, and trials. Students have weekly office hours and supervision
sessions with their supervising attorney to discuss progress in their cases.

The seminar component consists of a weekly class meeting during which the students are
introduced to the relevant substantive and procedural areas of the law. The course is now
open to non-certified 2L’s for a range of 1-3 credit hours. The non-certified legal interns will
learn the many substantive aspects of family throughout the seminar and will have
opportunities to do research and work on real cases involving clients. The only limitation to
what the non-certified legal interns will be able to do is actual representation of clients in
court. At the completion of the semester the non-certified legal interns will have learned
the operation of the civil family court system, how to research family law issues, draft
pleadings, conduct discovery, interview clients and otherwise prepare cases for settlement
or litigation. To be eligible as certified legal interns students must have completed one-half
(½) of the hours required toward graduation and have completed or be taking the Legal
B691 Family & Children Mediation Clinic ^^ (4) – Applegate

This clinic is being offered for four (4) credit hours in 2017-2018 because there are 40+ hours of class meeting time, in addition to fieldwork. Each semester the clinic is generally available to up to eight (8) students. Through this program, 2L and 3L students who have taken the prerequisite and companion course (B563–Domestic Relations Mediation, which is offered in August 2016 before the start of the fall semester) serve as registered domestic relations mediators in Indiana, mediating family law cases that are primarily referred to the clinic from local courts. Only students who have successfully completed B563 may be in the clinic. Students need advance approval from Professor Applegate to enroll in the clinic.

Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) explaining their interest in the clinic (and related course, B563), and attaching a current resume. Students may only enroll in the clinic after receiving advance approval from Professor Applegate to enroll. Given the limited number of spaces, any interested student should contact Professor Applegate in advance of 3L registration for the fall 2017 semester; at that time, decisions about enrollment in the clinic for the fall 2017 and spring 2018 semesters will be made. Students who will participate in the clinic during the spring 2018 semester will enroll in the fall for the fall of the clinic.

Mediation Clinic: Students in the clinic will comediate cases referred primarily by judges in local and nearby counties. Students will mediate custody, parenting time, child support, asset and debt division, and other disputes between parents in family law cases. During the semester, the students will mediate in teams of two. Class training in the clinic will focus on interdisciplinary training, the development of the students' mediation skills, exploration of advanced mediation topics, including drafting mediation agreements, mediating more complex financial matters, best practices in the face of domestic violence concerns, keeping the focus on children’s best interests in mediation, and the effect of certain ethical issues and concerns on mediation practice. Students will keep a reflective journal of their mediation experiences, and will share their experiences with Professor Applegate and the other students in case rounds during class. Mediations will be conducted mostly at the law school. The clinic will be taught and supervised by Professor Applegate. In addition, students who have successfully completed the clinic in a prior semester may also assist in mentoring and supervising clinic students.

Please note that the clinic and its students typically participate in interdisciplinary training and research with faculty and students from the IU Department of Psychological and Brain Sciences (Psychology Department).

Grading/Exam Policy: Final grades in the clinic will be based on a combination of factors, including students’ mediation skills (and improvement of their skills), professionalism, preparation for mediations, the quality of reflective journals and other documentation, knowledge and application of Indiana law and ethics, and class attendance and participation. There is no final exam in the clinic.

Scheduling Requirements: Only students who have successfully completed B563 may participate. Clinic students must be available on Mondays from 8:30 a.m. to 12:30 p.m. during the semester, and on Wednesdays from 8:30 to 12:30 p.m. for the first 2-3 weeks of the semester (class hours are, however, adjusted or shortened later in the semester). During the semester, students will also generally be scheduled each week to attend (1) an
intake session for one case (approximately 2-3 hours) or a mediation (negotiation) session in another case (approximately 4-6 hours) on a regularly scheduled morning (Tuesday, Wednesday, Thursday, or Friday), and (2) a regularly scheduled supervision meeting (typically the afternoon before intake or mediation). In addition to these times, students will need to prepare in advance of intakes and mediations, and follow up with necessary documentation and paperwork after sessions. *Given the class schedule, it is not possible for students enrolled in the clinic to take other courses during the semester that meet Monday or Wednesday before 1:15 p.m. Additionally, students must commit to intakes and/or mediations one morning each week and on that day, the students should not enroll in a class before 2:20 p.m.*

**Prerequisites:** The prerequisite to the clinic is the successful completion of B563–Domestic Relations Mediation, offered in August 2017 before the start of the fall semester.

**Additional requirement:** All students who enroll in the mediation clinical program must consent to a criminal background check and sex offender registry check required by the Indiana University Policy for Programs Involving Children. More information about the policy and use of information obtained through these checks is at: [http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml](http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml)

**Contact Information:** Students may contact Professor Applegate by e-mail (aga@indiana.edu) with any questions.

Updated 10/17

**B698 Judicial Field Placements ^^ (3) – Van Der Cruysse**

**COURSE GOALS:** The student will have gained a behind-the-scenes view of what happens in a courtroom from the judge’s perspective, and how cases are discussed and decided. The student will also learn to discern from the judicial perspective what courtroom style (at oral argument or trial) is effective and what is not effective.

In the classroom component of this externship course, students will become familiar with judicial ethics; the judiciary as a branch of government: its organization and structure; judicial selection and election; judicial decision-making processes.

**COURSE COMPETENCIES:** The student will typically have to do legal research and writing (or oral briefing of the judge), will be offered detailed feedback on those assignments, and should be informed of the judicial ethics rules.

**STUDENT ROLE:** In the externship component, the student will be observing hearings, will be doing research for the judge or the judge’s clerk, and will be drafting bench memos/oral briefings, court orders, and parts of draft opinions.

For this course, the student will register for 3 credits: 2 credits will take place in the field placement (104 hours of on-site work), and 1 credit will consist of classroom instruction lawyering in the public interest, Mondays, 4:30PM-5:25PM.

Additional externship course requirements include weekly time-sheets and reflective essays, and 2 self-assessment exercises.

**COURSE QUALIFICATIONS:** The student must have successfully completed all 1L courses.

**CLIENTELE SERVED:** The judiciary.
**NATURE OF PRACTICE:** Litigation, settlement processes, oral arguments. If specialty court, the substantive area will be limited to that specialty. If general court, then the student would cover any area(s) of that are part of the jurisdiction of this court.

**APPLICATION METHOD:** Students are required to apply through the Externship program during the semester by contacting Prof. Inge Van der Cruysse at ivanderc@indiana.edu, Faculty Director of Externship Programs.

**ADDITIONAL INFORMATION:** Faculty approval prior to registration will be required: students can contact Prof. Inge Van der Cruysse at ivanderc@indiana.edu for an approval form. Updated 10/17

**B700 Corporate Tax – Lederman**
This course focuses on the federal income taxation of corporations and their shareholders. It covers both "C" corporations (which are taxed at the corporate level) and "S" corporations (electing small business corporations, which generally experience pass-through taxation), including many topics that apply to both types of corporations. Topics covered generally include choice of business entity, the tax consequences of contributions of property to a C or S corporation, distributions to shareholders, redemption of stock, liquidation of a corporation, and basic mergers and acquisitions (acquisitive reorganizations). Introduction to Income Tax or equivalent background (as determined by the instructor) is a prerequisite. Updated 10/17

**B709 Transactional Drafting: Real Estate ## ^^ (3) – Need**
In this course, students will learn transactional drafting skills through a focus on commercial real estate acquisitions. Students will learn the relationship between business and legal aspects of a commercial real estate transaction through a “cradle to grave” review of a hypothetical transaction, from first review through due diligence and closing. Students will familiarize themselves with basic valuation skills, basic lender qualifying models, and title work review, as well as the drafting and review of all aspects of the financing and acquisition process, including investor operating agreements, loan and related agreements, the acquisition contract, and triple net leases.

Students will start with the “nuts and bolts” of contract drafting and proceed through the process of incorporating deal terms into contract provisions. Students will study both stylistic and legal conventions and their relationship to one another. Students will learn how to identify risks and draft clear contract provisions that minimize ambiguity and control those risks. The course is useful to any student who will be drafting and negotiating contracts in his or her legal career, whether in the real estate context or otherwise. Note: 3Ls have priority for this course. Updated 10/17

**B709 Transactional Drafting ## ^^ (2) – Becker**
Knowing the elements of a binding contract and actually writing an enforceable agreement that achieves a client’s business objectives are two very different things. This course attempts to bridge that gap. It takes a structured approach to drafting contracts, beginning with the basic building blocks of commercial agreements and finishing with an asset purchase agreement to purchase a small business. Along the way, students will learn various stylistic conventions used by business lawyers, how to translate the terms of a business deal into a written agreement, and how to add value to a transaction. They will be exposed to several types of contracts, including purchase contracts, employment agreements, loan agreements, escrow agreements and license agreements. In-class exercises and drafting homework will give students practice drafting clear contract terms.
that unambiguously describe a client’s proposed business deal. Students should make sure they can allocate time outside of class to complete the drafting and editing homework. Grading is based on two or three graded drafting projects and on class preparation and participation. The final graded exercise (in lieu of a final exam) will consist of a business purchase agreement to be edited at home using techniques learned during the semester. The course is designed for students who are interested in a business transactions practice, but it is useful for any student who plans to negotiate and draft contracts in his or her legal career. Note: 3Ls have priority for this course. Updated 10/17

B709 Transactional Drafting: Tax ## ^^ (2) – Riffle
Prerequisite class work: Introduction to Income Tax or comparable undergraduate work

The focus of most business lawyers is documenting the purchase, sale or other combination of two or more businesses. Different transaction structures have evolved to address the unique circumstances of each transaction and to balance the varying interests of the parties, often with the view of minimizing the tax costs and maximizing the tax benefits associated with the deal.

In the opening section of this two-hour course, students will be introduced to basic (and some not so basic) transactional structures and elections, and will explore the basics of tax free and taxable acquisitions. A key element of this section will be the identification of the tax drivers dictating acquisition structures, including potential amortization of purchased intangibles by the buyer, character of income and gain, pass-through status (or lack thereof) of the target, and use or preservation of the target’s tax attributes. The writing focus of this first unit will be the preparation of sample interoffice memos to supervising attorneys, laying out options and recommendations for how best to structure a transaction from the viewpoint of the hypothetical client. The opening section will include one or more in-class written quizzes designed to gauge the students’ grasp of the foundational concepts.

The second unit will focus on acquisition agreements and their various components (statement of the transaction, representations and warranties of the parties, covenants concerning conduct prior to closing, conditions to closing, survival of representations and warranties, indemnities, and post-closing conduct) from the unique perspective of the tax lawyer assigned to the deal. We will review the purpose and meaning of common tax representations, covenants and indemnities, and compare the adverse interests of the buyer and the seller in each. The writing component of the second unit will require each student to prepare a “sellers’ draft” of the tax representations, covenants and indemnities in a standard stock purchase agreement. Thereafter, a sellers’ side draft will be provided to the students, who will be asked to prepare buyer’s tax counsel’s comments to the sellers’ draft received. Evaluations will be based on both the initial sellers’ draft prepared by each student, as well as the buyer-side comments each student makes.

The third and final unit will address tax-based drafting issues associated with the preparation of partnership agreements and limited liability company operating agreements. The unit will include an overview of the purpose and meaning of the standard “tax boilerplate” and an introduction to drafting income and loss allocations that satisfy the “substantial economic effect” requirements of the Internal Revenue Code. Students will carry out a writing assignment in which they will prepare gain and loss allocation provisions intended to reflect a hypothetical economic arrangement.
The non-writing components of the course will include both lectures and Socratic analysis of hypothetical deals. Out-of-class readings will include both sample acquisition agreements and LLC operating agreements, together with brief descriptions of the uses and mechanics of common acquisition structures either drawn from the literature or prepared by the instructor. The library has reserved two copies of the Ginsburg, Levin and Rocap “Mergers, Acquisition, and Buyouts” treatise from which additional readings will be assigned.

Class grades will be determined based on students’ performances on the in-class quizzes and written submissions. The maximum numeric score of each such in-class quiz and written submission will be announced in advance. Each student’s final grade will be subject to a maximum half letter grade adjustment, up or down, for classroom participation, or lack thereof, respectively.

The pace of the course will be dictated by the speed with which the key tax drivers (noted above in the description of the first section of the class) are mastered by the students. Because the instructor maintains a home just a few blocks south of Baier Hall, the instructor is able to offer weekly office hours at the law school (exact times and dates to be determined) for students who may require additional help in mastering the subjects.

Professor Riffle is a partner in the Indianapolis office of Barnes & Thornburg LLP, where he heads the firm’s national transactional tax practice.

**B709 Transactional Drafting for LLMs (1) – Bischoff**

In this course, students will learn transactional drafting skills with a focus on international business transactions. In a first step, students become familiar with the different stages of contract negotiation, and the role a lawyer – regardless of in-house or external counsel – will have to play in this process. Then, the structure and form of different typical international transactions will be discussed, taking into account the differences between the common law and the civil law systems. Essential issues like insurance, financing / security, choice of law and dispute resolution will be covered as well.

Transactional Drafting for LLMs is a one-credit, pass/fail course that will meet once a week on six Wednesdays from 4:30-6:40pm beginning Wednesday, January 31 and concluding Wednesday, March 7.

**B713 Administrative Law (3) – Aman**

This comprehensive course will cover most of the major constitutional and statutory issues in federal administrative law today, including various procedural due process questions, the constitutionality of delegating legislative power to administrative agencies, private actors and international organizations, the constitutional requirements for appointing and removing Officers of the United States, and the interpretation and application of the Federal Administrative Procedure Act. Primary consideration will be given to how agencies make policy and adjudicate disputes and how federal courts review those decisions. The course will also examine what is emerging as new sources of administrative law today, public/private partnerships, outsourcing and various procedural approaches to privatization. Though this course emphasizes federal administrative law, most of these concepts and the issues they involve apply to state law as well.

In addition, this course will provide opportunities for students to analyze the basic doctrines of administrative law by learning how to solve certain practical problems that require certain
skills, such as the ability to draft a petition to intervene in an administrative proceeding, a petition for judicial review after an agency renders its final decision and a Freedom of Information Act request.

This is a second or third year course. There are no prerequisites.

Updated 10/17

**B714 Deliberative Leadership ## (2) – Henderson**
A disproportionate number of law graduates become leaders, yet law school seldom provides formal training. Deliberative Leadership is unique seminar that focuses on leadership – the importance of leaders to the success of our public and private institutions; the attributes of leaders worth following; and focused class discussion and personal reflection on when, how, and why certain people ascend to positions of leadership. Effective leadership is an accumulation of skills, behaviors, and attributes that are acquired through observation and practice. To get students onto this track, ten of the thirteen seminar classes will be planned, organized, and run by student teams. Half of the classes will include Maurer alumni and other law graduates who will share their insights and experience on topics of related to professional development and leadership. Assessment is based class participation, team performance, a research paper, and a short call-to-action speech. Class size is limited to 20 students.

Updated 10/17

**B719 Employment Law (3) – Dau-Schmidt**
This course provides an introduction to the growing body of law that governs the employment relationship and that is unrelated to either the law on employee organization or the law on employment discrimination. Topics to be covered include: the hiring and firing of employees; the employment-at-will doctrine; the erosion of the employment-at-will doctrine; covenants not to compete; the protection of trade secrets; the employee's duty of loyalty; the use of lie-detectors, drug testing, and HIV-testing in hiring and discharge decisions; Workers’ Compensation; the Occupational Safety and Health Act; and the Employee Retirement Income Security Act (ERISA). There are no prerequisites.

Updated 10/17

**B720 Advanced Trial Practice ^^ (3) – Diekhoff**
Advanced Trial Practice is a limited enrollment course for third-year students who are especially interested in litigation. It provides students with an opportunity to refine their basic trial skills, as well as an opportunity to practice jury selection, presentation and cross-examination of expert witnesses, and impeachment. The development and improvement of advocacy skills and techniques are the focus of this class. Written assignments are designed to complement specific advocacy skills and to assist the student in identifying and addressing litigation issues. The class utilizes a criminal case problem that presents a guilt-innocence question and challenges students to consider issues including witness and juror bias and the presentation of non-traditional experts. The final exam is a mock trial. Evidence and Trial Advocacy are prerequisites. Students enrolled in the class are encouraged to participate in trial advocacy competition.

Updated 10/17

**B722 Trial Advocacy ^^ (3) – Kellams, Diekhoff, Brown, Levco, Pyle**
Trial Advocacy is one of the core courses in the litigation curriculum. It covers the techniques, tactics and performance aspects of the trial; including opening statements, direct and cross-examination, exhibits, and closing arguments. There is also discussion of courtroom demeanor, relationships with judges and court officials, and ethical guidelines for courtroom practice. Students learn by doing, with every student performing in smaller
practical sections most weeks. In lieu of a final exam, students conduct a full trial. Trial Advocacy is the second course in the trial practice sequence. Evidence is taken first, and is a prerequisite to Trial Advocacy. Trial Advocacy is taken second, and is a prerequisite to Advanced Trial Practice and Trial Competition. Trial Advocacy is also useful as preparation for clinical courses that involve litigation, such as Community Legal Clinic. Trial advocacy is taught by experienced trial lawyers and judges. Please note that in addition to the sections managed by each of the respective instructors, the students from all sections meet on Tuesdays at 7:45 for a forty-five minute lecture. Updated 10/17

**B723 Evidence (3) – Tanford**
The law of evidence regulates the proof of facts at trial. The Evidence course focuses on the Federal Rules of Evidence (which have been adopted in most states), how they are typically interpreted, and how lawyers use them when making and responding to objections. Evidence is a core course and is a subject tested on all bar exams. It is the introductory course to litigation, usually taken in the second year, and is a prerequisite for Trial Advocacy and the advanced trial practice courses. Evidence is not recommended for accelerated 1-Ls or first-semester international students because it assumes that students understand the basics of criminal law, torts and civil procedure. Prof. Tanford’s section of evidence is primarily an on-line course. All materials, including the syllabus, text, and problems, will be distributed in electronic form via a course website, so a computer and the ability to work over the Internet are required. All mandatory classes are conducted on line, are self-scheduled, and will take approximately the same amount of time as a traditional class. In addition, there will be regular optional classroom sessions on Mondays that provide the opportunity to ask questions, review materials, and put evidence into practice through exercises in making and meeting objections. Updated 10/17

**B727 Securities Regulation (3) – Nagy**
This course provides an overview of the federal securities laws and focuses primarily on the Securities Act of 1933. Topics include the definition of a security; underwriting and the registration process; exempted securities and exempted transactions; secondary distributions; and private rights of action for Securities Act violations. Prerequisite or Co-requisite: Corporations (B653). This course can be taken in the second or third year. Updated 10/17

**B728 Information Privacy II (3) – Tomain**
Privacy law and policy is one of the most important and rapidly expanding (and changing) fields in the world today. Increasingly, most aspects of daily life involve the (often unwitting) collection, communication, and use of personal data. As personal data are generated and collected more widely, and are far more revealing, governments are challenged to determine the proper limits and regulatory structures to enforce those limits, while businesses and other data users must determine how to comply with those emerging rules, often in the context of new technologies and unclear norms. The field of information privacy has grown so large that we are now covering it in two courses. Information Privacy Law I (not this course) will address the academic and constitutional background to privacy, the intersection of privacy and free speech, and the protection of privacy in law enforcement and national security.

Information Privacy Law II (this course) will focus on privacy issues in commercial, consumer, government, and international contexts. Information Privacy Law II is a survey course that will provide a foundational background in some or all of the following substantive areas of law: (1) Government Records; (2) Financial Data; (3) Consumer Data;
(4) Data Security; (5) Education Privacy; (6) Employment Privacy; and (7) International Privacy Law. While Information Privacy Law I is not a prerequisite, students are encouraged to take both courses in sequence.

Updated 10/17

**B733 Federal Jurisdiction (3) – Scott**
This course is about the power of federal courts. It examines how that power is shaped and limited by the Constitution, by Congress, and by the courts themselves. We will examine two broad themes related to the authority of federal courts: (1) the apportionment of power between federal courts and coordinate branches of the federal government (separation of powers); and (2) the power of federal courts relative to states, state officials, and state courts (federalism). Among the topics to be considered are the "case" and "controversy" requirements of Article III, state immunity from federal suit under the Eleventh Amendment, the authority of Congress under Article III to regulate the original jurisdiction of lower federal courts and the appellate jurisdiction of the Supreme Court, the authority of federal courts to exercise either less or more subject matter jurisdiction than Congress has enacted, and the responsibility of federal courts to supervise state criminal judgments under habeas corpus.

Note: this course involves a take-home final examination.

Updated 10/17

**B734 Advocacy: Moot Court Board (1) – Lahn**
This is the for-credit component of students' pre-approved participation on either (a) the Sherman Minton Advocacy Executive or Competition Board or (b) one of the Law School's external (interscholastic) moot court competition teams (such as the ABA NAAC, Williams, or Pace teams), other than the IP moot court teams. (Pass/Fail)

Updated 10/17

**B734 Advocacy: LawMeets ^ (1) – Need**
Through this advocacy section, a faculty-selected team trains, negotiates, drafts, and participates in the national LawMeets Transactional Drafting Competition. This competition consists of a simulated complex contract transaction, in which the selected students participate as counsel to negotiate and draft “one side” of the deal, competing with student teams from other law schools. The course includes a weekly classroom setting with the faculty member supervising the participation and advising the team.

Updated 10/17

**B734 Advocacy: International Patent Drafting Competition ^ (1) – Hedges**
No description available

**B734 Advocacy: AIPLA ^ (1) – Janis**
No description available

**B734 Advocacy: Pace Moot Court Competition (1) – Fischman**
No description available

**B734 Advocacy: Jessup International Moot Court (1) – Waters**
Students taking part in the Jessup International Moot Court may receive credit for their participation. The course involves studying the materials from the competition, learning the relevant bodies of international law, drafting memorials for the competition, and preparing and taking part in the regional competition, as well as subsequent rounds if the team advances. The work is highly cooperative, undertaken under the supervision of the faculty advisor. The course is graded on a pass-no pass basis, with substantial, committed
participation required to achieve a passing grade. Registration by approval of the faculty advisor.
Updated 11/17

**B738 Cybersecurity (2 or 3#) – Shackelford**
Enhancing cybersecurity is a critical issue affecting the competitiveness of firms and the security of governments. Increasingly, policymakers are fashioning regulatory schemes around the world that promise to shape not only the day-to-day realities of operating information systems, but also cyberspace itself. This course takes an interdisciplinary, global approach to introduce students to cybersecurity law and policy. Course content includes hot topics in cybersecurity litigation and applicable U.S. state and federal law as well as comparative and international law related to managing cyber attacks. Connected topics such as Internet governance and cybersecurity ethics will also be addressed. Ultimately, we will analyze regulatory solutions as part of a larger universe of reforms needed to enhance cybersecurity and safeguard intellectual property.

*Note: This course meets online on a special calendar starting on Feb. 19 and concluding on Apr. 16. Students will have the option of registering for either a 2 or 3 credit version of the class. Both will require completion of a research paper, but the 2-credit option will only include a 10-15 page final paper, while the 3-credit option necessitates a 30+ page paper along with other related assignments (such as a paper workshop, presentation, and op-ed drafting opportunity to distill your core findings). Given the amount of writing required, the 3-credit option will count for upper-level intensive writing credit.
Updated 10/17

**B739 White Collar Crime (3) – Morrison**
This course examines federal criminal prosecutions pursued against the Ponzi “schemers,” inside stock traders, organized crime figures and corrupt politicians. With primary focus on specific federal criminal statutes including RICO, bank fraud, mail and wire fraud, bribery, Hobbs Act and money laundering, this course also examines how the federal sentencing guidelines impact these convicted “white collar” defendants. Finally, the course reviews corporate criminal liability versus individual criminal liability for corporate officers and employees. The substance of this course would be invaluable for anyone contemplating a federal clerkship where much of the time is spent on federal criminal matters, future employment as a government attorney, or corporate in-house counsel. The instructor is a former federal prosecutor with the United States Attorney’s Office in Indianapolis. There are no prerequisites beyond the first year Criminal Law course. There will be an open book exam at the regularly scheduled time for all students in the class.
Updated 10/17

**B740 Estate Planning (2) – Retzner**
This course will explore the various estate planning options available to individuals to enable them to achieve their objectives with respect to the transition of wealth, including closely-held business holdings and charitable giving. The course will also provide an introduction to Federal Gift and Estate taxation as well as Generation Skipping Transfer Tax. The course will also delve into estate and trust litigation, as well as a limited introduction to the field of “Elder Law.” The emphasis will be on practical, real-life situations and positive steps available to the lawyer to deal with various situations involving estate planning and business succession planning. Suggested prerequisites or co-requisites for the course include Income Tax and Wills and Trusts. Each student will be expected to have a working knowledge of Wills and Trusts prior to taking the course, but by no means any expertise.
Updated 10/17
Before modern nation states emerged with the full legal/bureaucratic panoply of professional lawyers, public prosecutors, state courts, and police, humans had rules. To devise, apply, and enforce such rules, centralized institutions played a different, often limited role. In the developed world, centralized legal institutions suffer from major deficits in terms of access, fairness, and the ability to keep up with a globalized market economy. In developing nations, legal institutions tend to be dysfunctional, captured, or simply absent. This class aims at providing students with a broader vision of the nature and function of law, and at engaging your creativity in designing, or redesigning, legal institutions where states are weak, or where access is not universal, in order to promote social goods like political stability, economic development, and human well-being.

In the first part of the course (weeks 1-4) we begin by exploring the theory, associated with German sociologist Max Weber, that links law and the state, defining law as "the command of a sovereign authority endowed with the power of coercion." We then explore two critiques to this theory, as they emerge from the fields of anthropology and law and economics. Scholars in these fields have documented the emergence and development of rules as coordination mechanisms for social cooperation in small, homogeneous groups. But can people coordinate activity at scale in the absence of strongly centralized state institutions? And if so, how? To answer these questions, in the second-part of the course (weeks 5-13), we analyze the evolution of laws and legal institutions in selected pre-modern case studies—including ancient Athens and Rome, medieval Europe and Iceland, and early modern China—and reflect on how we might apply the lessons learned from these cases to the design of legal institutions in the modern world. For example, we will compare the institutions presiding over the process of post-conflict reconciliation in ancient Athens and South Africa. We will also compare the institutions for dispute resolution on matters of international trade in medieval Europe—the so-called law merchant—and the establishment of private ordering institutions by multinational corporations in the developing world today.

This is a writing-intensive course. Students are required to turn in a weekly 1-page précis in response to the readings; a 3/5-page presentation on the day in which they act as discussion leaders; and a final research paper. For the final paper, the instructor will provide intellectual and practical support throughout the course, as students identify a topic, design an outline with relevant bibliography, and produce a first draft. In addition, each student will receive in-class feedback from peers on the outline and the first draft. Final grades are calculated based on weekly participation in class discussion (30%), the weekly précis (10%), the presentation (10%) and the final paper (50%).

B758 Trademark & Unfair Competition (3) – Janis
This course will introduce students to the federal Lanham Act and related common law doctrines that protect against consumer confusion and the appropriation of commercial goodwill. We will investigate the creation and maintenance of trademark rights, trademark registration and administrative proceedings, loss of trademark rights, infringement of trademark rights, defenses and limitations, and jurisdiction and remedies. In addition to these topics, registration, and infringement, we will consider the constitutional and economic foundations of trademark protection and evaluate current trends in trademark law as it applies in online environments.

B760 Constitutional History Colloquium: Our "Original" Culture Wars (3) – Conrad
This course samples historical perspectives on some of the key themes in our current so-called "Culture Wars," in particular, the contested meanings of eleven selected key words in our national public discourse that are variously taken to signify fundamental American public "values." Thus, the course is organized to address, in turn: republicanism, liberalism, democracy, liberty, equality, rights, private property, religion, Christianity, family, and citizenship. And, while there will be discussion in class of how the meaning of each of these words is debated today -- for example, in our daily newspapers and in recent judicial opinions -- nevertheless, the emphasis of the course will routinely be on the contested meanings of these words at the time of the late eighteenth-century American "Founding." The course satisfies the "Advanced Writing Requirement."

Updated 10/17

**B768 Water Law (3) – Fischman**

Water Law explores the ways in which the United States addresses conflicts over water use. This course examines the legal control of water resources, focusing on water's special status as partially public and partially private property. Topics include riparian water rights (eastern U.S. water law), prior appropriation water rights (western U.S. water law), historical evolution of water rights, federal water rights, the public trust doctrine, recreational uses, and groundwater use. With the exception of riparianism, most of the water law issues arise from disputes in the western United States; however, water scarcity is increasingly an issue in the East. Though the class will discuss the intersection of water quality and quantity concerns, Water Law focuses on access and allocation policy. Students principally interested in water pollution should take a course in environmental law instead.

Most class sessions will be discussion-oriented. Law students will have the opportunity to work with SPEA graduate students on law-policy problems. Most required reading will be from the case book, Legal Control of Water Resources (5th ed. 2013), by Thompson, Leshy, and Abrams. Grades will be based principally on a take-home final exam.

Updated 10/17

**B771 Mediation ^^ (2) – O’Connor**

This course explores mediation as a method of dispute resolution and lays a foundation for the development of advocacy skills in the mediation environment. Class sessions will explore the text materials and theories discussed therein about mediation, as well as negotiation strategies in the mediation context. In addition the class will participate in mediation role playing exercises. This course will cover relevant authority and rules governing mediation and will include discussions on legal ethics in the mediation setting. As stated, role playing in various areas of practice (e.g. family law, personal injury, business dispute) will be used to reinforce mediation skills that have been discussed in class. These role playing sessions will be assigned to groups, will be conducted on days that the class would otherwise meet for a general class session, and may be held off site in a local law office setting.

Written work will consist of four assignments: a Confidential Mediation Statement; a brief short answer paper about a reading; a research paper about mediation, confidentiality and enforcement of agreements; and preparation of a detailed mediation agreement. These written assignments will count for 60% of the course grade, with the remaining 40% of the course grade based on participation in class discussions and role playing exercises. There will be no end of the semester course examination.

This course will be limited to 20 participants. Satisfactory completion of this course will enable the new lawyer to understand the role of mediation in the justice system and prepare the lawyer to represent a client in a mediation session.
This course explores civil mediation as a method of dispute resolution and lays a foundation for the development of advocacy skills in the mediation environment. Class sessions will explore real world mediation in many practice areas from the perspective of the client, the advocacy attorney, and the mediator. We'll work on negotiation strategies in the mediation context. This course will cover relevant authority and rules governing mediation and will include frequent discussions on legal ethics in the mediation setting.

Written work will consist of four assignments: a reflection on a book on negotiation, a Confidential Mediation Statement; a paper comparing mediation customs and practices between the US and a country of the student’s choice, and preparation of a detailed mediated agreement. These written assignments will count for 60% of the course grade, with the remaining 40% of the course grade based on participation in class discussions and role playing exercises. There will be no end of the semester course examination. Frequent role playing will be used to explore and reinforce mediation skills that have been discussed in class.

This course will be limited to 20 participants. Satisfactory completion of this course will enable the new lawyer to understand the role of mediation in the justice system and prepare the lawyer to represent a client in a mediation session.

The Patent Trial Practice course will teach the basic skills of a patent litigator by providing experiences as close as practical in a law school environment to those of a practicing litigator. The class of no fewer than eight nor more than twelve students will be divided at the beginning of the course into a plaintiff's team and a defendant's team, which will prepare and take to trial a hypothetical infringement case typically based on an actual United States patent. The hypothetical will be constructed to present generally balanced infringement, validity and/or damage issues. Team members will have the opportunity to participate in mock hearings, take and defend mock depositions, participate in mediation and participate in a mock jury trial before an actual federal judge. Team members may also interact with law students in Taiwan on matters of strategy. Participation in these activities will be arranged so that each student will get at least two half-hours of opportunities for "on his/her feet" experience. In addition, the teams will work together to draft briefs and other documents. Prior to each opportunity for speaking or writing, the class will read and discuss materials and/or hear a lecture or presentation relevant to the task. The course will be conducted in one 150-minute class per week. Students must have completed the basic patent course. Enrollment requires permission of instructor and preference will be given to students who have taken or are taking an evidence course.

This course is intended to provide critical, substantive, practical enrichment to students who are currently taking or have already taken at least one criminal procedure course. This course explores how the criminal justice system works in real life, or in practice. After a brief introduction to the reality of criminal courtrooms, the course will be divided into two sections, the first concentrating on police officers and criminal lawyers, and the second section examining several issues that involve judges, juries and "outcomes,"—sentencing, plea bargaining, specialized courts, and immigration. Part of the purpose of the course is to take case law, issues or problems that are common to the criminal courts, and closely
examine how the law works as actors in the criminal justice system struggle to balance lots of cases, with few resources.

We examine how the law works in practice in a variety of ways—by looking at case studies, by studying empirical scholarship, and by hearing some of the difficulties and challenges from several active practitioners. The course will also have a practical component. In several areas, students will be given cases (both real and fictional) and asked to briefly role-play being a prosecutor or defense attorney. The goal of the course is to provide not only substantive knowledge of how individuals charged with carrying out the criminal law function, but also present a larger view of how criminal courts—in which many individuals, not just lawyers and judges but also police officers, court personnel and juries—operate.

Updated 10/17

**B788 Labor Arbitration** ^^ (2) – Kelley
No description available

**L636 Seminar in Transnational Law** **(3) – Aman**
In the late 20th and 21st centuries, all domestic legal fields, as well as aspects of international and comparative law have been reshaped to some degree by developments in the transnational legal sector. In this seminar, we examine the effects of transnationalism on traditional areas of domestic law (such as contract, property and corporate law) as well as on public and private international law. Some of these effects are found wholly within domestic institutions; other examples involve various gray zones blurring the traditional boundaries of international and domestic law; still others involve law making outside and in the shadow of the state – such as best practice standards in the areas of financial regulation, banking, and corporate governance; we also take into account human rights in state and non-state frameworks. The core conceptual contention of transnational law as a field of study is that many of the legislative, adjudicatory and judicial structures pertaining to global capitalism and other aspects of globalization escape the traditional binary categories of public/private, international/domestic and state/market. In practical terms, then, transnational law expands the arenas for addressing legal problems, and enriches our analytical skills for doing so.
The materials in this course will consist of a new casebook by Professors Aman and Carol Greenhouse. These materials will focus on the transnational dimensions of a number of important domestic and international law cases, emphasizing the various interrelationships between and among international and domestic law as well as private ordering. We shall focus in particular on the Supreme Court of the United States and the lower federal courts. The materials will also present key case studies, including Bridgestone in Liberia, Apple in China and Global Climate Change.

Final grades will be based on class participation—25%- and a final research paper—75%. Attendance is mandatory and papers will be due on the last day of class of the spring semester.
Updated 10/17

**L637 Seminar in Introduction to Biotechnological Innovation** **(3) – Cripps**
This seminar will focus on the ways in which biotechnological developments, including precision medicine, are affecting traditional notions of property, intellectual property and information. In addition to patent law, other forms of protection, such as copyright, will be examined in relation to biotechnology and compared with the way in which they operate, for example, with regard to the internet and digital technology. There will also be an examination of whether genetically engineered organisms, clones, chimeras and other biotechnological products should, if at all, be granted intellectual property protection either
within the existing frameworks of intellectual property law or under a new regime designed specifically for that purpose. As is inevitable in any discussion of intellectual property law, international perspectives will be included.

No prior knowledge of either biotechnology or intellectual property law is necessary for this class which will be conducted in an open discussion format.

Updated 10/17

**L684 Seminar in Constitutional Design: Rights, Gender & States of Emergency** **(3)** - S. Williams

This seminar will consider several topics in constitutional design. Readings will consist of scholarship and commentary, as well as cases and constitutions from a range of countries. This year, the course will focus on the following areas of law:

I. Rights -- the structure of individual rights, including positive rights and horizontal application of rights; a comparative look at some core fundamental rights, such as freedom of speech and religion; types of equality rights and the constitutional provisions that implement them.

II. Gender – constitutional mechanisms for assuring political representation for women; gender “mainstreaming”; conflicts between religious or cultural rights and gender equality; the incorporation of international law into constitutions and its use to promote gender equality.

III. States of Emergency – the conditions under which the constitution authorizes actions or powers that would otherwise be unconstitutional; the concerns raised by such provisions and the limitations that can be used to cabin them.

Each student will write one long research paper on a topic of his or her choice related to the subjects of the course. There are no prerequisites for this course and students who have taken the other course on Constitutional Design are welcome to take this class, as there is little overlap in coverage.

Updated 10/17

**L694 Seminar in Voting Rights** **(3)** – Fuentes-Rohwer

This seminar explores the meaning and evolution of the right to vote in the American context, with particular emphasis on the role of the Supreme Court in regulating our democratic institutions. The seminar is framed over the overarching question whether the Supreme Court should play a robust role in this difficult area. In this vein, the seminar will appeal to students interested in legal history, constitutional theory, political science, Democratic theory, and constitutional law. Topics will likely include the political question doctrine; theories and models of judicial behavior; development of the one-person, one-vote doctrine; representation of minority interests in democratic bodies; the First and Second Reconstruction; the Voting Rights Act; and political and racial gerrymandering.

Updated 10/17

**L712 Seminar in International Law: The Great War** **(3)** – Waters

It was only after a second global cataclysm in the 20th century that the events of 1914 to 1918 came to be known as the First World War; before that, they were known simply as the Great War. It was first true war of the modern era: industrialized, mass-mobilized, drawing on all the resources of the bureaucratic state and altering the construction of the societies that fought. This seminar will recover the overshadowed memory of this, the most disruptive and decisive event of our era, with special attention to the way law was shaped by the shock of a violent modernity: its profound influences on the nature and regulation of war, international law, international institutions, democracy and popular sovereignty.

Through the prism of the Great War, students will consider such problems as the ability of law to respond to changing technology (today we struggle to craft law for drones and cyber-
warfare, but the shock of technology in the Great War – aerial bombing, poison gas, submarine warfare, the tank, industrial mobilization – was magnitudes greater); the first, failed efforts at international criminal law and the quest to assign legal and moral responsibility for war; the difficulties of dismantling empires and creating national states; and the challenges of crafting a general peace and a global system of security.

The principal focus of the course will be on contemporary interactions of the war and international law; where clear linkages or contrasts exist, the course will also examine the abiding lessons and legacies of the war for today’s legal regimes.

Students will write a seminar research paper.

Updated 10/17

**L713 Seminar in Law & Economics ** (3) – Dau-Schmidt
This seminar explores recent and classic articles on the economic analysis of law. The seminar begins with a thorough discussion of the Coase Theorem, its assumptions and implications, and then continues with a survey of the law and economics literature on property, torts, contract and criminal law. The seminar concludes by examining the question of whether the law does or should promote efficiency. This seminar satisfies the research paper requirement for graduation. Students will be expected to write a research paper on a subject of the student's choice. Original research is expected. The seminar is designed so that even those with no previous background in economics can fully participate. There are no prerequisites.

Updated 10/17

**L724 Law & Society in Contemporary China ** (3) – Michelson
Despite a burgeoning scholarly literature chronicling the reconstruction, expansion, and proliferation of laws, courts, and lawyers in China since 1979, scholars disagree about the significance and implications of these developments. Does the Chinese legal system offer meaningful redress to people with grievances, or should it be understood as ornamental “window dressing”? Does it do more to limit or to strengthen the power of the government and the Chinese Communist Party (CCP)? Does it do more to help people challenge or to prevent people from challenging the government and the CCP? In this interdisciplinary seminar we will not only explore and debate these questions, but will also (re)consider conventional scholarly notions about authoritarianism and popular political participation, single-party rule and judicial governance, democracy and political legitimacy, and legal professionals and their fights for legal and political freedoms. In the process we will scrutinize recent developments in China, including allegations of a “turn from law” and a crackdown on lawyers. Our inquiry will be heavily empirical and evidence-based. When we attempt to reconcile, adjudicate, or explain scholarly disagreements, we will scrutinize available data on the issue at hand. Our approach will be not only empirical, but also comparative. Throughout the semester we will endeavor to situate China in comparative global perspective.

Updated 10/14

**L730 Seminar in Intellectual Property: Data Law & Policy ** (3) – Mattioli
This seminar explores new policy challenges at the nexus of intellectual property law and the emerging field of data science. Today, policymakers and technologists believe the world is on the cusp of a new industrial age that will be powered and defined by digital information of all kinds--from health records, to credit card reports, to the digital footprints our smartphones and other electronic devices create throughout the day. Considering the vast potential of this emerging area, the legal framework that relates to the exchange and reuse of data itself remains conspicuously underdeveloped. Through weekly readings and class
discussions, the seminar will canvas a set of policy problems that have emerged against this backdrop. These include problems related to data exclusivity, control over downstream uses of data, inadequate disclosure of metadata, data transactions, data valuation, and more. Drawing upon these readings, students will craft their own articles over the course of the semester.

Prior or concurrent enrollment in at least one intellectual property course is a prerequisite.

Updated 10/17


This course grapples with interdisciplinary policy perspectives on energy law. Some material will address global issues, but when we dive into details, we will focus on the United States. Topics will include resource extraction/ownership, electricity generation, and incentives to move from one energy source to another, including nuclear, biofuels, wind, and solar. This course is not a survey or comprehensive introduction canvassing the field.

Students will develop skills in leading and facilitating discussion, summarizing complex ideas cogently and concisely, synthesizing relevant research in a variety of formats and communicating with a variety of audiences. This course will use current research in and disputes over energy law and policy to help students sharpen their analytical and writing skills. Students will apply secondary sources from academic journals and advocacy in the popular press to policy and law. Students will lead most class sessions. Students will produce short briefs and editorials. Students will produce a 7500-8000 word research paper due at the end of the semester. There will be no exams.

Because the seminar will meet in SPEA A205, it will not appear on the law course grid. The class meets Tuesdays and Thursdays at 1:00-2:15 when both the law school and SPEA are in session.

Please note: This class meets according to SPEA regulations and calendar.

Updated 10/17

**L770 Seminar in Comparative Inequality** **(3)** – Brown

This Seminar will focus on forms of inequality based on immutable and unchosen characteristics throughout the world. However, due to the limitations of time, this time the Seminar will primarily focus on English speaking countries and will compare various forms of inequality based on concepts of race/ethnicity/caste/religion that exist the United Kingdom, India, and Palestine/Israel with those of the United States. In addition, it will look at the legal policies and practices instituted in these societies to attenuate the continuing effects of these forms of oppression. Students will be expected to write and present a research paper that discusses a particular oppressed group in a country. The paper must include the history of oppression, the basic rationale for the oppression, and the legal framework currently in place to address it. At least 3 students will have to deal with different aspects of oppression of Dalits in India.

For the past 60 years, the United States has struggled to address various forms of inequality based on race or ethnicity that are deeply rooted in our nation’s history. This history can be traced back to the Trans-Atlantic Slave Trade, which ended in 1807, and the Mexican-American War (1846-8). The general solution applied to these various forms of inequality is also deeply rooted in the history and traditions of American society. As stated in the Declaration of Independence, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” More than any other country, America is dedicated to creating a society where individuals have the maximum
liberty to choose how to live their lives unconstrained by the beliefs of others, but within the boundaries of recognizing the right of their fellow individuals to do the same. Thus, solutions to historic forms of inequality based upon immutable and unchosen characteristics like race or ethnicity in the United States tend to follow a path of either attempting to transcend (i.e. ignoring) such characteristics in favor of treating people with these characteristics as individuals or convert the identification with such characteristics into matters of choice, personal preference. In the context of discrimination based on race/ethnicity, for example, this means being colorblind and treating everyone as if race/ethnicity does not matter or providing the space for individuals to self-identify their racial/ethnic group. Given that the American culture is based upon the value of individual self-determination, there is also a moral imperative not to treat a person as a member of a racial or ethnic group without their consent. However, one of the negative consequences of this solution is that it works to dissolve the necessary cultural feelings of duties and obligations that bind these minority racial/ethnic group members to each other.

Other societies across the world also face the need to address various forms of inequality based on immutable and unchosen characteristics. For example, the conventional (though controversial) theory of Indian history is that around 1500 B.C.E., Aryans from Central Asia invaded the subcontinent and subjugated the Dravidian race, who were believed to be the original inhabitants. These new comers established a religion based upon a caste system, Hinduism. In traditional Hindu society, occupations and social roles were allocated among five different caste groups. The first three caste groups, which constitutes about 15 percent of the population, continue to dominate Indian society. They are collectively referred to as ‘high caste’ or ‘forward caste’ or ‘twice-born’ Hindus. The religious duty of Shudras (or low caste Hindus) was to serve the other three castes. Beneath the Shudras are the Dalits (also pejoratively referred to as “outcastes” or “untouchables”). It could be argued, and probably proved, that Dalits are the most oppressed group in human history. Thus, when modern India became an independent nation in 1950, it had a legacy of oppression based upon the Hindu religion to address.

In contrast to the two above societies is the way that the discrimination based on race developed and has been treated in the United Kingdom. Unlike the other countries, blacks and Asians from the Indian subcontinent did not arrive in the UK in significant numbers until the 1950s. Thus, racial oppression in Britain is of voluntary immigrant groups who, comparatively speaking, are recent arrivals.

While the Old Testament teaches us that Moses led the Israelites to the Promise Land, the Roman general Pompey conquered Jerusalem in 63 BCE. The First Jewish-Roman War began in 66 CE. Eventually it led to the destruction in 70 CE of the Jewish Temple built by Herod on Mount Moriah or the Temple Mount (the place where Abraham was to sacrifice Issac). After putting down the Bar Kokhba revolt from 132-136, the Romans forced the remaining Jews to leave Jerusalem. The Romans eventually built a temple to Jupiter on the Mount. By 640 CE, much of Israel/Palestine was in the hands of Muslim rulers. Muslims built the Dome of the Rock on the Temple Mount, which they know as Haram Al Sharif (the Noble Sanctuary). For many Muslims, it is from here that the Prophet Muhammad ascended in to Heaven and came back with the requirement that Muslims must pray five times a day. The Dome of the Rock was initially completed in 691 CE. The modern day area of Israel/Palestine remained in Muslim hands until the collapse of the Ottoman Empire at the end of World War I, when the area came under British control. With the Balfour Declaration of 1917, Great Britain expressed its support for a Jewish homeland in Israel/Palestine. While some Jews had continued to live in this area, the British-at times-facilitated the return of even more Jews. The return of Jews accelerated in the years leading up to World War II and afterwards. After World War II, Great Britain turned its stewardship of Israel/Palestine over
to the newly formed United Nations. On November 29, 1947, the United Nations adopted Resolution 181 providing for the division of Great Britain’s former Palestinian mandate into Jewish and Arab states. While the Jews accepted the division, the Arabs did not. In May 1948, the British mandate ended and the modern state of Israel was founded. Israel’s founding quickly led to a war with its Arab neighbors. But, the new nation emerged successful from the War. During the Six Day War in 1968, Israel conquered the entire area of Israel/Palestine. But during the 1990s, Israel and the Palestinian Leadership agreed to the Oslo Accords that embodied a Two-State Solution where Israel would allow the Palestinians to control the area now known as Occupied Palestine, consisting of the West Bank and the Gaza Strip. As a result, the Arab population of Israel/Palestine includes Arab Israelis who are a minority group within Israel, Palestinians in the West Bank, Palestinians in Gaza, and Palestinians who are refugees outside of Palestine. Due to concerns about security, Israel maintains very tight control over the movements and lives of the Palestinian people. The Israel/Palestinian conflict provides for multiple types of inequality rooted in Jewish, Muslim, and Christian religions that we will discuss.

The United States initially used quotas, then used race as a factor in its programs and policies to attack its long standing racial inequality. However, over the past 45 years, it has moved towards a Post-Racial/Colorblind approach that denies the relevance of race and ethnicity as factors in addressing continuing forms of racial oppression. In contrast, upon obtaining independence, India included a system of reservations in government employment and education in its Constitution—and an informal agreement of reservations for political representation—(i.e. quotas) to attack the oppression of Dalits based on untouchability. However, Britain, which adopted a new comprehensive Equality Act in 2010, has rejected any positive considerations of race is attacking its forms of racial oppression.

This Seminar will compare and contrast the experiences of these four countries to seek to learn what valuable lessons can be taught. As it turns out, religion plays a huge part in the formation of racial/ethnic/caste oppression. This Seminar will examine how religion played into racial/ethnic/caste oppression and efforts to overcome those forms of oppression. It will also look at what impact voluntary immigration has on forms of oppression based on race/ethnicity/caste. In addition, this Seminar will look at the development of cultural attitudes about inter-racial/ethnic/caste marriage and what impact could significantly expanding these forms marriages have on oppression based on race/ethnicity/caste, as well as what kind of legal policies and programs would need to be instituted to do so.

Updated 10/17

L770 Seminar in Comparative Law: Constitutional Monarchy and Executive Authority in Constitutional Design ** (3) – D. Williams
This seminar will examine the phenomenon of legal monarchy in the world, especially its role in designing a good constitution for a particular country (“constitutional design”). Although the subject may seem of limited relevance, it is not. First, many countries in the world today remain constitutional monarchies, and the phenomenon shows no sign of disappearing. Indeed, this seminar grows out of the advising work currently being done in Jordan by the Center for Constitutional Democracy, which the instructor directs. Second, examining constitutional monarchy requires us to examine much further-reaching issues, including the bases of legitimacy and styles of executive leadership in a constitutional republic.

The seminar will proceed in five parts. The first will introduce some basic legal concepts defining the idea of constitutional monarchy. The second will then examine the bases of legitimacy for the state to consider whether a hereditary dynasty might be a legitimate executive form. Readings will include basic philosophical texts purporting to offer universal
The third part will then examine the different styles of executive leadership incentivized by different constitutional design. These styles will include authoritarian populism; military government; “benign” dictatorship; theocracy; technocracy; tribalism and headmanship; elite democracy; and representative and deliberative democracy. It will seek to enumerate the advantages (there are some) and disadvantages of monarchy in constitutional design by comparing it to other executive styles. For example, hereditary monarchy might seem unsettling to believers in democracy, but constitutional monarchs have done much less harm of late than democratically elected demagogues. Readings will consist of recent empirical analyses of comparative politics by political scientists, sociologists, and journalists.

The fourth part of the seminar will concretely examine the global phenomenon of constitutional monarchy today. It will have two parts. First, it will enumerate the specific elements that make up a legal monarchy and consider the variation in those elements among different monarchical systems--e.g. rules of succession, particular powers (such as pardon, receiving ambassadors, and appointing a prime minister), and symbolic functions. This part will then draw up a monarchical landscape of the world by considering the different families of monarchical constitutions, e.g. European monarchies, Gulf monarchies, Southeast Asian monarchies, etc. Readings will consist primarily of the constitutions of a number of monarchical countries.

The fifth part will consist of three case studies—in-depth examinations of the monarchical systems of the United Kingdom, Thailand, and Jordan. Time permitting, students will present the results of their research. Students will write one long paper examining the constitutional monarchy in a particular country. The papers will examine questions such as:

- What does the constitution say about the monarch?
- What does the monarch do and how much power does he or she have?
- How does the monarch fit with the culture of the country?
- Where does the institution of monarchy come from in each country?
- Where is the institution of monarchy going?
- What can the study of monarchy in each country teach us about the theory and practice of constitutional design, especially with respect to the executive dimension of government?

The papers will form part of the CCD’s permanent database, and they will be used in the work of the CCD and other constitutional advisors around the world. To the best of the instructor’s knowledge, this seminar is the only one of its kind in the world, and it will hopefully contribute to the creation of new knowledge.

Updated 10/17

**L782 Seminar in Lawyering in the Modern American Administrative State**

In this course we'll emphasize skills building, specifically, skills in revising one's own formal expository prose. One of the two course textbooks is a manual especially devoted to helping lawyers improve their writing. The other course textbook is a collection of essays on a variety of topics in the area of modern American administrative law. We'll read and discuss all these essays, but with an eye more to analyzing argumentation than to mastering the details of doctrine or policy. Therefore, background knowledge of administrative law is hardly a prerequisite for the course. Important and distinctive: each student, in short order, is to be assigned (by me) one of the essays in the collection as a focus for developing an individual research and writing Project, with the complete first draft of each student’s Project paper due on the Friday before Spring Break. We'll thus be making time
for working, collaboratively and individually, on the revision process throughout the balance of the semester.
Updated 10/17

L799 Seminar in Constitutional Law: 2nd Amendment ** (3) – Madeira
The Second Amendment, together with “gun rights” and “gun control” arguments, are in the news more than ever of late, in the wake of events such as the Las Vegas shooting. This course will cover a) the Second Amendment’s history and original meaning, as well as subsequent judicial interpretation, and b) Second Amendment policy, including academic studies of firearms regulations and other materials, and c) how different understandings of the Second Amendment have radically different implications for a variety of social groups. Understanding the origins of American firearm policies and explicating how various institutions have elaborated and restricted firearms rights is an important step towards critically engaging with and evaluating the multiple perspectives on this controversial issue. No prerequisites are necessary.
Updated 10/17

Wintersession (Wednesday, January 3 – Saturday, January 6)

B507 Presentations & Public Speaking ^^ (1) – Currell
This course will be an intensive working session with the following components:

- a. Explore the essentials of an effective speech or presentation, with an emphasis on communicating complex information in a legal context outside the parameters of a courtroom (e.g., communicating to clients; making public policy recommendations; presenting a problem statement and analysis to a management team; communicating an action plan for a transaction);
- b. Apply the principles of constructing an effective set of presentation materials (story arc, visual representation, aesthetics) to several small examples and one larger example extending across the four days of the course;
- c. In small groups, practice making short presentations, receiving and providing feedback on those presentations, to develop experience and to internalize the principles of what works and what doesn’t in presentations/public speaking;
- d. Learn the key concepts of managing discussion in a boardroom-style presentation, applying the concepts in small groups and in the final presentation;
- e. Build and present a larger presentation to be delivered on the fourth day of class.

Updated 10/16

B508 Legal Operations: Corporate Legal Departments (1) – Mooz
The way that legal services get delivered is changing dramatically. The globalization of the world’s economies, the explosion in data, the advent of ubiquitous connectivity, and the significant advances in information technologies over the past decade all put new demands on lawyers. Most large companies now have “legal operations” groups to help the law department deliver better legal services, faster and cheaper. Law firms often have analogous groups, typically under the Chief Innovation Partner. Law graduates possessing legal operations skills are in high demand.
Updated 10/15
B564 Litigation: Courtroom Procedure ^^ (1) – Rodriguez
The goal of this course is to provide an opportunity to learn and practice basic courtroom skills in the context of simulated problems in both a civil and criminal context. Each class session will focus on the skills used before, during and after any court appearance, with heavy emphasis on motion practice but, as time permits, into procedures utilized at trial. Students will be exposed to practical lessons on everything from how to file pleadings through getting the Judge’s signature on a Proposed Order. The benefits students derive from this course will be strongly correlated to their level of investment. Each course session will include classroom discussions and student-run simulations of typical courtroom scenarios. Upon completion of this course, students will have confident in their ability to prepare and present themselves effectively in Court.
Updated 10/17

B564 PreTrial Litigation: Depositions ^^ (1) – Vaidik
This a skills course that will teach the students how to take and defend depositions—primarily using a learning-by-doing method—in a simulated deposition setting.
Updated 10/15

B685 The Lawyer as a Business Executive (1) – Burns
Lawyers serve as advisors and advocates to many types of organizations, including government, private sector businesses, and non-profit organizations. A relatively large proportion of these professionals eventually leave the practice of law to become leaders of the client organizations they serve. Although this career path is very common, the reasons for it are not well understood. Are there aspects of legal education and legal practice that translate into good leadership training? Likewise, what are the professional challenges of leadership that are attractive to lawyers? How do good candidates prepare to make this transition? This course will explore these and other related questions through a series of readings and problem sets that track the careers of law school graduates who went on to successful careers as business executives.
Updated 10/15

B709 Transaction Drafting: Anatomy of a Deal ^^ (1) – Cowert
Lawyers serve as advisors for many types of organizations including government, private sector business, individual businesses and non-profit organizations as each of those entities enter into various business transactions. Many of these lawyers are faced with a variety of agreements and transaction documents in a course of representing various entities as they enter into business arrangements or other corporate transactions where their clients acquire entities or business assets or sell businesses. The corporate transaction documents are unique animals bringing together many different areas of the law and requiring lawyers to be both business people and lawyers and good team members for facilitating a client’s business objectives. This course is intended to help law students to understand how their legal education fits into and integrates into the practical world of business and deals and understand certain provisions are commonly included in various deal agreements. The course will explore and look at the anatomy of deals and transactions and include dissecting those transaction documents and understanding how their training in law school translates into provisions in the deal documents so that they are better ready to represent their clients in deals. There will be a series of readings and problems that will analyze various transaction documents and help students understand how the subject matters learned in law school translate into the real world of business and business transactions.
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