

September 2016

ST. MARY'S UNIVERSITY

SCHOOL OF LAW

**Course  
Descriptions**

Associate Dean for Academic and Student Affairs  
and Professor of Law

## FIRST-YEAR COURSES

The number of credit hours required for graduation is 91.  
The required first-year curriculum consists of:

### **Constitutional Law (4 credits)**

This course introduces students to the United States Constitution. Topics include: the power of courts to interpret and apply the Constitution; the distribution of powers in the federal system, including the division of power among the three federal branches (separation of powers), and the division of power between the federal and state governments (federalism); and the protection of an individual's liberties from governmental interference. The individual liberty topic includes a discussion of the concept of state action and congressional enforcement of civil rights; substantive rights emanating from specific provisions of the Constitution, including the freedom of speech, religion and association; the right to equal protection of the laws; and those rights that are protected by, though not expressly mentioned in, the Constitution.

### **Contracts I and II (5 credits)**

Contracts is the foundation commercial law course that examines the law of voluntary exchange. Major themes include enforceable and unenforceable promises, remedies for broken promises, and interpretation of agreements. Topics include: consideration; contract formation; capacity; duress; unconscionability and illegality; damages; conditions; mistake; impracticability and frustration; third party beneficiaries; assignment and delegation; the Parole Evidence Rule; and the Statute of Frauds. Attention is devoted to Article II of the Uniform Commercial Code.

### **Criminal Law (3 credits)**

Criminal Law is the basic course on public offenses. Students study the requisites of criminal responsibility, defenses to liability, and inchoate and group crimes.

### **Federal Civil Procedure (4 credits)**

This course introduces students to constitutional limits on judicial power and to the theory and practice of civil procedure under the Federal Rules of Civil Procedure. Topics include: jurisdiction to adjudicate the liabilities of nonresident defendants; the structure and limited power of federal courts; and the stages of litigation (including pleadings; motion practice, and the pretrial disposition of cases; formal discovery; and the trial process).

**Legal Research and Writing (4 credits)**

In these courses, students are introduced to the processes of case analysis, legal research, and legal writing. Written exercises are required, including the drafting of legal memoranda and an appellate brief. Students participate in oral argument on the subject of the appellate brief.

**Property I and II (5 credits)**

Property I and II introduce students to the legal concept of property. Basic concepts of entitlement and transfer of rights are explored in detail. Topics include: possession; estates and future interests; landlord and tenant; public regulation of land use and ownership (as in zoning and eminent domain); non-possessory interests in and regulation of land (including easements, real covenants and servitudes); and transfer of property by gift or sale.

**Torts I and II (5 credits)**

Torts I and II focus on the legal principles and public policies governing compensation for personal injuries, property damage, emotional distress, and other forms of serious harm. Topics include: the concepts of intent, negligence, and strict liability; defenses based on the plaintiff's conduct; causation and damages; vicarious liability; privileges; immunities; and statutes of limitations.

**Introduction to Legal Methods (1 credit)**

Introduction to Legal Methods will introduce first-year students to the fundamentals of American jurisprudence, including sources of law (legislative, regulatory, administrative, courts) and those who interpret and apply the law in Federal, State, and other governmental and quasi-governmental arenas. The course will ensure that students are prepared for the intense study of law, including an introduction to the pre-legal and legal skills and practices necessary for legal education, including modes of reasoning and analysis. Further, the course will teach students how to discern relevant legal principles and how to apply those principles to various fact situations. The course will introduce the students to the Bar Exam so that they will understand what they need to do to prepare to pass the Bar Exam at the end of their law school career. The course will explain and inculcate in students the ethics, practices, and professionalism that are inherent components of legal study and the practice of law.

## SECOND-AND THIRD-YEAR COURSES

First year courses are prerequisites for all of the following courses that have been recently offered to second- and third-year students. Additional prerequisites and recommendations are included for some of the courses. The courses are listed here in alphabetical order. Please note that not all courses and seminars are offered every year. Also, many courses can be offered for 2 or 3 credits, even if not explicitly indicated here.

### **Administrative Law (3 credits)**

This course explores problems raised by the functioning of administrative tribunals in governmental rule-making, adjudication, investigation, and enforcement. There is a special emphasis upon procedure and the relationship between administrative agencies and the judicial system.

### **Admiralty Law (3 credits)**

This course deals with both jurisdictional issues (in contract and tort, as well as state v. federal questions) and substantive maritime law. Topics covered include maritime liens, carriage of goods, salvage, collisions at sea, and the law of maritime accidents.

### **Advanced Constitutional Law: Speech, Press, and Association (3 credits)**

The focus of this course is the history and doctrine of the First Amendment, excluding the religion clauses. Topics include the history and philosophy of the free speech clause; regulations of political speech; overbreadth, vagueness, and prior restraint doctrines; content-based restrictions on such speech as false statements of fact, group defamation, commercial speech, offensive speech, fighting words, and obscene speech; time, place, and manner restrictions on speech; symbolic speech; the right not to speak; the right of association; and freedom of the press.

### **Advanced Criminal Law (2 credits)**

Prerequisites: first-year Criminal Law and Constitutional Criminal Procedure. This course addresses the defense of complex criminal law cases in federal courts. Topics covered include: grand jury practice, bail and preventive detention, discovery, suppression motions and trial techniques such as cross-examination and closing arguments.

**Advanced Legal Research (1 or 2 credits)**

This course includes a basic bibliographic review of fundamental primary and secondary federal, state and local sources, with an emphasis on Texas state and local legal materials. Also included is an introduction to international law as integrated into US domestic law under well accepted constitutional principles. Students are also expected to complete a “pathfinder,” a detailed research strategy for general and specialized sources in a subject area of law.

**Advanced Legal Writing (2 credit hours)**

Students will refine their legal writing skills in the context of real-life federal civil motion practice. The focus of the course will be on writing, editing, and collaborative document preparation. Students will be given short weekly drafting and editing assignments of the sort they could expect in actual federal practice in the United States District Court for the Western District of Texas.

**Advanced Topics in Comparative Law (3 or 2 credit hours)**

This course is designed to take a comparative approach of various legal issues among different legal systems. Specifically, this course examines how different legal systems approach the issues of emergency powers, religious freedom, and federalism.

**Advanced Torts (2 credit hours)**

This course focuses on five advanced tort causes of action which often redress purely economic losses (rather than personal injury and property damages). Those actions deal with: misrepresentation (fraud and negligent misrepresentation); defamation (libel and slander); invasion of privacy (appropriation of name or likeness, public disclosure of private facts, intrusion upon seclusion, and false light); tortious interference with contract or prospective advantage; and injurious falsehood (trade libel and slander of title). These five areas of tortliability are of particular interest to business entities (such as media defendants) and frequently raise First Amendment issues.

**American Legal History (3 credits)**

This course traces the changes in American law from the colonial era to the 1970's, and includes an examination of the historical development of the Supreme Court, the law of slavery, and the rise of the administrative state. Also explored are the history and evolution of contract, tort, and property doctrine; the history of the legal profession and legal education in America; and the transformation of American legal thought, including explanation and critique of formalism, realism, reasoned elaboration, law and economics, critical legal studies, and feminist legal thought.

**Antitrust (2 credit hours)**

This course is an introduction to basic US antitrust law and policy. It examines the relevant statutory, judicial, and regulatory authority promulgated by the government in an effort to regulate our economy and protect consumers from anticompetitive practices and unfair competition.

**Arbitration (3 credits)**

This course examines the theory and application of arbitration in the resolution of public and private disputes, in both the international and domestic settings. Role plays will be utilized, and issues of ethics, policy and law will be explored.

**Bankruptcy: Creditors' Rights and Consumer Bankruptcy (3 credits)**

(Prerequisite: Secured Transactions or Mortgages and Real Estate Financing)

This course provides an overview of rights, remedies, and procedures available to debtors and creditors under common-law and Texas statutes. The course engages students in an introductory study of the Bankruptcy Code, including consideration of the liquidation and distribution of a debtor's estate under Chapter 7 and Chapter 13. It is desirable but not required for the student to have taken Secured Transactions: UCC Article 9. No prerequisite when the course is taught by Associate Dean Rey Valencia.

**Bar Preparation Class (2 credits)**

The Bar Skills Preparation Class familiarizes students with the components of the Texas Bar Exam, instructs them in study and test-taking techniques, and introduces them to ways that they can start preparing early for the Exam. The course is offered for two hours of pass/fail credit.

The Fall component of the course is targeted towards students taking the February Bar Exam and serves roughly 20 students who register on a first-come, first-served basis. The Spring course is targeted toward students who are taking the July Exam but who have been identified by virtue of their standing in the class as being most at risk of failing that Exam. As a result, for the Spring course, the administration will automatically enroll a bottom percentage of students who have earned at least 60 hours; a student may only withdraw from the class with the permission of the Associate Dean for Academic and Student Affairs or that person's delegate. A student who does not complete the class or obtain permission to withdraw from the class will not graduate until this omission is resolved.

### **Business Associations (3, 4, or 5 credits)**

This survey course studies issues relating to the selection of an appropriate business form (partnership, limited partnership, or corporation), as well as to the formation, financing, operation, and control of business associations. The course examines issues that can arise in associations of any size and character, and the topics considered include duties and potential liabilities of owners and managers, problems in the issuance of shares of stock and other securities, proxy regulation, insider trading, derivative litigation, and the role of corporations in society. Students may choose the standard four-credit hour Business Associations course, the five-credit hour Business Associations I and II courses, or the three-credit hour Business Associations I course. The five-credit hour Business Associations I and II courses will cover in depth material covered in the standard four-hour Business Associations course.

### **Business Torts (2 or 3 credit hours)**

Business Torts exposes students to the class of torts that are most commonly litigated between businesses. These can be classified into two general categories: the economic torts and unfair competition torts. In the area of economic torts, students will learn the basics of the economic loss rule, misrepresentation, civil RICO, fiduciary duties, insurance torts, and tortious interference with contract. In the portion covering unfair competition, students will learn the basics of deceptive marketing, business disparagement, misappropriation in general, and specifically misappropriation of trade secrets and trademarks, and finally will get an overview of antitrust law. While this class's coverage will inevitably have some overlap with an Advanced Torts course, the focus of the course is very different and most of the course coverage includes topics not normally found in an Advanced Torts course (such as civil RICO, insurance torts and the entire portion on unfair competition).

### **Civil Restitution in Texas (3 credits)**

Restitution refers to one of the three major areas of judicially created causes of action. The other two are torts and contracts. In a narrow sense, restitution denotes the special remedies available in this area of law, and unjust enrichment is the label for the cause of action that makes one liable for restitution. The unjust retention of one party's property by another provides the factual base for a suit seeking restitution – that is, return of that property to its proper owner. In Texas, a plaintiff can assert a cause of action to prevent the defendant's unjust enrichment, and can plead that as an alternative to a tort or contract cause of action. A plaintiff can also assert an unjust-enrichment cause when the defendant did not wrongfully obtain the benefit. In other words, the plaintiff can recover even if the benefit was transferred because of a mistake that would not support either a tort or contract claim.

**Civil Justice Clinic (8 credits fall & spring; summer, 3 credits)**

The Civil Justice Clinic is designed to introduce students to the actual practice of law, and to the skills and responsibilities of lawyering, through the supervised representation of low-income clients in civil cases. Student's interview and counsel clients, interact with opposing counsel and administrative agencies, draft legal documents, investigate facts to obtain and organize evidence, and try actual cases. The Clinic's caseload consists of cases in the following subject areas: simple and complex divorce; domestic violence, protective orders; child custody, visitation, and foster care; social security administrative hearings and federal court appeals; housing; probate; wills; real estate transfers, consumer protection, and landlord-tenant disputes. The Clinic handles trial and appellate litigation in state and federal courts.

**Commercial Paper (3 credits) (online course approved)**

One of the Uniform Commercial Code (UCC) courses, Commercial Paper is the study of written instruments which represent money, such as promissory notes

(representing promises to pay) and drafts (e.g., checks, representing orders to pay). Topics covered include requirements for negotiability and the manner of negotiation; holder in due course, the bona fide purchaser of commercial paper; liability that may arise with commercial paper, based on contract, warranty, and conversion; checking accounts; the bank collection process; and rights and liabilities of various parties when commercial paper contains forgeries or alterations.

**Community Property (3 credits)**

Community Property deals with the effect of marriage on property rights in states, such as Texas, with a "marital community" regime of marital property rights. Explored in the course are the nature of title to marital property; the effect of marriage on the management of marital property; the liability of spouses and their property for contractual undertakings and tortious acts; the disposition of marital property in the event of death, divorce, or annulment; and issues relating to "homesteads" under Texas law.

**Comparative Law (3 credits)**

This course dissects the dominant features of the civil and common law systems. It focuses on the history, legal structures, legal actors, procedure, sources of law, and legal reasoning of the West European and Latin American countries and contrasts them with the legal culture of the United Kingdom and the United States. In addition, the course provides an overview of the European



Community and the European Human Rights System. It also addresses the legal changes in Central Europe and the newly independent states.

### **Complex Litigation (3 credits)**

This is an advanced course in federal civil procedure in complex cases involving multiple parties (class actions, mass disasters), multiple claims, duplicative or multi-forum litigation and complex tort cases. Topics to be covered may include the roles of judges (judicial control of the litigation process), magistrates and counsel (ethical considerations), personal jurisdiction and due process concerns (notice), joinder, discovery, settlement, finality, and recovery of attorney's fees.

### **Conflict of Laws (3 credits)**

The Conflict of Laws course addresses the special problems that arise when disputes have a connection with more than one jurisdiction -- problems usually classified under the headings "choice of law," "jurisdiction," and "enforcement of judgments." These issues are encountered in almost every area of practice and have constitutional, as well as legislative and judicial, dimensions. The course thus raises provocative questions regarding the nature of "law" and its role in society.

### **Computer Law and the Internet (2 credits)**

The course starts from the premise that it is not simply a set of legal rules governing online interaction, but a lens through which to re-examine general problems of policy, jurisprudence, and culture. Conceptual issues are emphasized that extend across the spectrum of cyberspace legal dilemmas. Traditional subject matter areas of Computer Law and the Internet are addressed and how traditional legal doctrines can be applied to cyberspace conduct and the special problems encountered in the course of that application and traditional legal doctrines. The who, how, and what of governance/regulation are addressed including fundamental questions that pertain to any legal system, in cyberspace or elsewhere. Studies on governance of the domain name system, efforts to control the exchange of counterfeit goods in the online marketplace, and the Google Books Settlement, as well as peer-to-peer file sharing, online behavioral advertising, regulation of sexually explicit speech, and ownership of user-generated content are also addressed.

**Constitutional Criminal Procedure** *see* **Criminal Procedure**

**Contract Drafting (3 credits)**

The Contract Drafting course will teach students the principles of contemporary commercial drafting and introduce them to documents typically used in a variety of transactions. The skills students will gain will be applicable to any transactional practice and will even be useful to litigators. On finishing the

course, students should know: the business purpose of each of the contract concepts; how to translate the business deal into contract concepts; how to draft each of a contract's parts; how to draft with clarity and without ambiguity; how to add value to a deal; how to work through the drafting process; and how to review and comment on a contract. Students will perform drafting and contract negotiation exercises throughout the semester, and course grades will be based on several drafting exercises and class participation.

**Construction Law (3 credits)**

The course covers the basics of Texas Construction Law. Emphasis is on: typical contracting relationships; unique aspects of construction contracts; and unique statutes and common law found in the construction industry. The course will cover indemnity and insurance issues, mechanics' liens and bond claims. Construction defect, enforcing payment for the work, property damage and personal injury/death claims will be explored. Handling construction evidence and effective use of Texas Rules of Civil Procedure will also be discussed. Practical discussions of trial and mediation techniques will be incorporated into the class work. It is recommended that the student have completed Contracts, and either have completed or be taking Texas Civil Procedure and Texas Evidence.

**Copyright Law (2 credits)**

This course provides a detailed study of federal copyright law and the legal protection it affords for literary, musical, and artistic works.

**Corporate Planning (3 or 2 credit hours)**

Corporate Planning will introduce you to the legal and business considerations involved in forming and operating an emerging growth business. The course combines theory and practice to prepare you for the challenges you will confront in the first year of a transactional practice, and is designed to prepare you to

represent start-up businesses regardless of their size. Over the semester, we will serve as legal counsel to a mock client (a start-up software business) from its inception, and will use readings, sample agreements and class discussions to help you identify and address the numerous issues presented to legal counsel in the start-up and operation of a growth-oriented business. These will include selecting and forming a business entity, structuring the economic benefits and management control among various owners, protecting intellectual property assets, and raising capital. The course begins with an analysis of some of the issues confronting a start-up company in its earliest stages, and examines the use of an LLC, both as an operating entity and as a vehicle for a joint venture. We close with a proposed venture financing for our “client.” The course is designed to develop your transactional drafting skills as well, and you will do significant amounts of drafting this semester.

**Criminal Justice Clinic (8 credits in fall and spring; 3 credits in summer)**

The Criminal Justice Clinic provides legal services to indigents of all ages who are charged with crimes ranging from misdemeanors to capital offenses. A student enrolled in the Clinic may expect to handle five cases during a semester. In order to enroll, a student must be eligible to obtain a State Bar practice card.

**Criminal Procedure (3 credits)**

Criminal Procedure is a constitutional law course, with an emphasis on the 4th, 5th, 6th and 14th amendments of the United States Constitution. Topics include arrest; search and seizure; investigative detentions; warrant requirements; confessions and other incriminating statements; and the right to counsel.

**Deceptive Trade Practices (2 credits)**

This course provides an overview of federal and state legislation and case law designed to protect consumers and others from deceptive practices in trade and commerce. The Texas Deceptive Trade Practices Act is emphasized.

**Doing Business with Mexico (3 credits) (in Spanish)**

The purpose of this course is to acquaint the student with the legal framework business transactions in Mexico and Latin America. The course will include an analysis of historical, cultural, political, social and economic aspects of Mexico, as they relate to the legal system.

### **Elder Law (2 credits)**

One of the fastest growing areas of law, this course assesses the myriad of legal concerns of the elderly, including health care decision-making; living wills and surrogate decision-making for the incapacitated person; issues regarding Medicare and Medicaid; long-term care insurance; social security benefits and supplemental security income eligibility; veterans' benefits; tax issues; pension plans; the Age Discrimination in Employment Act (ADEA); and elder abuse and neglect.

### **Electronic Discovery (2 credits)**

This course is designed to address discovery and evidentiary issues pertaining to electronically stored information (ESI). The course will address “meet and confer” conferences and what electronic discovery issues must be addressed between opposing counsel. Other topics include: production, mediating electronic discovery disputes, spoliation, sanctions, and privilege issues. Ethical considerations will be addressed throughout the course. Visiting attorneys will provide practical considerations, tips and recommended practices.

### **Employment Discrimination Law (3 credits)**

Employment discrimination law is an important body of civil rights law and is also the fastest growing area of labor law. This course will address methods of proving a case of discrimination under Title VII of the 1964 Civil Rights Act, which forbids employment discrimination based on race, color, religion, sex or national origin. Issues covered may include sexual harassment, affirmative

action, pay equity, and retaliation against employees who file charges of discrimination. The course will also cover procedural issues concerning enforcement, as well as the types of relief available. Other statutes, such as the Age Discrimination in Employment Act, Family and Medical Leave Act, and the employment discrimination provision of the Americans with Disabilities Act, may be covered.

### **Energy Law (2 or 3 credits)**

Oil, gas, electricity, wind and nuclear power form the basis of the U.S. power grid system. Basic tools of commerce, electric power, home, factories and social institutions are dependent on these energy components and their fundamentals of allocation. Energy law explores these relationships and the importance of their functionality within modern society.

**Entertainment Law (2 credits)**

This is a survey course which focuses on the legal issues and practices common to all areas of the entertainment industry. Practice issues are emphasized, as well as new developments in relevant intellectual property law, and significant business law issues.

**Environmental Law (2 or 3 credits)**

This course will address environmental problems and legal efforts to respond to those problems, including legislation and environmental litigation. In addition to surveys of state and federal controls concerning air, water, solid and toxic waste, other selected problems areas will be explored in detailed.

**Equal Protection in the US and Europe (1 credit)**

Considers some of the most important equality issues of the day-racial and sexual discrimination, voting rights and affirmative action-and the approaches of the United States and European nation to these.

**ERISA: Employee Benefits Law (3 credits)**

This course provides a background on the purposes and basic principles of the Employee Retirement Income Security Act of 1974 (ERISA) and other employee benefit laws. Coverage includes pension taxation, benefit plan reporting, regulation of benefit plans, ERISA fiduciary law, and termination of benefit plans.

**Estate and Gift Tax *see* Federal Estate and Gift Tax**

**European Union Law (3 credits)**

This course examines the law of the European Union (EU), now the world's largest trading block. The focus is on (1) the EU as customs union with a common commercial and trade policy towards outsiders; (2) the free movement within the EU of goods, or workers, services and capital; (3) the legal structure of the EU; (4) the competition (antitrust) laws of the EU affecting US companies doing business in Europe or with Europe; and (5) intellectual property rulings of the European Commission and the European Court of Justice.

### **Evidence (3 or 4 credits) (Required)**

The Evidence course explores the process of preparing and presenting evidence in trials. Topics covered may include examination of witnesses; competency of witnesses; privileges; relevancy; demonstrative evidence; the burden of producing evidence; presumptions and the burden of persuasion; judicial notice; the hearsay rule; and proof of documents, recordings, and writings.

Evidence I and II cover the same topics as the four-hour Evidence course, but permit students to enroll in two 2-hour segments each semester. The Evidence requirement is satisfied through successful completion of the four-hour Evidence course, *or* of both Evidence I and Evidence II.

### **Experiential Legal Analysis with MPT (1 credit hour)**

The overall goal of the MPT course is to teach students how to identify, annotate, and extract relevant information from each type of MPT document (task memo, library and file) so they are able to write substantially above passing answers.

During the course, students will practice through drills and workbook activities.

**Methodology & Learning Objectives:** The goal of the class is to ingrain strong MPT problem-solving skills. First, students will have the opportunity, after only a brief introduction to the MPT, to try and fail. Specifically, they will receive minimal instruction and then be required to tackle an MPT. They will then be asked to reflect on how they tackled each MPT document (beginning with the task memo, then the library, and finally the file). Following their attempt, the professor will deconstruct what students did (or attempted to do) through a series of questions and answers. Afterward, the professor will review and expand on a basic approach that students should follow when they work with each type of document. Finally, students will continue to develop their technique by working on the same skills using another MPT.

### **Family Law (2 or 3 credits)**

This course is a survey of a wide variety of legal issues concerning the family unit, with an emphasis on the policies and changing nature of family law. Topics explored may include marriage requirements and consequences, divorce grounds, property division at divorce, child support, custody, non-marital children, domestic violence, parental rights, adoption, and non-traditional families.

**Family Law Mediation (2 credits)** Pre-requisite = Mediation

Family Law Mediation is an expansion of the Mediation Course. Students will enhance their Mediation Skills by continuing development using the three different types of mediation: Transformative Mediation, Evaluative Mediation, and Cooperative Mediation. The class will address issues of particular concern in Family Law Mediation cases, including the maintenance of continued relationships, property division settlements, an introduction to family dynamics, basic child development, and finally advanced topics, such as domestic abuse and protective orders. Students will be asked to focus on these issues while further developing their mediation abilities, such as questioning techniques, venting and listening skills, and option generating. Students will also learn to recognize tactics used by parties and attorneys to forestall the mediation process, and work on developing ways to approach these "stonewalling" tactics. Mediation is a prerequisite for Family Law Mediation. This course is intended to provide the additional training for appointment as a family law mediator under §154.052(b) Texas CPRC.

**Federal Criminal Procedure (2 credits)**

This is a survey course of the procedure used in the federal criminal justice system from arrest and indictment (or information) through trial and sentencing. Topics covered include: grand jury practice, bail and pretrial release, pretrial motions, discovery, joinder and severance, guilty plea procedures, and trial.

**Federal Courts (3 credits)**

This course builds on the first-year Procedure course and provides a more detailed exposure to the limited judicial power of the federal courts. Topics may include the distribution of judicial power among federal and state courts, the original jurisdiction of the federal district courts (including cases arising under the United States Constitution and statutes, and jurisdiction based on "diversity of citizenship"), federal litigation, and emerging legislative proposals concerning jurisdiction of the federal courts.

**Federal Estate and Gift Taxation (2 or 3 credits)**

(Prerequisite: Federal Income Taxation)

This course is closely related to Estate Planning and is essential for those who will help clients plan the transmission of wealth from one generation to another through wills and related legal arrangements. Topics studied include the

concepts of gross estate and valuation of property; exemptions, deductions and credits allowed under federal law; and problems of payment, collection, and apportionment of taxes.

### **Federal Income Taxation (3 credits)**

The Federal Income Taxation course, a prerequisite for all other tax courses, provides an introduction to the basic policies and principles of federal income taxation, which are encountered in many areas of practice, including real estate, bankruptcy, family law, and personal injury. It provides a vehicle for learning to work with statutes and regulations, and does not require a business or accounting background.

### **Global and National Security Law (3 credits)**

This survey course addresses the definition of domestic and international conflict; its modalities (e.g., armed conflict, terrorism, economic coercion, and environmental degradation); types of threats (e.g., nuclear, biological, and chemical); the public law of conflict management; and the U.S. response to external conflict within the confines of domestic and international legal principles recognized by the United States (including constitutional issues). The course has an interdisciplinary character but is ultimately guided by the international and domestic rule of law.

### **Global Corporate Compliance Law, Practice and Governance (2 or 3 credits)**

This course is designed to provide an overview of a number of substantive law areas in compliance practice with an emphasis on the elements of an effective compliance and ethics program. An additional goal of the class will be to explore risk based approaches to solving compliance problems. In addition to the substantive law overview, the skills to be taught will include: 1) How to conduct an investigation in US and international

jurisdictions; 2) How to write policies and procedures; 3) How to engage, train and report to the board of directors; 4) How to conduct a risk assessment and measure effectiveness of the compliance program; 5) Best practices for compliance training; 6) How to network with other compliance lawyers/professionals to keep abreast of compliance best practices; and 7) the best practices in code of conduct drafting and development.

### **Health Law (2 credits or 3 credits)**

This survey course covers the major legal issues involved in health care in the United States. The course gives students an introduction to the various state and national administrative rules and regulations regarding quality controls, licensing



of health care professionals, and ethical /legal concerns involving physician/patient relationships. With the advent of new HIPAA privacy regulations and tort reform impacting medical liability issues, students will have the opportunity to obtain a working knowledge of the law. The course will survey contemporary policy issues in health law.

**Human Rights Clinic *see* Immigration and Human Rights Clinic**

**Human Trafficking (2 or 3 credits)**

This course will cover the domestic and international attempts to restrict the horrors of human trafficking. The first topic will include an introduction to the phenomenon of human trafficking, including an explanation of both labor trafficking and sex trafficking. Next the course will examine the domestic efforts seeking to eradicate trafficking. Third, the course will address questions surrounding how the United States Department of State addresses human trafficking on an international level. Fourth, the course will consider what is being done to address immigration concerns related to human trafficking. Fifth, the course examines whether prostitution should be decriminalized, detailing the experiments and the shortcomings of this approach. The chapter concerns the relatively new, so-called "Nordic approach," which criminalizes the purchase of sex but avoids criminalizing the behavior of the person who is being prostituted. Finally, the course concludes with an examination of what else can be done to limit the spread of trafficking, providing information on resources available to those who would seek to minimize the damage to human trafficking victims.

**Immigration and Human Rights Clinic (8 credits fall/spring, 3 credits, summer)**

The Immigration and Human Rights Clinic introduces students to the practice of law through the supervised representation of low-income immigrants and refugees in proceedings before Immigration Courts, the Board of Immigration Appeals, the Department of Homeland Security (DHS) and federal courts. The Clinic is open to second and third year students who interview and counsel clients, develop case strategy, organize evidence, draft motions and briefs, and appear on behalf of their clients before the agency and courts. The Clinic caseload includes a variety of immigration and nationality issues, including the defense of immigrants in removal proceedings, applications for asylum and benefits under the Violence Against Women Act (VAWA), and claims to U.S. citizenship. Students who are enrolled in the Clinic during the fall/spring terms must have completed or be concurrently taking the Immigration Law course or an international law course.

### **Immigration Law (3 credits)**

This survey course covers the source of immigration power and constitutional protections for aliens. It addresses the admission of aliens as immigrants and non-immigrants; grounds of removal and waivers as well as removal procedure; refugees; and asylum. To complete the overview, it also addresses issues pertaining to citizenship, its loss and its acquisition. The course must be taken either prior to or concurrent with the Immigration Clinic.

### **Import/Export Law *see* United States Customs Law**

**This course will review federal law, legal research and procedure associated with import/export issues. Various specific import and export legal issues will be presented and discussed, including enforcement of the laws.**

### **Independent Study (1, 2 or 3 credits)**

Students are permitted, with the approval and under the supervision of a member of the faculty, to engage in a course of independent study on a subject determined by the student and supervising faculty member. No student may receive credit toward graduation for more than three (3) hours of independent study, and the course may be taken on either a graded or pass/fail basis, subject to the approval of the supervising faculty member.

### **Insurance Law (3 credits)**

The Insurance Law course focuses on the special nature of insurance contracts and the insurance industry. Included is coverage of governmental supervision and control of the industry; organization and agents; making of the contract, including insurable interest and binders; construction of insurance contracts, including coverage provisions, exclusions, and other conditions; parties with interests in the contract; the company's rights and duties upon the happening of the insured event; and rights at variance with the contract.

### **International ADR and Tribunals (2 credits)**

First addresses the theory (with examples) of negotiation, mediation, conciliation, inquiry and good offices as the methods of peaceful non-binding dispute resolution. Thereafter, it addresses the theory (with examples) of arbitration and standing courts as methods of peaceful binding dispute resolution.

### **International Business Transactions: Investment and Finance (2 or 3 credits)**

This course focuses on international investment and financing issues. The topics covered include (1) the use of letters of credit in international business transactions; (2) the use of foreign distributors and agents; (3) investment vehicles and investment in Europe; (4) foreign investment in NAFTA; (5) United States regulation of foreign investment; (6) economic boycotts; (7) issues confronting established investments; (8) taking an investment; (9) project financing; and (10) Third World debt, the IMF and the international monetary system. It is recommended, but not necessary that *International Business Transactions–Sales and Trade* and *International Business Transactions–Investment and Finance* (the companion course) be taken sequentially. Each course is designed to stand on its own.

### **International Business Transactions: Sales and Trade (2 or 3 credits)**

This course focuses on the international sale of goods, including the Convention on the International Sale of Goods, regulation of international trade, and the resolution of international trade disputes. The topics covered include: (1) international documentary sales, bills of lading and other commercial forms; (2) tariff and nontariff barriers to trade; (3) the World Trade Organization, GATT, and TRIPS; (4) free trade areas and customs unions; (5) international transfers of technology; (6) protection and licensing of intellectual property; (7) resolution of international disputes; and (8) contractual choice of law and forum selection clauses. This course satisfies the IBT course requirement in the “Public & International Law” category of the core curriculum. It is recommended, but not necessary that *International Business Transactions–Sales and Trade* and *International Business Transactions–Investment and Finance* (the companion course) be taken sequentially.

### **International Commercial Arbitration (2 credits)**

Investigates – with particular reference to international problems – the history of commercial arbitration, the arbitrability of commercial subject matters, arbitration agreements and their characteristics, applicable rules and procedures, along with enforcement and judicial review of awards.

### **International Cybercrime Seminar (2 credits)**

This course is designed to be an introduction to International Cybercrime, which is only a subset of a much broader trend in the criminal area; the use of digital evidence in many criminal cases. Cybercrime is a true international crime. It links victims to criminals as they travel and within their home countries. Often it is a

crime with criminals in one country (which may have civil law) using servers in others which may have religious law) to commit crimes in yet another country (which may be a common law system). The course will look at the intersection of these historically diverse systems as part of this ultra modern crime. Likewise the systems we use to secure our computers are developed by companies based in other countries, some of which may not be friendly to the US, for example one of the world's biggest anti-virus companies is owned by a Russian friend of President Putin. The international law relating to computers, the crimes associated with them and the way in which lawyers use computers and the evidence which they hold will be the focus of this course.

### **International Intellectual Property Law (2 credits)**

Discusses the licensing and protection of intellectual property against the larger backdrop of international trade and commerce, with particular reference to intellectual property rules applicable in the United States and China.

### **International Economics Law (2 credits)**

This course focuses on the principles, rules, agreements, linkage and policies within The World Trade Organization (WTO); international investment law and bilateral investment treaties; international monetary law; and international development assistance lead by the World Bank. This course also addresses the topics of international economic sanctions, the mechanisms of dispute settlement available in the field of international economic law as well as the mixed private and public international law solutions that occasionally appear in international economic disputes.

### **International Investment Disputes (2 credits)**

As the developing world continues to grow and emerge as a major player internationally, the need for foreign direct investment has never been greater. Thus, it is essential to encourage countries who export capital to do. In order to accomplish this, however, those countries, and the corporations who provide that capital, must be certain that if a dispute arises, a fair and just means of resolving that dispute exists. Arbitration of international investment disputes is one of the areas of international dispute resolution. To that end, ICSID, the International Centre for Settlement of Investment Disputes, continues to be extremely relevant in the modern practice of private international law. With the continued rise of

globalization, it is essential that new lawyers become familiar with the dispute resolution process for foreign direct investments. This course will begin with a discussion of the relevant treaties including the multilateral treaties that both created ICSID and allow generally for the enforcement of arbitral awards. There will also be a focus on bilateral investment treaties between states which are a necessary component for foreign direct investment to occur. From there, this course will examine ICSID arbitral procedure. This will include the choice and implementation of arbitral rules, procedural elements of an arbitration proceeding, composition of an arbitral panel, and choice of law. In addition, issues of sovereignty and nationality will also be addressed with a special examination of expropriation/nationalization and just compensation. Students will examine not only the foundations treaties as well as bilateral treaties, but also the arbitral awards themselves and the substantive law they have created.

**International Labor Law (2 or 3 credits)**

This course will review the U.S. federal and state labor laws with a view to extraterritorial effect. The problems faced by foreign employers in the U.S. and those faced by U.S. employers in other countries will be examined. Sources of international labor law other than the laws of nation states will be covered, as well as the NAFTA labor agreement. Prerequisite: Labor Law

**International Law: Human Rights (2 or 3 credits)**

This course provides an overview of the unique nature, history, and philosophies of international human rights law. It compares United Nations, European, Inter-American, and African systems of human rights, and also the roles of governmental and non-governmental organizations.

**International Law: Public Law (2 or 3 credits)**

This basic International Law course is a survey of the law of nations and includes the nature, history, and philosophies of public international law; sources of public international law, including treaties, custom, general principles of law, adjudication, and doctrinal writings; international legal personality and recognition; territory; jurisdiction and jurisdictional immunities; state responsibility and state succession; peaceful dispute resolution; use of force; and international organizations.

### **International Litigation (2 credits)**

This course focuses on the issues that are likely to be encountered in litigation arising out of multinational transactions and relationships. Topics to be covered include jurisdiction over foreign persons and occurrences, enforcement of foreign judgments, discovery of information located abroad, and litigation directly or indirectly involving foreign governments. Cases and materials from numerous countries will be discussed.

### **International Organizations (2 credits)**

International Organizations is open to qualified J.D. and LL.M. students. The course is a practical application of fundamental knowledge and expertise expected of an entry level legal advisor representing a public intergovernmental organization (IGO), its organs or subsidiary bodies, including true judicial organs proper. Some limited discussion concerns the non-governmental international organization (NGO). The comparative method is used to identify general

principles of international law, customary international law, international organization practice, organization internal law, and conventional law, all of which govern IGOs. The development of critical thinking skills is integrated with doctrinal material. Required reading includes comparative analysis of constituent instruments and decisional instruments, including, but not limited to adopted resolution analysis. Application of knowledge will be evaluated through class participation, student preparation of a legal memorandum advising an IGO or a principal organ on a legal issue concerning interpretation of disputed constitutional text using Articles 31 and 32 of the Vienna Convention of the Law of Treaties (1969), student presentations which compare and contrast universal and regional IGOs, and by final examination.

### **International Problems in Stolen Art and Artifacts (1 credit)**

The course will discuss the common and civil law of lost, found, and abandoned property. Students will study the problems of national sovereignty in cultural property and the law and the various fora for seeking the return of such property, including international conventions. Additionally, the course will cover the manner in which different nations and supra-national conventions define and interpret the rights of artists in their creations, including investigation of the myriad legal issues concerning the defenses of limitations, laches and bona fide purchasers.

### **International White Collar Crime (2 credits)**

This course examines both the substantive and procedural law concerning various white-collar crimes that occur transnationally. Areas of criminal law include money laundering, tax evasion and corruption among others.

Procedural issues such as prisoner transfer, evidence gathering and extraditions are also addressed.

**Internships/Externships (maximum of 5 credits, 2 internships or externships allowed)**

Credits for Internships or Externships are available. See faculty supervisors of the Practice Credit Program.

**Jessup Seminar (2 credits)**

This seminar addresses the annual Phillip C. Jessup Moot Court problem concerning public international law issues. The seminar requires the completion of a hypothetical memorial for submission to the International Court of Justice in the Hague plus the advocacy of issues contained in the Jessup problem. This writing project satisfied the Law School's writing requirement for graduation.

**Jurisprudence (3 credits)**

The term "jurisprudence" is defined in a broad and all-inclusive manner as "the science or philosophy of law." Jurisprudence has sometimes been used as a label for several course offerings that vary somewhat from one semester to another, depending on the instructor. In general, the Jurisprudence course introduces students to important schools of thought about the origins, purposes, and workings of law through the reading and discussion of edited works of legal philosophers. It focuses on the development of ideas about the nature of law and the judicial process, and the relationship between those ideas and the working of law; in other words, students will see how philosophies of law inform the practice of law, or Jurisprudence: Law & Literature.

Sections of the Jurisprudence course may focus on particular aspects of jurisprudence. Examples include Jurisprudence: Critical Lawyering Theory and Jurisprudence: Gender and the Law.

**Juvenile Law (2 credits)**

In Juvenile Law, students study the encounters of children with our legal system, including delinquency adjudication; proceedings to determine whether children are in need of supervision; rights of juveniles; and the role of attorneys in representing juveniles.

**Law and Economics (3 credit hours)**

This course offers a study and critique of the use of economics analysis for clarifying legal policy and for the appraisal of court decisions. The course will focus on the extent to which virtually all areas of the law can be understood as the institutional embodiment of the principle of economic efficiency. Prior knowledge of economics is not essential, and the course will include a brief overview of basic economic theory.

**Land Use (3 credits)** Prerequisites: Property I and Property II.

A study of private and public means of controlling uses of private property. Emphasis is placed on municipal planning and zoning, fifth amendment regulatory takings and eminent domain. Further discussion topics include subdivision controls, first amendment land use limitations, sprawl and urban revitalization, and low incoming housing.

**Law Practice Management (2 credits)**

Law Practice Management (LPM) focuses on preparing students to open and operate a solo or small practice law firm. The skills learned are applicable to a

large firm environment as well. Students are expected to “organize” into firms with other class members (e.g. 2 to 5 students per firm, depending on class size). The “firms” then engage in a series of task assignments over the course of the semester such as (1) producing organizational documents (e.g. an Operating Agreement, etc.); (2) developing a marketing plan; (3) drafting a client engagement letter/agreement suitable to one of the firm’s areas of practice; (4) developing a space/utilization plan; (5) developing a financial plan; and, (6) developing a practice system checklist for one of the firm’s areas of practice. Faculty presentations are complemented by a series of guest speakers to expose students to diverse opinions on the challenges and best practices associated with “the business of law.” Among the guest speakers have been former LPM students who, as practicing attorneys, implemented concepts learned and plans developed in class within their successful solo and small firm practices. Ideally, the serious student will complete the class with a framework “business plan” for starting a solo or small firm practice after graduation and licensure.

**Law Practice Technology - Solo and Small-Firm Practitioners (3 credit hours)**

Technology is rapidly changing the practice of law -- in all fields, jurisdictions and



venues. Therefore, proficient technical skills are essential for solo and small-firm practitioners – those who intend to open a “traditional” small firm or a “high-tech, almost-paperless” solo practice. This course provides practical as well as theoretical information to help students understand and employ efficient and powerful technological tools – both hardware and software. To achieve these ends, the following technologies, software and hardware systems are covered in the course: cloud-based systems, software and computing; website-development technologies; outsourcing and virtual assistant services; social media and blogging services; case-management, practice-management planning-and-calendaring software; document automation, assembly and management programs; billing, invoicing and accounting programs; privacy-and-security software; mobile devices and software applications; data transfer and compatibility programs; electronic discovery software and hardware; information and research software; and presentation technologies.

### **Lawyer Formation: Leadership and Professionalism in Practice of Law**

This course examines the role of the lawyer as leader, in the practice of law, in government, in business, and in social communities. Students will learn general leadership traits and values, and specific approaches to leadership, including servant leadership, transformational leadership, and ethical leadership. In addition, the student will learn how professionalism, the commitment of the lawyer to the client, to the legal system, to the courts, to other lawyers, and to third parties, embraces the concept of the lawyer as an ethical and professional leader.

### **Legal Counseling (2 credit hours)**

Legal Counseling is a course in client interviewing, preparation and advocacy, designed to acquaint the student with the processes and theories surrounding legal counseling relationship. The concepts and processes of legal counseling are explored, as are the interpersonal skills, including communication skills that will aid the student in better satisfying their clients’ interests in negotiation, mediation and litigation settings. The ethics of the attorney-client relationship are emphasized, along with the need for a mature approach to client counseling and advocacy.

### **Legal Malpractice (2 credits)**

This course will examine the basis for legal malpractice and will explore the basic elements of the tort of legal malpractice, the creation of the attorney-client relationship, and applicable defenses. A major emphasis of the course will be on

the prevention of malpractice, and will examine common mistakes made by practicing attorneys which give rise to malpractice claims. Overall, the course will seek to instill a commitment to achieve the highest ideals of the legal profession.

### **Legal Spanish and Mexican Legal Systems (3 credits) (in Spanish)**

This course provides a foundation in legal terminology and proper usage in the different areas of Mexican law. Students are exposed to the nuances associated with the Mexican legal system, fundamental legal concepts, key Latin phrases, and to the teaching techniques that characterize legal instruction at Mexican law schools.

### **Legislation & Statutory Interpretation (2 credits) No prerequisites**

1. Today, most of our law is derived not from judicial opinions, but from statutes. This is true at both the state and federal levels. Thus, mastering statutory interpretation is important for every lawyer, no matter their practice area. This course will focus on interpreting statutes, primarily through the lens of the federal system, but will also explore issues of statutory interpretation at the state level in Texas, particularly when it deviates from the approach in the federal system. 2. The primary book would be: Hillel Y. Levin, STATUTORY INTERPRETATION: A

PRACTICAL LAWYERING COURSE, West 2014. In addition to the readings from this book, some law review articles and Texas judicial opinions would be assigned as reading, as indicated on the syllabus.

3. The course would be graded based on two criteria: an exam and in-class participation. The exam would be a traditional law school exam based on a fact pattern, as well as short essay questions. The in-class participation will stem from students' engagement with the readings and, in particular, their participation in inclass exercises.

4. By the end of this course, students will be able to do the following: read statutes proficiently and understand the difficulties in doing so; understand the theoretical approaches to interpreting statutes; understand the practical tools of statutory interpretation; and, apply all of these skills in practice.

### **Marketing and Business Development for Lawyers (2 credits)**

This course teaches students how to develop a business marketing plan, including how to identify and serve markets for clients with legal needs, how to develop appropriate and ethical marketing techniques, and how to build and maintain a clientele that is served well.

**Mediation (3 credits)** Prerequisite: Negotiation

Mediation explores those situations in which an impartial person, the mediator, facilitates communication among parties to promote reconciliation, settlement, or understanding among them. The course will explore all forms of mediation, whether conducted by consent or court order (court annexed mediation), and will include extensive training in mediation and negotiation. Issues concerning qualifications, confidentiality, liability, and ethics will be covered.

**Medical Malpractice Litigation (2 credits)**

Medical Malpractice Litigation, a study of the law and procedure governing medical malpractice actions in Texas, will prepare students to evaluate properly and manage effectively a medical malpractice lawsuit. Practical applications of the course include deposing medical witnesses, motions for summary judgment, and effective use of medical resources.

**Mergers & Acquisitions (3 credits)**

This course takes an in-depth look at common business and legal topics and issues that arise in the acquisition or sale of privately held companies, focusing on small and medium size entrepreneurial or family-owned enterprises. Areas covered will include the steps in the acquisition process, structuring the acquisition, elements of the acquisition agreement and negotiation issues and strategies. Students will be expected to participate actively in class discussions of weekly reading materials.

**Mortgages and Real Estate Financing (3 credits)**

This "real property" course covers the rights and interests of the parties to mortgages and other security devices, as well as those of transferees and of innocent third parties. Topics covered include the deed of trust; the vendor's lien and superior title; mechanic's and materialman's liens, both constitutional and statutory; and remedies such as foreclosure, redemption, and marshaling of assets.

**Negotiation (3 credits)**

Negotiation is a course in conflict prevention and resolution, designed to acquaint the student with the processes, and theories, surrounding conflicting human interactions, particularly in the legal world. The theories of integrative

and distributive bargaining are explored, as are the interpersonal skills, including communication skills, that will aid the student in better satisfying their interests in any negotiation setting, whether interpersonal, legal or otherwise. Gender and cultural differences are reviewed, as are the dynamics of large group conflict resolution and the use of agents and intermediaries in negotiations. The ethics of negotiation are emphasized, along with the need for a mature approach to conflict resolution.

### **Oil and Gas (3 credits)**

This course is the study of the law governing interests in oil and gas, with an emphasis on Texas law. Topics explored include the nature of interests in oil and gas; oil and gas leases; lease covenants, express and implied; title and conveyancing problems; transfers; and pooling and unitization.

### **Patent Law (2 credits)**

This course examines the nature of patent protection. Circumstances under which this method of protecting inventions and other original works is appropriate, and the steps necessary to secure, maintain, and enforce the protection, are emphasized.

### **Professional Responsibility (2 credits) (Required)**

Professional Responsibility explores the legal, ethical and moral responsibilities of lawyers to clients, courts, the community and the legal profession. The current professional rules of professional conduct and the policies underlying them, are examined. However, consistent with ABA standards, students should be aware that the course in Professional Responsibility does *not* prepare students for the Multistate Professional Responsibility Examination (MPRE). As with all other bar examinations, students intending to take the MPRE should plan to take a commercial bar preparation course prior to taking the MPRE. Information on such courses will be provided to all students enrolled in the Professional Responsibility course.

### **Race and Racism in American Law (3 credits)**

This course is a policy course—it is not a Title VII or employment discrimination course. Rather, this course addresses the many and various ways in which the issue of race and the American legal system interact. As a survey course, the class will deal with various topics ranging from affirmative action, the criminal justice system, and racist/hate speech to interracial adoption, issues of minority women, and housing discrimination. There is no course book for the course. Instead, the course materials are both traditional (law review articles, cases, and statutes) and non-traditional (*Ebony*, *Hispanic*, and various videos). While not a basis for grading, the format of the class nevertheless anticipates and necessitates the full participation of each class member. The class will offer invigorating and lively (if not heated) discussion and analysis of historical and contemporary issues of race and the law.

### **Real Estate Transactions (2 credit hours)**

This is an introductory survey course that will offer hands on, practical skills approach to wide range of legal applications in real estate transactions (emphasis on commercial) including the following: 1) the team players- who is involved in a successful real estate transaction and the logistics to close a transaction 2) purchase and sale of real estate, review of the purchase and sales agreement; development issues 3) title insurance and survey- the importance of the title commitment 4) title objections and title cures 5) conveyance documentation and issues 6) real estate finance 7) leases- ground, office, and retail leases 8) the role of brokers and listing agreements and letters of intent 9) who is the purchaser and why entities matter 10) residential real estate and TREC forms- why lawyers do not play a big role in residential real estate and 11) real estate litigation and mediation. As part of the class, guest lecturers will be invited who use the real estate lawyer in their business setting: 1) commercial developer with an emphasis on green development 2) title company escrow agent and legal underwriter for a title company 3) commercial real estate lender and 4) a commercial real estate litigator/trial lawyer.

### **Remedies (3 credits)**

In Remedies students explore the various types of judicial relief, equitable and "at law," available to people who have suffered or might suffer a substantive wrong, such as a tort or breach of contract. Students examine the maxims of equity and equitable remedies, including an in-depth study of injunctions; substitutionary money damages, including compensatory and punitive damages in contract and tort cases; and restitution-based causes of action such as "quasi-contract," subrogation, and constructive and resulting trusts. The course presumes the violation of a substantive right and attempts to answer the question, "What relief should the injured party seek from the court?"

**Sales: UCC Article 2 (2 or 3 credits)** (online course approved)

Sales is a Uniform Commercial Code (UCC) course. Article 2 of the UCC is explored, including the creation of sales contracts, the relationships between buyers and sellers, the rights and obligations of the parties, and the remedies available for breach of the contract. Other areas explored include risk of loss on shipment or storage, commercial impracticality, letters of credit, and documents of title. A student who takes this course may not also take the combined course on Sales and Secured Transactions.

**Sales and Secured Transactions (4 credits)**

This course will focus on Articles 1, 2, and 9 of the Uniform Commercial Code, the provisions governing the sale of goods and security interests involving or related to goods. Because the course combines topics covered in the Sales and the Secured Transaction courses, students who have completed either Sales or Secured Transactions are not be permitted to enroll in this course.

**Secured Transactions: UCC Article 9 (2 or 3 credits)** (online course approved)

One of the UCC (Uniform Commercial Code) courses, Secured Transactions is the study of using personal property as collateral for a loan or grant of credit. Topics considered include methods of creating and perfecting security interests; issues of priority; interrelationships between federal bankruptcy law and the UCC; and creditors' rights and obligations after debtors' default. A student who takes this course may not also take the combined course on Sales and Secured Transactions.

**State Pretrial Practice (2 credits)**

Texas civil pretrial procedure, law and practice, from client engagement to trial. It is highly recommended that students have a working knowledge of the civil rules of evidence before taking this class.

**Taxation of Business Entities (4 credits)** Prerequisite: Federal Income Taxation

This course covers major issues relating to the taxation of corporations, partnerships, limited liability companies, and other types of business entities. Topics to be considered include entity formation, capital structure, operating

distributions, sale of interests, mergers and other reorganizations, and liquidations. Subchapters C, K, and S of the Internal Revenue Code will be explored.

**Texas Civil Procedure I (3 credits)**

This course offers a detailed examination of pre-trial procedure, using the Texas Rules of Civil Procedure as a model, with comparisons to the Federal Rules of Civil Procedure. Topics covered may include preservation of error; the Texas court system; impleader; intervention; suits on a sworn account; parties; and discovery. Students who plan to practice in Texas are required to take Texas Civil Procedure I.

**Texas Civil Procedure II (3 credits)**

Prerequisite: Texas Civil Procedure I

This course offers a detail examination of trial, post-verdict, and appellate procedure, using the Texas rules of Civil Procedure as a model, with comparisons to the Federal Rules of Civil Procedure. Topics covered include continuances; recusal; summary judgments; jury selection; directed verdict; jury argument; jury change and verdict; post-verdict motions; findings of fact and conclusions of law; jury misconduct; res judicata and collateral estoppel; and introduction to appellate procedure.

**Texas Criminal Procedure (2 or 3 credits)**

Pre-requisite: Constitution Criminal Procedure

This course focuses on the Texas Code of Criminal Procedure and the cases interpreting the Code. Students analyze the various provisions of the Code as it relates to the prosecution and defense of criminal defendants from arrest through conviction. No pre-requisite when the course is offered in the Evening Program.

**Texas Land Titles (3 credits)**

Texas Land Titles builds upon the first-year property course, and explores in more detail the basic tools and steps necessary to examination of title to real property, as well as the procedural and substantive methods of clearing or eliminating title defects. Also included in the course are methods of title assurance, mineral title, and the Texas adverse possession statutes.

**Texas Water Law (2 credits)**

This course will consider rights and interests in water, emphasizing the unique law of Texas. Topics will include interstate allocations of water affecting Texas, public rights in water, private rights in surface water and private rights in groundwater.

**Trademark and Unfair Competition (2 credits)**

This intellectual property and business course examines the nature of the legal protection afforded to those who use trademarks. Also included are problems relating to trade secrets, franchising, false advertising, commercial bribery, and unfair trade practices and competition.

**Trial Advocacy (3 credits) (Prerequisite: Evidence)**

Trial Advocacy classes are designed to give students an introduction to specific trial advocacy techniques such as *voir dire* examination of jury panels, opening statements, and direct examination of witnesses. The techniques are demonstrated by instructors and students are given opportunities to perform, and receive instruction concerning, exercises in many aspects of the trial of civil and criminal cases. (Prerequisite: Evidence)

**Trusts (3 credits)**

Trusts are one of the most frequently used and beneficial of the tools available to the modern estate planner. A trust is a special type of property transfer which separates the equitable interest in property from the legal interest. The holder of the legal interest, the trustee, manages the property according to the directions contained in the trust instrument and state law for the benefit of the beneficiaries who own the equitable title. The trustee is a fiduciary and must deal with the property exercising a high standard of care and with the utmost degree of loyalty. This course deals with the creation, administration, and

enforcement of private and charitable trusts under the Texas Trust Code. Coverage of resulting trusts and constructive trusts is also included.

**United States Customs Law (2 or 3 credits)**

This course will review federal law, legal research and procedure associated with import/export issues. Various specific import and export legal issues will be



presented and discussed, including enforcement of the laws.

### **US/Mexico Cross Border Legal Practice (2 credits)**

This course, to be taught by lawyers involved in cross-border legal practice, will survey some of the core issues that arise in representing clients across national borders. The focus will be on the practical elements of the lawyer "doing business abroad" and our anchors will be the cross border nature of the practice and the regulatory elements that affect it. Topics to be covered include the regulation of transnational practice (including governance of foreign lawyers, treaties and foreign practice rules.) In addition, the course will survey certain key fields of the US/Mexico legal practice, including tax and customs, corporate and transactional law, litigation and dispute resolution, family law and immigration, labor and employment, and energy and the environment.

### **Water Law (3 credits)**

Water Law surveys the subject of rights and interests in water. The topics covered include the common law development of the two major methods of determining water rights in surface water in the United States ("riparian rights" and "prior appropriation"), issues concerning ground water allocation, modern statutory administration of water, public trust doctrine, transboundary water issues, and federal and state authority in water management.

### **Wills, Trusts and Estates (4 credits)**

Wills & Estates is the study of the disposition of property at death, whether by non-probate transfers, intestate succession, or will. The course examines the different types of inter vivos transfers that have testamentary effect, such as multiple-party bank accounts and life insurance; analyzes how property passes if a person does not have a will; and details various aspects of wills including validity, revocation, interpretation, and construction. The estate administration

process consisting of collecting the decedent's property, paying debts, and distributing property to heirs or beneficiaries, is also studied. The course also provides brief coverage of other estate planning issues such as professional responsibility, planning for incompetency and death, and the drafting of wills.

~~Wills and Trusts (3 credits)~~

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Covers the materials in Wills & Estates and Trusts in a more condensed format.

**Wrongful Convictions (2 or 3 credits)**

This course examines the American criminal justice system through an unusual prism: that of cases in which innocent people have been convicted. The course covers the principle causes of wrongful convictions as well as various reform efforts.

## Inter-session Courses

### **Appellate Courts (1 credit hour)**

This course examines the role and operation of appellate courts, both state and federal, in the judicial system. Topics to be covered include: appeals as of right and by permission; the scope of appellate review; and the standards of appellate review.

### **Appellate Practice in Texas Civil Cases (1 credit)**

Appealable judgments and orders, evaluating a case before deciding to appeal (including preservation of error and determination of potential cost and potential success), perfecting appeal (students to prepare notice of appeal), record on appeal (students to prepare request for clerk's record and court reporter's record), preparing the appellate brief (reviewing the record and preparation of brief, including evaluation of precedent), jurisdiction of appellate court, oral arguments (students to present oral argument).

### **Appellate Skills (1 credit hour)**

The Appellate Skills course is an introduction to fundamental appellate principles and skills. This one-hour, graded course will cover the basic advocacy skills and techniques that students would be expected to use in writing and orally presenting an appellate argument – how to identify, analyze and prioritize issues on appeal, writing persuasive briefs, developing cogent legal arguments and responses to an opponent's arguments, and effectively fielding questions from appellate judges.

### **Avoiding Ethical Complaints I (1 credit) No pre-requisites**

We will establish processes for client intake and drafting of acceptance/rejection letters, create a "conflicts" file in order to avoid representing or advising potential clients whose interests conflict with existing or prior clients, and examine the establishment and maintenance of trust account records. Grades will be based upon written assignments

### **Avoiding Ethical Complaints II (1 credit) No pre-requisites**

We will create a "tickler" system for case management, determine how to maintain client confidences in the storage and transmission of electronic data, and discuss implementation of personnel manuals and supervisory matters. Grades will be based upon written assignments.

### **Business for Lawyers (1 credit hour)**

Business Basics for Law Students is an introductory skills course that is meant to be a primer for a number of business-related concepts that lawyers utilize in connection with both transaction and litigation focused practice areas.

The course will rely upon material from selected chapters in a “Business Basics for Law Students.” It will explain practical aspects of debt and interest, present value, real estate financing, accounting and financial reporting, and tax and teach students the practical skills required to apply those concepts in everyday practice. Students will learn the material through discussion and by completing hands-on problems performed during class, both singly and in groups. Students will be required to demonstrate mastery by completing graded assignments that require, for example, students to analyze fact patterns and draft memoranda to clients (a) explaining settlement proposals involving streams of payments, (b) recommending litigation budgets based upon the financial strength of potential litigants, and (c) discussing potential capitalization structures and organizational tax strategies.

### **Crime and Immigration (1 credit)**

The course will explore the immigration consequences of crime, including the detention, deportation and permanent bars to reentry of immigrants. The class will examine and discuss the criminal grounds of inadmissibility and deportability in the Immigration and Nationality Act. Students will assume roles as government and respondent counsel in a simulated immigration proceeding and be required to analyze a situation and recommend a course of action in a memoranda addressed to criminal defense counsel.

### **Civil Actions: Forms, Depositions, & Interrogatories (1 credit)**

The course is designed to provide practical hands on application regarding how to draft a variety of the most common forms associated with a civil action in the federal court system. In addition, the course will engage students in the process of how to take depositions and draft interrogatories from the perspective of both parties.

### **Consumer Bankruptcy Filings (1 credit)**

This course involves the drafting of a complete Chapter 7 Bankruptcy voluntary petition along with all additional schedules on behalf of a hypothetical client. Students will hear lectures relevant to each day’s topic and then work in groups to organize the client’s Bankruptcy estate and complete each portion of the petition. In the end, students will conduct a mock Meeting of Creditors presenting their petition for approval. Students are graded on class work, homework assignments and class participation.

### **Divorce Prove-Up Hearing and Closing Documents (1 credit)**

This course will require students to review pleadings, draft documents and conduct the direct examination of their client to prove up a divorce. Students will be graded on class participation, drafting of direct examination questions and a final decree of divorce with closing documents.

### **Drafting and Planning Wills (1 credit)**

This course will cover the planning and drafting of basic wills and trusts. The students will conduct mock client interviews, critique and revise existing wills and trusts, and draft original wills and trust documents. In addition, the course will cover client counseling, dealing with grief, family dispute resolution, and ethics in a probate practice. The students will use materials from a variety of sources, compiled by the Professor. The grade will be based on the assignments and exercises; there will not be a final exam. While the courses in Wills, Estates and Trusts are not required, they would be helpful for this course.

### **Deposition Skills (1 credit)**

This course will teach law students how to take and defend a deposition in a civil litigation case. Deposition Skills is an intensive and interactive skills course. Students will assume roles as plaintiff or defense counsel in a simulated case, either from the files of the National Institute of Trial Advocacy, or a fact pattern from the Civil Justice Clinic. Both parties will prepare witnesses, prepare deposition outlines, and take and defend depositions (including information gathering, obtaining admissions, and using exhibits.) Two classes of 6 persons each will be talk simultaneously, with some concurrent sessions.

### **Direct and Cross Examination of an Expert Witness (1 credit)**

The course will focus on the skills and knowledge related to direct and cross examination of expert witnesses. The focus will be on actual student preparation, questioning and defense of expert witnesses at trial; however, students will be required to learn some substantive knowledge of the rules and cases regarding expert witnesses. The course will emphasize Federal law and a prior knowledge of Evidence and/or Trial Ad is helpful.

### **E-Discovery Practice (1 credit)**

This mini-course will examine the discovery, management, and practical issues relating to electronic discovery. The course will address the requirements for preliminary case management with respect to e-discovery in federal and state court and analyze pertinent case law, including the *Zubulake* and *Morgan-Stanley*

lines of cases. From a practical perspective, the course will address how to investigate your client's electronic discovery issues at the outset of a dispute; drafting a litigation preservation notice; drafting an e-discovery plan as required by FRCP 26(f), or for use in state court; managing e-discovery document review; issues that one should consider in hiring an electronic document management vendor; and avoiding e-discovery sanctions.

### **Incorporating a Business Corporation (1 credit)**

This course focuses on how to incorporate a business and the legal issues involved in counseling small businesses. At the end of the course, students should have the necessary knowledge to perform a complete incorporation for a business organization in Texas. Students will draft certificates of formation, bylaws, organizational minutes including meeting notices and property transfer documents, stock certificates including voting agreements and stock purchase agreements, applications for an Employer Identification Number from the IRS and for Subchapter S status, etc. The course requires completion of a drafting project within 28 days after the four days of class lecture. Pre-requisite: NONE. While Business Associations might be helpful, this skills course also serves as an introduction to Business Associations by providing tangible examples of concepts discussed in Business Associations.

### **Law Practice Management Technology (1credit)**

Understanding software used in running a law practice is essential for new lawyers who must either integrate into a law office environment or who must select tools for running a business as a solo practitioner. This course will cover common technology tools for managing a law practice including forms preparation software, time and billing software, and case management software. The course will also cover principles for maintaining a records system over time for conflict checks and other purposes. The ultimate goal is to know what tools are available and to have a context for selecting and using tools later in law practice.

### **Non Litigated Divorce with Children and Property (1 credit)**

This course is based on a single simulated case with the class divided into the two parties. The simulated case involves friendly parties with three children and substantial property. The students will identify the requirements of a petition based on the TxFC, TRCP, and TxPRC, and then draft the petition. Based on the facts of the simulations the students will then consider and create a written proposal for division of property, spousal support, child support, division of rights and duties of the parents, and visitation. When combined, the created proposals constitute the statutorily required parenting plan plus that part of a

Decree that can and should be individually drafted. Additionally, the students will draft several short analytical narratives on the topics being considered. On the last class day each student will meet with their assigned opposing attorney to negotiate a final agreement, which they will then compare to a sample divorce decree.

### **Jury Selection in Criminal Cases (1 credit)**

This course will provide a basic knowledge of the procedure and law governing jury selection. Additionally, it provides practical tips for the topics covered and the most persuasive way in which to present them.

### **Obtaining, Contesting, and Defending Search Warrants in Texas (1 credit)**

Students in this course will draft an affidavit for a search or arrest warrant, as well as the warrant, based on facts supplied from an arrest report filed by the police. Acting as attorneys for the accused, students then will move to suppress evidence found during the search conducted pursuant to that warrant, drafting both a motion to suppress and a memorandum in support of defendant's motion to suppress. The culmination of the course is argument in a suppression hearing on matters of law raised by the motion with students taking the roles of prosecutor and defense attorney.

### **Practical Aspects of a Suite Affecting the Parent Child Relationship (1 credit)**

(SAPCR) Prerequisite: Family Law or Texas Civil Procedure or Non-Litigated Divorce with Children and Property.

This course will focus on a Suit Affecting the Parent Child Relationship. The students will engage in a number of exercises most of them requiring reading and analyzing sections of the family code, TRCP or section of the TxPRC, and usually drafting a portion of a document or writing a narrative; multiple fact patters will be used to illustrate the issues. Suits in family law (including divorce but especially SAPCRs) deviate from the rules governing other suits in many ways. This course will highlight and explore the areas of difference, it will refer to, but not cover, areas where family law follows other civil suits. Topics to be covered will include: standing, continuing and exclusive jurisdiction, venue and transfers, the petition, service (on alleged fathers) , temporary orders, dismissals and to some extent planning and evidence.

### **Practical Writing in the Legal World (1 credit)**

The class will be taught in an interactive fashion. Assignments will be made based on examples taken from actual practice. Students will work individually

and in group format on the following types of writing:

1. A memo to the file documenting information obtained from the client;
2. A motion to the trial court with a brief memorandum of law in support thereof;
3. A letter to opposing counsel regarding acceptance of a settlement offer;
4. A limited briefing of an issue regarding trial error for an appellate court.

Additionally, writing exercises will be performed in class to enhance students' understanding of the rules of grammar. Purchase of a text will not be necessary, but I will utilize Strunk and White's *The Elements of Style*, as well as Bryan Garner's *The Winning Brief*.

### **Procedural Hurdles for Foreign Plaintiffs in the US Courts (1 credit)**

This mini course will focus on forum non conveniens (FNC) in the context of transnational litigation. When a foreign plaintiff sues a U.S. corporation in U.S. courts for its tortious conducts committed abroad, the U.S. corporate defendant always files a motion for dismissal on the ground of FNC. The course will explore the development of FNC and how to effectively use expert testimony in the response to FNC motions. Students will learn how to draft a FNC motion for dismissal and how to respond to such a motion in both the initial tort litigation phase and subsequent enforcement of foreign money judgment phase. Final grades will be based on students' three writing assignments (an exam on the FNC doctrine 30%, a FNC motion for dismissal 30%, and a response to the motion 30%) and oral arguments (10%).

### **Probate Techniques (1 credit)**

This course will cover 4 different methods of probating an estate; specifically, Probating a Will, Probating a Will as a Muniment of Title, Determination of Heirship and the transfer of title through Affidavits of Heirship. Students will draft applications for probate, orders probating estate, affidavits and direct examination questions. Students will also conduct a direct examination of their client for the probate hearing. Students will be graded on class participation and on the documents they create.

### **Public Interest Lawyering (1 credit)**

The course will examine how private pro bono, governmental, and non-profit practices all play a role in carrying out the profession's commitment to public service. As such, this course seeks students who wish to practice in a variety of settings upon graduation, for the expectation of public interest lawyering are not limited only to the legal services or government lawyer. Ideally, practitioners from practice – across all areas – will be brought in to speak to the class about their



experiences in this field. Students will be strongly encouraged to engage in pro interest work during the course and to reflect upon their experience.

### **Representing Clients in United States Tax Court (1 credit)**

This course is designed to introduce students to the reality of practice and procedure in cases filed in the United States Tax Court. Students will first review and outline the jurisdictional prerequisites for filing a case; after which they will apply the jurisdictional prerequisites to two fact patterns and identify the standards of review. Students will analyze the petition requirements and work with the facts to identify and compute the information necessary to draft a petition. They will draft a petition for each fact pattern. Since the majority of filed cases are sent to IRS Appeals for negotiation and settlement, students will be given one of the fact patterns to present to IRS appeals. They will research the applicable law and write an administrative brief to IRS Appeals in support of their client's position.

### **Social Security Disability Practice Skills (1 credit)**

This course will serve as an overview to the practice of social security disability law. Students will prepare claimants for hearing, prepare case theories, direct examine claimants, cross-examine medical and vocational experts, and draft appeals. Students are graded on class work, homework assignments, and a final project.

### **Starting a Non-Profit Corporation (1 credit)**

This course will cover the basics of starting a nonprofit corporation under state law, as well as obtaining tax-exempt status under the relevant federal I.R.S. guidelines. The course will then proceed to consider some of the more common legal and business challenges for nonprofits as a going concern, including donors, donations, and lobbying

### **Trial Advocacy – Using Courtroom Technology (1 credit)**

This course is designed to familiarize students with emerging technology and how it can be used, and not used, in trial presentations. Students will learn how to use effectively equipment and software such as document cameras, DVD's, VCR's, digital cameras, "white boards", PowerPoint, and trial presentation software. The course will also address the strategy and tactics of using, or not using, technology in the courtroom. The student's grade will be based upon the student's performance in using the technology while presenting portions of a

case. Enrollment is limited to 8 students.

### **Texas Legislation (1 credit)**

This one hour course is designed to enable law students better to understand the Texas Legislature. The course will enable the student to determine and communicate legislative history and legislative intent, and learn from experts and materials how to develop, pass and/or defeat proposed legislation of interest to the lawyer or a client. The course focuses on the legislative process in Texas and uses that process as an example of the legislative process in other legislative bodies.

### **U.S. Treaties and International Legal Research (1 credit)**

Treaties and International Legal research will focus on building the skills required to research, analyze and communicate findings concerning treaties ratified by the United States, as well as those treaties which are likely to be ratified so that the important practice of tracing the ratification process will be revealed. Similar skills will be selectively developed regarding the other sources of international law including customary international law, general principles of law, international adjudication and teachings or writings as understood in U.S. domestic law. The focused exposure to these international sources will be briefly compared to the basic primary U.S. legal sources such as constitutions, decisional, legislative and executive/administrative law so that the interaction among them can be understood.

### **Uncontested Divorce with Children and Property (1 credit)**

This course involves friendly parties with children and substantial property. The students will draft the petition after identifying the statutory requirements. The students will consider and create a written proposal for division of property and spousal support, and a Parenting Plan, including: custody, child support, division of rights and duties of the parents, and visitation, and after negotiating terms will draft portions of a decree and parenting plan. Additionally, the students will draft several short analytical narratives.

## LLM Courses

### **American Legal System, Introduction to the (2, 3, or 4 credits)**

This course introduces foreign LL.M. students to the key features of the American Legal System.

### **Legal English for Foreign Students (3 or 4 hours audit)**

This writing and composition course is intended for international students whose first language is not English. The emphasis in the course is on improving the students' writing and composition skills. Related ESL skills will also be taught. The course will be offered on an audit bases with no credit towards the chosen LLM Program of Study.

### **Legal Writing and Research for LLM (2 credits)**

Designed for foreign-trained LL.M. students, this course provides an introduction to basic principles of American legal research and Writing. Students review American research techniques and prepare documents such as memoranda, contracts, and client letters. This two credit-hour course is required for foreign-trained students who intent to take the New York bar exam.

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## China Study Abroad

### **International Business Transactions and China (2 credits)**

This course explores the Convention on the International Sale of Goods and other Chinese and international laws relevant to business relationships between American and Chinese entities. Topics include franchising arrangements, the payment of money across international borders, direct foreign investment and transactions with the Chinese government.

### **International Intellectual Property Law (2 credits)**

This course discusses the licensing and protection of intellectual property against the larger backdrop of international trade and commerce, with particular reference to intellectual property rules applicable in the United States and China.

**Introduction to Chinese Law (2 credits)**

This course introduces students to the history and institutions of the Chinese legal system, including the governmental structure, legislative process, court system, sources of law and enforcement mechanisms. It also explores the important substantive areas of the law, such as the rules governing property ownership.

**Comparative Tort Law (1 credit)**

This course explores the key similarities and differences between the Chinese and American tort law. It will discuss, among other things, basic principles (e.g., liability based on fault, strict liability, vicarious liability, defenses based on the plaintiff's conduct), topics of particular concern to businesses (e.g., products liability, respondent superior), and enforcement-related issues (e.g., insurance, contingent fees, open courts.)

**United States Enforcement of International Business Crimes (1 credit)**

This course explores the enforcement of United States criminal law for potential crimes committed by individuals and organizations conducting business abroad. It will focus on the perspective of corporate counsel in identifying strategies to avoid potential criminal liability and in responding to a government investigation.