

Fall 2017 Course Descriptions

7/21/2017

##: indicates courses that satisfy the advanced writing requirement (Academic Regulations 2.1 (2))

******: indicates courses that satisfy the research requirement (Academic Regulations 2.1 (3))

^^: indicates courses that meet the skills/experiential requirement (Academic Regulations 2.1 (5))

B506 Climate Law & Policy (3) – Cole, D.

Climate change presents enormous legal and policy challenges for society. This course examines those challenges and proposed solutions to them at all levels of governance. Students will learn about the science of climate change, the socio-economic consequences of rising global mean temperatures (along with uncertainties and other problems of climate modeling), climate change law and policies at international (e.g., United Nations processes and EU policies), national (focused predominantly on the US), regional, state, municipal and even private levels of governance, and climate change litigation. The goal of the course is to prepare students to engage effectively as lawyers and policy makers in the developing field of climate law and policy. Please note that this class meets according to SPEA regulations and calendar.

Updated 3/17

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

COURSE GOALS: The student will work with in-house counsel of a corporation. There is a handful of for-profit corporations with which the school has carefully curated externships, and only those are approved for for-credit externships. These are in the areas of IP and one in trusts and estates banking at this moment.

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

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

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

CLIENTELE SERVED: The private corporation.

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

APPLICATION METHOD: Make an appointment with the Faculty Director for Externships and Faculty Advisor, Prof. Inge Van der Cruysse at ivanderc@indiana.edu and – for IP externships only, which are a separate course, B551 -- with Prof. Jason DuMont at jjdumont@indiana.edu.

ADDITIONAL INFORMATION: Students may only take these pre-approved corporation opportunities for credit. For additional questions, contact Prof. Inge Van der Cruysse at ivanderc@indiana.edu.

Updated 3/17

B515 Access-to-Justice Project Management ## (3) – Quintanilla, V.

This course will introduce the theory and practice of project management and human-centered civil justice design and will apply these principles to five access-to-justice

proposals that will be refined and implemented by student teams. A project is defined as a multi-task/multi-skill job that must be completed according to fixed constraints, such as time, cost, scope and minimum performance standards. Human-centered civil justice design reflects best practices when solving problems that emerge from the human and social dynamics of dispute system design layered within an interconnected civil justice system. The approach draws on psychological and behavioral science on how members of the public experience the justice system, how the public makes meaning around their legal needs, and the best scientific evidence available on designing systems and interventions. The projects will, when fruitful, involve interdisciplinary collaborations with students, faculty, or staff in other departments. This will be a team-based class that encompasses the systematic planning, scheduling, executing, controlling and implementation of projects.

In Fall 2017 - Spring 2018 academic year, the five projects in development are:

1. Creating an online form bank for unrepresented litigants in family law cases, integrating them with easy-to-use software, and making instructional videos for their use;
2. Collaborating with the U.S. District Court for the Southern District of Indiana's pro bono office to create a web-based software platform for counsel recruited to represent indigent prisoners with meritorious medical malpractice claims;
3. Working with IU's Title IX office to design a restorative justice program for resolving campus sexual assaults;
4. Partnering with the Neighborhood Christian Legal Clinic to extend its Project GRACE expungement help desk to Bloomington; and
5. Launching a new student organization, Street Law, that will advise and counsel Bloomington residents on debt collection and debt management, and provide problem-based outreach for low-income high school students in southern/central Indiana.

The course is a writing course whereby students will draft, and the instructor will provide feedback upon, multiple iterations of a substantial writing project and/or series of projects. Instructor approval is required to enroll in the course. In allocating the space available, priority will be given to students who have previously contributed to these access-to-justice proposals.

Updated 3/17

B524 Representing the State ## (2 or 4: see below) – Fisher

State attorneys general have long represented and advised government officials, handled criminal appeals, and protected consumers from deceptive trade practices. Nowadays, in many states they are expected to play a role in any social crisis that arises. This course will offer a systematic treatment of how and why state attorneys general function as they do. This is a writing class (satisfying the advanced writing requirement for graduation) where, in lieu of a final exam, students will write three or four short papers (1000-1500 words) on subjects covered in class or in readings (with feedback provided between papers).

Separately, students may also enroll in a clinical program for an additional two credit hours where they will work directly under the supervision of Indiana Deputy Attorneys General on a variety of matters for approximately 100 hours during the semester. Second and Third Year Students who are interested in interning at the Office of the Attorney General should contact Inge Van der Cruysse (ivanderc@indiana.edu).

Updated 3/17

B528 Advanced Appellate Advocacy ^^ (2) – Lahn, S.

This course provides a structure for the Fall semester 2017 academic work of the Sherman Minton Executive Advocacy Board, including: (1) researching and writing the moot court case problem and related materials such as the bench memo and scoring rubrics; and (2) serving as teaching assistants for the 2L Appellate Advocacy course (B642) by developing a case problem for, and then judging and critiquing, practice oral arguments and similar exercises during the first half of the semester. Enrollment is mandatory for, and limited to, students selected for the Executive Board. Because work on the moot court case problem must be completed in advance of the Fall Semester, all board members will have research, analysis, and writing responsibilities over the spring and summer months. Beginning in August the class will meet once weekly, at a time that is mutually available for all class members. Please feel free to contact Prof. Lahn with any questions about the details of this course. (Pass/Fail.)

Updated 3/17

B534 Civil Procedure II – Parrish, A.

This three-credit foundational course focuses on the legal framework governing civil litigation, including key jurisdictional doctrines and the policies underlying procedural law. While we may discuss state law from time to time, the course emphasizes federal civil procedure. In Civil Procedure II, we will cover the following topics: personal jurisdiction, subject matter jurisdiction, notice, venue, transfer, forum non conveniens, and the Erie doctrine. The course also introduces students to legal strategy and professionalism issues.

Updated 3/17

B536 Health Law ## (2) – Gamage, D.

This course surveys a number of major topics in the law of health care in the United States. The course is writing and discussion oriented and is structured in a seminar-style format. Students will be required to complete short weekly reading response papers in addition to three medium-length papers. Students will be graded on the writing assignments and on class participation; there will not be a final exam. Students will be expected to perform as active participants in learning and analyzing the course materials, both in preparation for class sessions and during class discussions. The emphasis will be on improving lawyerly skills as related to health law topics.

Updated 3/17

B537 Nonprofit Legal Clinic ^^ (3) – Prusak, J.

The Indiana University Maurer School of Law's Nonprofit Legal Clinic is a three-credit, one semester, transactional legal clinic, offered to second- and third-year law students.

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

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

Class meets for 1.5 hours twice per week during the first six weeks of the semester. The remainder of the semester class meets only once per week. Throughout the semester students also have weekly one-hour individual supervision meetings with Professor Prusak.

Prerequisites:

1. Enrollment preference given to students who have taken Corporations.
2. Prior to registering interested students must submit a short statement of interest to Professor Jennifer Prusak (jsprusak@indiana.edu), the NPLC Director.

Updated 3/17

B538 Semester Public Interest Program ^^ (8) – Hughes, S.

Select third-year students spend an entire semester in Washington, D.C as public interest interns with nonprofit corporations, trade associations, or federal, state, or local government agencies. The core of the program is a semester-long internship (B538) coupled with an on-site or video-enabled twice monthly in person seminar on lawyering in the public interest (B539). Students work at least 400 hours during the semester at the internship site (for eight hours of credit) for B 538. The internship credits include established and regular communication among the student, the supervising faculty member, and the supervisory attorney. Students also write weekly reflective essays, which focus not on particular (and often confidential) work products but more on the working of the host organization, its role in administrative, legislative or advocacy work, and on the types of specific challenges it faces in administrative law, legislative drafting and representation, litigation or advocacy from a more academic perspective. Depending on whether students have taken Administrative Law or Legislation before matriculating in B 538 and B 539, students should read selected portions of the Aman-Penniman treatise on Administrative Law, which is widely available from online sources as well as the Bloomington area textbook sellers. Students will submit a total of 17 short papers over the course of the semester as the deliverables for the B 538-B539 combination of courses. Students will be paired with two Maurer grad mentors practicing in fields of mutual interest and, during the B 539 class session, will meet with distinguished Maurer alumni who specialize in federal practice areas that students enrolled during the particular semester express interest. Admission to the program requires special permission from Executive Associate Dean Donna Nagy and the instructor. The companion course, B 539, offers an additional two credits for a total of 10. Some students need to earn up to two more credits from directed readings or independent research to meet the requirements for graduation on time. For more information, go to <http://www.law.indiana.edu/students/clinic/washington.shtml>

Updated 3/17

B539 Lawyering in the Public Interest ^^ (2) – Hughes, S.

This two-credit course works in tandem with B538 (8 credits) to give students a full ten academic credits for the semester. Each student participating in the DC Semester Externships must enroll in B539 as well as B538.

This course has several components – a preliminary assignment designed to allow students to plan their networking in DC and sources for information about their fields of interest, five regular writing assignments that deal with aspects of the legislative and rulemaking processes, and Freedom of Information Act (FOIA) requests on subjects of each student's choosing; a class session of roughly four hours on Thursdays or Fridays beginning at noon every other week in which we cover a combination of advanced legal research tools aimed at federal legislation and rulemaking and the federal FOIA as well as some administrative law coverage (taught by myself, other Maurer faculty on occasion, and Maurer faculty librarians); student presentations about their written products; and interactions during each class period with one or more speakers drawn from alumni/ae working in the DC area in fields of interest to students enrolled for the particular semester.

Students should leave this class with a portfolio of short written products suitable to share with potential employers that do not require permission from supervisors or redactions and that match what DC-based lawyers do on a routine basis if they represent clients before Congress, regulatory agencies, or need information from the Executive Branch or independent regulatory commissions.

Students will need to arrange their schedules with their host agencies and organizations so as to be free from meetings and deadlines during these bi-weekly class sessions. Classes will begin the first Friday of the semester with in-person meetings commencing the Thursday or Friday after Labor Day and continue to the end of class, which for Fall 2016 will be the Thursday before Thanksgiving.

Students should expect that the five regular written assignments will be due by 9 am on the Wednesday before the class meetings during which presentations will be made. These writing assignments will be in addition to the biweekly "reflective essays" for B 538 that are required by ABA regulations in which the student shares his or her sense of their respective workplaces, work environments, ethical issues observed and resolved, or commentary on growth opportunities and challenges they encounter during their B 538 work during the semester.

Students are encouraged to read Professor Fred Aman's short treatise on Administrative Law in advance of the semester's start (inexpensive used copies often available on Amazon.com or from the SBA bookstore), the ABA's Networking for Lawyers (2006) (used copies generally available on Amazon.com and two in the Maurer Library), and one of the following newspapers to stay abreast of happenings in DC: The Washington Post, The Washington Times, Politico, or The Hill, and may wish to follow areas of interest on specialty online trade publications and blogs.

I will be available on email (sjhughes@indiana.edu) and by phone (812-855-6318). I will hold the equivalent of "office hours" following the bi-weekly class sessions should anyone have need for them.

Updated 3/17

B539 Lawyering in the Public Interest ^^ (2) – Van der Cruyse, I.

This course is intended to prepare students for the practice of law in the public interest, i.e. in government and non-profit settings, or, settings otherwise providing legal services to underserved populations. It also prepares students who plan to take externship courses in criminal law (B545) and public interest (B547) and clinics or have a paid position in the public interest.

We explore the following questions: how is "Public Interest Lawyering" defined, what is it that public interest lawyers do, who are the clients of public interest lawyers, what are the legal ethics inherent to practice in the public interest, and do private lawyers have a role in serving the public interest? We will discuss what the current challenges are in public interest lawyering on a global scale, and how globalization has influences American Public Interest law. We will study the particular issues lawyers encounter as activists for a cause or movement.

Course texts: Public Interest Lawyering, A Contemporary Perspective, Alan K. Chen, Scott L. Cummings. Other materials will be posted on CANVAS.

Grade will be based on class participation, an analysis of the public interest served in your externship placement or hypothetical, a client counseling role play and written reflection on the role play, and a final case-study of an agency's accountability to its client(s).
Updated 3/17

B540 After Atrocities: Processes of Post-Conflict Justice (3) – al-Istrabadi

Once tyrannical regimes fall, there is often an impetus for holding previous leaderships to account for atrocities they committed against their own populations to perpetuate themselves in office. One form or another of the models of post-conflict justice has been used throughout the world in the modern era, including, for instance, in Cambodia, Egypt, Nigeria, the Sudan, and throughout Central and South America. Since the watershed moments in the mid-1990s that resulted in the creation of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda in the 1990s, a vast scholarly corpus has developed assessing the efficacy and desirability of these various models of such justice mechanisms. Other models have emerged, such as the International Criminal Court, hybrid (international-national) courts, and purely national courts. Some countries have experimented with different models of non-judicial accountability, ranging from the South African model to outright impunity, and some countries began with one model reverted to another (e.g., Chile). The purpose of this course is to allow the student to weigh the relative theoretical merits of each of these systems versus the actual experiences of each as reflected in scholarly critiques. The course will conclude by considering the specific example of the Iraqi Supreme Criminal Tribunal that tried the leadership displaced after the 2003 war, as a case study of a national model but one which sought to vindicate principles of international criminal law. There are no pre-requisites. Graduate students from outside the Law School are welcome.

Updated 3/17

B545 Criminal Law Externship ^^ (1-4) – Main, D.

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

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

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

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

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

Participating Offices:

Bartholomew County Prosecutor

Brown County Prosecutor

Hamilton County Prosecutor

Greene County Prosecutor

Johnson County Prosecutor

Lawrence County Prosecutor

Lawrence County Public Defender

Marion County Prosecutor

Marion County Public Defender Agency

Monroe County Prosecutor

Monroe County Public Defender

Morgan County Prosecutor

Owen County Prosecutor

Other prosecutor and public defender offices by request

Updated 8/17

B547 Public Interest Internship Program ^^ (1-4) – Van der Cruysse, I.

COURSE GOALS: Students get behind-the-scenes insight in how non-profit organizations and local, state and federal government agencies work, gaining practical legal experience while serving clients directly under the supervision of a licensed on-site attorney and a faculty member.

COURSE COMPETENCIES/STUDENT ROLE: Perform legal research and writing, draft documents and pleadings, observe/participate in client meetings, develop pre-trial and litigation skills, hone transactional skills, and deal with professional responsibility issues in a real world setting.

COURSE QUALIFICATIONS: Most placements require only successful completion of the 1L curriculum, but some may require students to concurrently take or have completed specialized classes related to substantive areas. In addition, students wishing to become certified legal interns must satisfy Indiana Supreme Court Admission and Rule 2.1 (requiring completion of ½ of the hours required for graduation and enrollment in or completion of “The Legal Profession” course).

CLIENTELE SERVED: Varies from government entities to underrepresented populations.

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

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

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

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

ADDITIONAL INFORMATION: Students and the externship for which they apply, must be pre-approved before a student may be permitted to register for the course. Contact David Main regarding approval.

Updated 8/17

B550 Wildlife Law (3) – Fischman, R.

The course covers the basic legal issues involved in conservation and management of wildlife. The coverage includes not just terrestrial animals, but all "wild"-life, including fish and plants. Topics include the relationship between real property and wildlife, sovereignty and federalism issues, the Endangered Species Act, and other federal programs. In dealing with these subjects, students will apply statutory provisions and regulations to problems. The class also discusses the public policy, ethical, scientific, and economic issues associated with environmental decision-making. This is a modern wildlife law class, focusing on regulatory issues and biodiversity, while de-emphasizing (but still covering) the traditional concern of wildlife law, game management. The course will spend more time on the controversial, federal Endangered Species Act than any other source of law. Most class sessions will be discussion-oriented. Class grades will be based primarily on a take-home, essay-style, final exam.

Updated 3/17

B551 Intellectual Property Externship ^^ (1-4) – Du Mont, J.

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

Note: Students may not both be paid and receive academic credit for the same externship hours.

Updated 3/17

B553 Disability Law Clinic ^^ (3) – Weng, C.

The Disability Law Clinic is a three-credit course open to second- and third-year students. Students will assist low-income clients with claims involving Social Security, Veterans, and Medicaid disability benefits; and simple wills for veterans. Students serve as the primary case handlers, handling client interactions, fact investigation, brief writing, agency communications, and most administrative hearings. Students are expected to devote 10-12 hours per week to their clinic responsibilities. This time includes a weekly supervision meeting with the clinic director and office hours.

The primary academic focus of the DLC is problem solving. Students learn a model for problem solving and apply it in their client work and interactions with clinic colleagues. Grading is based on a problem solving portfolio and competency in client work.

If a student has completed 44 credit hours and has taken or is taking the Legal Profession course, the student may be eligible for certification as a legal intern. Certification is required to handle state administrative hearings (Medicaid) and judicial review petitions.

Additional requirement: All students who enroll in the DLC must consent to criminal background and sex offender registry checks pursuant to the Indiana University Policy for Programs Involving Children. More information about the policy and use of information obtained through these checks is available at:
<http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml>.

Enrollment requires permission of the clinic director. To apply, please send a statement of interest and a copy of your resume to Carwina Weng (wengc@indiana.edu), two days before the deadline for 3L registration.
Updated 3/17

B558 Conservation Law Clinic ^^ (3) - Weeks, Director; Hyman, Staff Attorney

The Conservation Law Clinic is an opportunity for second and third year law students to serve as interns in the Conservation Law Center, a public interest law firm that represents non-profit clients who need legal assistance with natural resource conservation matters. The Clinic is a three credit hour course. Conservation Law Clinic interns, working closely with Clinic Attorneys, participate directly in the representation of Conservation Law Center clients. Clinical work is supplemented with readings and discussion that will focus on practice skills and the legal background of a conservation issue of current issue; the topic for the fall semester of 2016 was the role of science in conservation regulation. Clinic interns report that they value the experience of representing real-world clients and working in a law firm setting. Clinic matters have included analysis of conservation related laws; development of and commenting on new administrative; rules, drafting legislation; and litigation at administrative, trial and appellate levels. Registration preference will be given to students who have completed half of the required course work toward a degree or joint degree, and to students interested in enrolling in the Clinic for two consecutive semesters. To apply, please send a statement of interest and a copy of your resume to W. William Weeks (wwweeks@indiana.edu) prior to registration.
Updated 3/17

B560 Academic Legal Writing: Dissertation Fundamentals (1) – Goodwin, G.

This course is designed to support newly admitted S.J.D. students as they prepare to write and defend a dissertation proposal. Students will become familiar with academic legal research and writing methodologies, learn and practice presentation skills, and make use of law school and university resources. In addition, this course aims to assist students with long-term planning and the skills necessary for successful completion of the S.J.D. degree. Attention will be given to structuring the dissertation, citation style, and avoiding plagiarism. The course will include participation by the law librarians to discuss advanced legal research techniques and materials, as well as participation by other experts in the field of graduate research and writing. This class is required of all incoming S.J.D. students.
Updated 3/17

B561 Elmore Entrepreneurship Law Clinic ^^ (3) – Need, M.

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

entrepreneurs, or becoming entrepreneurs are typical candidates for participation in the Clinic.

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

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

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

Updated 3/17

B563 Domestic Relations Mediation ^^ (2) – Applegate, A.

This course, offered for two (2) credit hours and available to up to sixteen (16) students, is the prerequisite and companion course to B691–Family and Children Mediation Clinic. Through this course, 2L and 3L students are trained to serve as registered domestic relations mediators in Indiana, and become eligible to mediate family law cases referred to the clinic from local courts. The course will be offered one time for the 2016-2017 school year: August 2, 2017 (8:30 a.m. to 6:00 p.m.), August 3, 2017 (8:30 a.m. to 6:00 p.m.), August 4, 2017 (8:30 a.m. to 6:00 p.m.), August 7, 2017 (8:30 a.m. to 6:00 p.m.), August 8, 2017 (8:30 a.m. to 6:00 p.m.), and August 9, 2017 (11:00 a.m. to 6:00 p.m.—this late start is to accommodate anyone who wishes to participate in on-campus interviews). Students who complete the course will also take B691–Family and Children Mediation Clinic in either the fall 2017 or spring 2018 semester.

Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) explaining their interest in the course (and related clinic, B691), and attaching a current resume. Students may only enroll in the course (and clinic) after receiving advance approval from Professor Applegate to enroll. Given the limited number of spaces, any interested student should contact Professor Applegate in advance of 3L registration for the fall 2016 semester.

Mediation Course: This course meets Indiana state requirements for forty (40) hours of mediator training in order to become registered Indiana domestic relations mediators. In accordance with state licensing requirements, experts in communications and mental health issues will teach several of the classes during the course. In addition to Professor Applegate, other experienced mediators will periodically attend to demonstrate and/or provide feedback and coaching to students during role plays, thus exposing students to different styles of mediation.

After successfully completing the course (and related requirements), the students will apply

to become registered domestic relations mediators in Indiana. Interested students should understand that for state licensing purposes, *attendance during the entire the course is mandatory*. In addition, there is a substantial amount of reading, as well as class preparation and simulated role plays in the course. This training serves as the foundation for students to mediate cases referred by local courts in the clinic.

Exam/Grading: After completing of the course, students will conduct a one-hour videotaped simulated mediation on either August 10 or 11, 2017. Students will take an open book proficiency examination in Indiana family law and ethics on August 14, 2017. Final grades in the course will be based on class attendance, participation, and performance, as well as performance on the proficiency examination and the videotaped simulated mediation.

Scheduling Requirements: *Given the state licensing requirements, attendance at all classes is mandatory.* Students who commit to take the course must also commit not to participate in activities that will conflict with the class schedule, e.g., employment interviews or job fairs (time for employment interviews is being provided during the morning of August 9 before the start of class). It is each student's responsibility to determine at the time of registration for the course that s/he will be able to attend all the classes for the course AND commit to participating in the clinic.

In addition, students in the mediation course must submit their applications to the Indiana Commission for Continuing Legal Education to become registered domestic relations mediators in Indiana promptly upon completing their training, i.e., within several days of completing the course and testing.

Selection of Students for the Course: Both 2L and 3L students are eligible for the course. One half of the students will enroll in the clinic (B691) in the fall 2017 semester, and the other half of the students will enroll in the clinic in the spring 2018 semester. As a general rule, preference for enrollment in the clinic in the fall semester is given to 3L students, and preference for enrollment in the clinic in the spring semester is given to 2L students. These preferences are designed to ensure that there are a sufficient number of students who will be available to continue on as student mentors in the semester following completion of the clinic. In addition to these preferences, students are selected on the basis of a number of criteria, including their level of commitment to the program, professionalism, work ethic, ability to work independently and as part of a team, communication and interpersonal skills, organization skills, and background/special interest in the program.

Prerequisites: There is no prerequisite for the course, although the course is the prerequisite to the clinic.

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

Contact Information: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) explaining their interest in the course and attaching a current resume. Students may only enroll in the course (and clinic) after receiving advance approval from Professor Applegate to enroll. Given the limited number of spaces, any interested student should contact Professor Applegate in advance of 3L registration.

Updated 3/17

B564 Pretrial Litigation ^^ (2) – Boshkoff, E.

In today's litigation world, where only a minute fraction of civil cases actually go to trial, litigators devote the vast bulk of their time and effort to pretrial proceedings. Thus, cases are typically "won" or "lost" during the pretrial practice stage, not during the trial itself. Moreover, even in the few cases that go to trial, effective pretrial preparation is the key to putting your client in the best position for success.

This course will address those pretrial aspects of civil litigation – from pleadings through summary judgment and settlement negotiations. We will look in detail at the real-world issues that arise in pretrial litigation, with the goal of understanding best litigation practices to achieve the most favorable outcome for the client. The course will involve real life, practical tips provided by practitioners, as well as a strong emphasis on the litigation rules that govern these proceedings.

Throughout the course, students will be presented with practical problems that require the application of litigation skills as well as an understanding of litigation fundamentals. Students will work individually or in small groups. Grades are based on individual and group work product, not an exam. Evidence is suggested but not required.

Updated 4/17

B564 Litigation Drafting ## (2) – Rosiello, M.

Using a hypothetical personal injury case, students will work on drafting and revising litigation documents such as demand letters, pleadings, discovery requests, motions and briefs in the trial court, and evaluation letters to the client. In addition to drafting documents, students will edit the drafts of other students. The course will focus on three areas: general rules of good legal writing; principles for drafting different litigation documents; and developing editing skills. We will discuss the drafts and revisions in class and in individual sessions.

Note: 3Ls have priority for this course.

Updated 3/17

B564 Litigation: Protection Order Litigation ^^ (2) – Lahn, S.

Students in this experiential course will help clients of the law school's Protective Order Project ("POP") seek relief from the courts. This casework will enable students to examine, through first-hand experience, the civil legal system's response to sexual assault, stalking, and domestic and relationship violence.

This work will also provide an opportunity to develop and refine professional skills—transferable to almost any practice setting—through interviewing clients; drafting pleadings and motions; investigating facts; conducting discovery; preparing witnesses and exhibits for hearing; and (for students eligible to serve as legal interns under Ind. Adm. & Disc. R. 2.1(1)(a)) conducting direct and cross-examination and argument in court.

The class will meet as a whole once a week (currently scheduled on Tuesdays at 2:20-3:15 p.m., but that time may be changed if necessary to fit class members' schedules). Students will spend an average of 5-6 hours per week on course activities outside of class meetings, including work on active cases; readings and other class preparation; and reflective essay-writing. There is no final exam; grading will be based on an evaluation of (i) the student's case work and class participation over the course of the semester and (ii) an end-of-term portfolio of each student's written work.

The course is open to any second- or third-year student; enrollment is limited and by permission of the instructor. Previous experience with either POP or another organization or

course focused on domestic violence or sexual assault will be helpful. For a full course description, please feel free to contact Prof. Lahn.

Updated 3/17

B572 Intellectual Property Clinic ^^ (3-4) – Hedges, N.

The IP Clinic provides students the opportunity to work directly with clients on actual intellectual property law matters (e.g. patent, trademark, and copyright applications, interaction with the United States Patent & Trademark Office (USPTO), licenses, due diligence, and non-infringement and/or invalidity opinions). Students interested in IP law and advising individuals, start-ups, and small business are candidates for the Clinic. Because the Clinic is certified by the USPTO, students are eligible to receive temporary registration to practice before the USPTO. The Clinic is organized much like a law firm, with students working with other students and adjunct professors under the supervision of the Clinic Director. Students meet with the Director to review project status and to discuss experiences and concerns and attend at least a two-hour class each week. Students elect to participate in either (1) the patent section of the Clinic; (2) the non-patent section of the Clinic (trademark and other non-patent IP matters); or (3) both sections. Class sessions survey practical IP legal issues, including ethics, ownership, protection strategies, infringement avoidance, and client counseling.

Enrollment in the Clinic is limited, so students must submit a resume and an interest statement to the Director to obtain permission to enroll. Strongly suggested prerequisites or co-requisites include at least one of Patent Law, Trademark Law, or Survey of IP or equivalent experience. 3-4 credits, professional skills.

Updated 3/17

B575 Constitutional Design in Multiethnic Countries ## (3) – Williams, D.

No description available

B587 Information Security Law (3) – Cate, F.

No description available

B590 Entertainment Law (2) – Meitus, R.

Entertainment law has been a respected area of legal practice for decades dealing with representation of both creative talent and entertainment business interests. Entertainment law has most notably been at the forefront of popular culture as forms of media distribution have moved to the Internet in digital forms and questions about monopolistic practices of the increasingly small number of media conglomerates. This course will provide students with the opportunity to develop both a practical understanding of representing creative and business interests in the fields of music, film & television and literary publishing and a theoretical understanding of the broader IP and constitutional issues at stake with regard to control of creative media.

Either of the courses Survey of Intellectual Property Law or Copyright Law are recommended to be taken either prior to or concurrently with Entertainment Law (but are not required). The subject matter of Entertainment Law, though drawing on copyright law to some extent, does not significantly overlap with any other course to an extent that would preempt students from taking both.

Updated 3/17

B592 Law & Political Theory: Institutional Analysis: Concepts Applications (3) – Alston, L.

The basis of institutional analysis is that formal institutions (e.g., laws) and informal institutions (e.g. norms) are important determinants of individual and group behavior. Behavior, in turn, affects socio-economic development. In the first part of the course, our initial focus is to take institutions as exogenous and understand how institutions lead to different socio-economic paths of development. After understanding the grand forces at play in shaping development paths, we will explore at a more micro level the outcomes of institutions, e.g. the rights that individuals and groups have to resources (property rights); and the forms of organization of production and exchange (markets and contracts). In Part II of the course, we explore the determinants of formal institutions (interest groups, legislative, executive and judicial branches, and the bureaucracy), taking as fixed the basic constitutional rules and the current realization of economic performance. In part III, we analyze the circumstances under which norms and beliefs can change and how those changes can lead to transitions to different economic and political trajectories (beliefs, leadership, constitutions). Throughout the course, we use case studies as well as econometric evidence to help students engage in applied work in institutional analysis.

Please note that this class meets according to SPEA regulations and calendar.
Updated 3/17

B601 Criminal Procedure: Investigation (3) – Morrison, T.

This is a constitutional law course designed to explore the constraints on state and federal law enforcement officers as they pursue criminal investigations. Though emphasizing the Fourth Amendment, including treatment of GPS, “smart” phone and DNA technology, the course also reviews the impact of the Fifth and Sixth Amendments. The course makes a practical assessment of how lower courts, the police and others in law enforcement actually use the criminal procedure rules. Areas to be covered include (but are not limited to): searches and seizures of persons and property, stop and frisk, arrest, profiling, the exclusionary rule, roadblocks, confessions, wiretapping, and police interrogations/videotaping.

Updated 3/17

B602 Criminal Procedure: Trial (3) – Scott, R.

This course covers the procedures that govern criminal cases after the initiation of formal legal proceedings. We will learn about trials, trial-related issues (such as the charging process, discovery, jury selection, and verdicts), and plea bargaining as a substitute for trials. We will also learn about post-trial appellate and habeas corpus review of criminal cases. We will give special attention to the right to counsel, and the meaning of the phrase, “due process of law.” We will emphasize the role of the U.S. Constitution, as interpreted by the U.S. Supreme Court, in regulating criminal procedures. This course is one of three basic Bill of Rights courses offered by the law school (along with Constitutional Law II and Criminal Process: Investigation). As such, it is a fundamental part of a sound legal education, and covers topics that are frequently part of the bar exam. This course is vital for anyone contemplating a career in criminal law or a judicial clerkship. The only prerequisite is the first-year Criminal Law course. PLEASE NOTE that this course may be taken independently of Criminal Process: Investigation – neither course is a pre-requisite for the other one.

Updated 3/17

B603 Remedies & Equity ## (2) – Conrad, S.

This course will introduce students to a wide range of legal and equitable remedies. There will be two required textbooks for the course: (1) the classic hornbook Law of Remedies: Damages-Equity-Restitution, by Dan B. Dobbs (in hardback); and the companion textbook

Problems in Remedies: Damages-Equity-Restitution, by Dan B. Dobbs and Kathleen Kavanagh (in paperback). As the foregoing indicates, the course will use the problem method, rather than the case method. With much briefer reading assignments than the case method allows, we can increase both breadth of coverage and narrowness of focus on the remedial elements of the litigation and settlement situations we address. The course textbooks and the planned pedagogical approach are very practice-oriented, with emphasis on "black-letter" law, policy factors, and strategy and tactics of litigation/settlement. Round-table class discussion is very important in the course. There will be several blindly graded Writing Assignments; and students will be required to revise some Writing Assignments in accord with feedback given in the initial blind grading.

Updated 3/17

B606 Constitutional Litigation (3) – Sanders, S.

Suits aimed at vindicating constitutional rights through money damages -- for example, litigation against the police, prisons, schools, or government agencies -- are sometimes called "constitutional torts" or "Section 1983 actions" (named for the federal statute that creates the cause of action). These actions account for a substantial share of the docket of almost all federal courts, and they are critical to vindicating constitutional rights and making government officers accountable for their actions.

This course will examine the law that has been developed by the Supreme Court and other federal courts to govern such cases. We will deal with such questions as: What qualifies as a constitutional injury? Who is the proper defendant, the government employee or the government itself? When are government actors immune from suit, and why? Under what circumstances may ostensibly private entities be sued under the Constitution? And (dear to the heart of almost every lawyer) when may attorney's fees be recovered? This material has been the subject of intense political and judicial controversy over the last few decades because it determines what constitutional guarantees actually mean in practice.

The course will focus mostly on case law and legal doctrine, but we will also discuss some larger philosophical issues as well as practical matters: What role should considerations of federalism play in deciding when government actors can be sued? How do judicial attitudes help define and shape constitutional rights? How are constitutional lawsuits planned and litigated well before they ultimately reach the Supreme Court?

This course should be of interest to students who are planning to do plaintiffs' civil rights work, who plan to work for the government at any level, who may do pro bono work in a law firm setting, who hope to clerk, or who are generally interested in constitutional rights. The professor has briefed and argued several cases in the U.S. Supreme Court and federal circuit courts.

Grading will be based primarily on a take-home exam consisting of essays and some multiple-choice questions, but class preparation and participation also will be taken into account.

Updated 3/17

B620 Negotiations ^^ (2) – Ardery, S.

NEGOTIATE BETTER...ENJOY IT MORE

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

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

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

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

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

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

The goal is to fear negotiation less and enjoy it more.

Grades-- Grades will be determined with 60% attendance and class participation, 15% final paper, and 15% final negotiation that will be done with a partner on video.

Note: 3Ls have priority for this course.

Updated 3/17

B620 Negotiations ^^ (2) – Hoeksema, J.

Class Purpose/Goal: LEARN TO NEGOTIATE BETTER AND TO ENJOY IT MORE

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

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

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

Grades determined as follows:

60% attendance and class participation;

15% final paper;

25% final negotiation.

Note: 3Ls have priority for this course.

Updated 3/17

B634 Advanced Constitutional Law (3) – Lovelace, T.

This course will examine the role of social movements in the development of U.S. constitutional law. Conventional theories of judicial independence do not define a legitimate role for social movements, but recent advances in legal scholarship have underscored the co-constitutive relationship between law and social movements. Accordingly, this course will explore how participants in social movements engage the Constitution and how these encounters shape constitutional doctrine, social institutions, public discourse, and movements themselves. We will investigate the processes of mobilization and counter-mobilization and reflect on how movements often spur constitutional change through means other than constitutionally specified procedures. We will also consider why movements fail and will critically analyze rights-based approaches to reform. The course will place particular emphasis on the involvement of social movement actors in the transformation of civil rights

law. Course readings will draw from a wide range of historical, sociological, and legal sources.

Updated 3/17

B634 Advanced Constitutional Law: Issues Related to the Press (3) – Fargo

Seminar on individual and media rights of free expression guaranteed by the First Amendment. Topics will include the right to dissent, libel and privacy tort limitations, the right to gather news, the right to protect confidential news sources, statutory rights to government controlled places and information, and developing legal theories regarding digital communication. Student research required.

Please note that this class meets according to the Media School regulations and calendar.

Updated 4/17

B639 Advanced Legal Research ^^ (3) – Ahlbrand, A.

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

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

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

Updated 3/17

B642 Appellate Advocacy ^^ (1) – Lahn, S.

The goal of this skills course is to enable each student to argue a case confidently, effectively, and ethically in any appellate court. Mastering oral argument is important not only as a key litigation skill its own right, but also as a way to sharpen analytical and speaking skills applicable to a range of professional contexts including motions and trial practice; client presentations; and appearances before administrative or legislative bodies and public meetings.

The course is designed to work in tandem with the Fall 2017 Sherman Minton Moot Court Competition, in which all class members will participate and which provides an immediate opportunity to use and test the skills and knowledge that the course develops. In order to match the moot court competition's schedule, classes will meet twice a week and conclude

by the end of October.

While the course will focus on oral argument, lawyers rarely argue without having first briefed a case or motion. And learning how to craft the components of an appellate brief (including the jurisdictional statement; statement of issues; and summary of argument) is important to shaping oral argument around concepts such as the record on appeal; preservation or forfeiture of issues below; and standards of review. The course will therefore touch on brief-writing and appellate process as well as oral argument.

Please feel free to contact Prof. Seth Lahn (slahn@indiana.edu) for more detailed course information. (Pass/Fail.)

Updated 3/17

B645 Wills & Trusts (3) – Stake, J.

Wills & Trusts will cover functions and purposes of wills and trusts; intestate succession; limitations on testation; execution, revocation, and revalidation of wills; creation, modification, and termination of trusts; construction of wills and trusts; and the law relating to future interests, including the Rule against Perpetuities. The intricate rules and extensive doctrinal material covered will require a fast pace of presentation. Nonetheless, policy issues involving both fairness and efficiency will be considered.

This course should be taken prior to any advanced courses in Estate Planning. It is intended as a basic introduction to the trusts and estates area and as elemental preparation for students hoping to enter general practice or specialize in estate planning or fiduciary administration.

Extensive use of power point slides is anticipated. Class attendance and preparation are required. Please note that laptops may be used during class only by those who promise in writing to use them solely for the purpose of taking notes in a word processing program; no other use is permitted. Unless an emergency prevents it, the exam will be constructed from multiple-choice questions.

I am considering two changes. First, I might use my own materials, which will require students to download from an IU website or from Westlaw. Second, I might offer optional daily reviews starting from 5 to 10 minutes before the scheduled class time.

Updated 3/17

B650 Introduction to Income Taxation (4) – Lederman, L.

The principal subject matter of this course is federal income tax law as it applies to individuals. Topics covered in this course include what constitutes income subject to tax and what is excludible; what is deductible; the tax treatment of gains and losses; and which income items are taxed at preferential rates. Learning to read and apply the Internal Revenue Code and Treasury Regulations is an important focus of this course. The course uses the "problem method"; although some court cases will be discussed at length, class discussion often will focus on the application of the Internal Revenue Code, Treasury Regulations, cases, and other sources of tax law to the factual situations in the problems in the casebook. Policies underlying the tax law will also be discussed. This is an introductory course with no prerequisites. This course is a prerequisite for most other tax courses.

Updated 3/17

B652 Accounting for Lawyers (2) – Head, J.

"Accounting for Lawyers" introduces the field of accounting with an emphasis on financial accounting and reporting. Students will learn basic accounting terminology. Students will evaluate business transactions and learn to prepare the four financial statements required

by U.S. GAAP (Generally Accepted Accounting Standards.) Students will read and analyze the financial reports and explore how they are used to make business decisions. The course will introduce the standards utilized by the accounting profession, and will incorporate current accounting issues from the media as well as "real world" financial statements for companies such as Pepsi, Nike, and others. Basic accounting knowledge should be beneficial for people taking the following courses: Wills & Trusts, Corporations, Family Law, Bankruptcy, Tax Law, Antitrust, Securities Law, Employment and Labor Law, Law and Economics, Commercial Law, Estate Planning, and International Law.

Students who have already taken any basic accounting course are not eligible to enroll in this course.

Updated 3/16

B653 Corporations (3) – Fletcher, G.

This course provides a survey of the legal rules and concepts governing the modern corporation in the United States. A principal focus is on the large, publicly traded corporation that dominates much of the U.S. business environment – in particular, its control and the potentially conflicting interests that the form must mediate. The key theme for our purposes is to understand how corporate law regulates the relationships among the many different constituencies of the firm, including shareholders, directors, managers, creditors, employees, customers, and suppliers. Topics to be covered include business formation, limited liability, fiduciary obligations, shareholder voting, derivative suits, corporate control transactions, and the purpose of the firm. At core, this is a survey course, so many of the topics we will discuss have specialized courses offering a more detailed treatment. There are no prerequisites for this course, and the presentation is designed to be accessible to students lacking a business background.

Updated 3/17

B654 Products Liability (3) – Madeira, J.

Are you haunted by questions such as "When are products defective?" or "To what extent are manufacturers liable for consumer errors?" Have you ever spent sleepless nights wondering how the passage of time between product manufacture and injury, government regulation, and other factors affect liability? If so, "Products Liability" is the course for you. Join Prof. Madeira on a fascinating tour to learn how the law determines whether sellers and other commercial transferors of products should be liable for the personal injuries or property damage their products cause. Much of the course will focus on "strict" products liability, but other claims such as negligence, warranty, and misrepresentation will also be covered. Special attention will be paid to medical device litigation and "inherently dangerous" products. Student grades are determined by performance on a final examination.

Updated 3/17

B658 Law & Education: Higher Education ## (2) – Matthews, C.

Examining the primary legal themes present in U.S. colleges and universities, this course focuses on the rights and responsibilities of higher education's two main components: faculty and students. This course explores the increasingly complicated legal relationships and issues that arise in post-secondary contexts. Colleges and universities provide the setting for many of the most pressing legal concerns we face--from affirmative action to employment entitlements to basic questions about free expression. While some of these issues involve areas of law considered in other courses, this course brings to life the unique impact and importance of these issues in the higher education setting. The legal relationships between institutions and their faculty and staff; institutional oversight and campus governance; academic and expressive freedoms; the legal status of students; race, sex, religion, and discrimination in higher education; the allocation of risk among various

parties on campus —these topics and more will be considered. Readings will come from various sources, including recent news, and current events will help illustrate the principles of law involved. This course will depend primarily on written assignments, class discussion, and presentations; as a writing class, this course satisfies the advanced writing requirement for graduation.

Updated 3/17

B658 Law & Education: Legal Perspectives (3) – Decker, J.

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

Updated 3/17

B658 Law & Education: Leadership in Special Education (3) – Decker, J.

Special education is the most commonly litigated area in public schools today. Students will analyze legal, political, cultural, and leadership issues surrounding these disputes, as well as federal and state legislation and case law. Topics will include: student harassment based on disability; litigation surrounding discipline of students with disabilities; the evolution of the U.S. special education system; special education and school choice; alternative dispute resolution in special education; the Individuals with Disabilities Education Act's due process procedures; eligibility of students with disabilities; school-family relationships in special education; and other special student populations (e.g., LGBT, gifted and talented, homeless students). This course is a School of Education course (EDUC-A675) taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses required for the Minor in Education Policy (see <http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml>). Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy. Because there are limited spots available for law students, instructor permission to enroll is required. No later than one week prior to enrollment, please send an email expressing why you are interested in the course to Janet Decker deckerjr@indiana.edu. Please note: This class meets according to School of Education regulations and calendar.

Updated 3/17

B658 Law & Education: Workshop in Education Leadership (3) – Decker, J. or Eckes, S.

The purpose of this course is to hone students' legal research and writing skills while increasing their knowledge about education law and policy. This is a School of Education course (EDUC-A720) which is a cross-listed and required course for the Minor in Education Policy (see <http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml>). Please contact the Student Affairs office if you plan to pursue the

Minor in Education Policy. Only Education Policy Minor students are eligible to enroll in this course. For further information, please contact Janet Decker deckerjr@indiana.edu. Please note: This class meets according to School of Education regulations and calendar.
Updated 3/17

B659 Perspectives in American Legal History ## (3) – Conrad, S.

Rather than any sort of survey or general overview, a sampling of scholarship in American legal history is what this course offers. The sampling will, however, touch on all four centuries of American legal history, and will attend to a wide range of areas of substantive law: property, contracts, torts; and administrative, criminal, family, and corporate law. The writing assignments will require analysis and evaluation of our authors' strategies of argumentation. And those writing assignments will be blindly graded. Moreover, students will be required to revise some of the writing assignments in accord with feedback given in the initial blind grading. Generally, the course will consider how law itself changes, and how law has mattered-- or not-- in social and political change. Many questions addressed should ring familiar, from reading that students have done in the notes and other supplementary materials found in standard casebooks that seek to give historical perspectives on doctrinal change. But in this course, without any need to "cover doctrine," there is an opportunity to pursue historical perspectives at length, and wherever the students' interests lead. Roundtable discussion is very important in the weekly proceedings and the final grading in this course.

Updated 3/17

B662 Copyright Law (3) – Leaffer, M.

This course provides an introduction to federal copyright law, beginning with a historical overview and leading to current day developments. Matters to be covered include the nature of protected subject matter, the idea-expression dichotomy, duration, the bundle of rights conferred by copyright, joint works, works made for hire, fair use, and remedies for infringement. Special attention will be paid to technological developments affecting copyright, including issues related to computer software and the Internet.

Updated 3/17

B663 Labor Law ## (3) – Dau-Schmidt, K.

No description available

B665 International Law (3) – Waters, T.

International law is a controversial, contradictory field – and one whose rapid growth makes its controversies and contradictions more, not less relevant. This survey introduces students to the fundamental elements of international law and their application to contemporary issues in ways that bring the contested nature of international law into focus: What does it mean to make, and be subject to, law that is international?

The first part of the course covers the history of international law and examines what makes up the field – its subjects, the sources of its rules, and the assumptions and claims made about and for a system of law that operates apart from or perhaps above municipal law. The course also explores how law is crafted to address specific, sometimes irreducibly international problems –such as the use of force, cross-border economic activity, environmental concerns, and human rights – but also expresses broader aspirations about governance and humanity that can implicate other legal orders and challenge the state system.

Throughout, the course considers the nature and function of law – which at the state level is typically hierarchical – in the flat, anarchic environment of the inter-state system. The

course includes perspectives taken from other disciplines, such as international relations, history and political philosophy, so as to enrich students' understanding of a body of rules that is, by its nature, on the margins and frontiers of what we normally understand by law.

Exam is take-home.
Updated 3/17

B666 International Securities Regulation (3) – Hicks, W.

This three-credit hour offering is concerned with the effect that law and policy have on global financing by non-governmental, for-profit businesses and on global trading of securities that these business entities create and sell. The course begins with an introduction to financial markets and globalization, U.S. capital markets, international capital markets and theories of securities regulation. After providing students with a sense of the capital markets and the major participants in those markets, the course then explores the impact of U.S. securities law on domestic and foreign companies (including mutual funds), and their shareholders. The course examines the impact of U.S. securities regulation on broker-dealers, investment advisers and other intermediaries in the capital markets. It concludes with a study of statutory and administrative protections for investors, in connection with domestic and foreign transactions that violate registration, disclosure and anti-fraud provisions of U.S. law.

There are no prerequisites. Students are not expected to be familiar with finance, international business transactions, domestic or foreign securities markets or practices, or any aspects of securities law. Lectures and detailed course materials will discuss these and other preliminary topics. Course materials include sample disclosure documents, problems and judicial opinions. The subject matter of this course is not duplicated and, therefore, students who enroll in this course are eligible to enroll in other law school courses involving federal securities law.

Students will be permitted to bring their course materials, class notes and non-commercial outlines into the final examination.

Useful but not essential for the general practice of law.
Updated 3/17

B668 Constitutional Law II (3) – Conkle, D.

This course will focus on the First Amendment. We will spend the first 75-80% of the semester examining freedom of speech, including issues that arise from attempts to prohibit or regulate incitement to violence, "fighting words," defamation, racist speech, obscenity, pornography, offensive expression, and commercial speech. We also will discuss special problems that are posed by prior restraints on expression, by the regulation of symbolic acts of communication (such as flag burning), and by limitations on the use of such public areas as parks and streets. The remainder of the course will focus on the religion clauses of the First Amendment. Among other cases, we will consider the Supreme Court's decisions concerning school prayer, the teaching of evolution, public sponsorship of Christmas nativity scenes and Ten Commandments displays, governmental funding programs that include private religious schools, and the application of drug laws to the sacramental use of peyote by Native Americans.

We will be using Kathleen M. Sullivan and Noah Feldman, *Constitutional Law*, 19th Edition (Foundation Press, 2016), supplemented by the authors' supplement and/or a small packet of additional course materials. The course will include both lecture and discussion. Constitutional Law I (first-year Constitutional Law) is a prerequisite, although there is no

direct connection between this course and any particular section of Constitutional Law I, and it does not matter who you had as your professor for that course.

This course covers issues that are important for any lawyer. Indeed, the First Amendment is a required subject at many law schools.

Updated 3/17

B668 Constitutional Law II ## (3) – Johnsen, D.

This course on the First Amendment explores issues of freedom of expression and religion. Enrollment is limited to twenty students. In addition to the substantive study of First Amendment issues, this course offers an opportunity to improve writing skills and engage in extensive class discussion. Several writing assignments will be due throughout the semester based on assigned reading (no independent research). The first graded assignment will involve rewriting the paper after extensive feedback provided in an individual meeting with the professor. The class also involves extensive class discussion of a range of consequential, often controversial, speech and religion issues. Approximately three quarters of the semester will be devoted to freedom of expression including: speech that advocates unlawful or subversive activity including regarding war and terrorism, threats, defamation, "fighting words," offensive expression, pornography, obscenity, hate speech, commercial speech, the regulation of campaign contributions and expenditures by individuals and corporations, restrictions on violent video games and depictions of animal cruelty, symbolic expression such as flag burning and cross burning, and special issues posed by limitations on the use of public areas (such as parks and streets), public funds, and the Internet. Approximately the last quarter of the semester focuses on the religion clauses: the Establishment Clause (including school prayer and other religious expression in public schools, the public funding of religious entities, and religious displays on public property) and the Free Exercise Clause (including religious claims for exemptions from civil rights and health care laws). The course satisfies the advanced writing requirement for graduation. No exam.

Updated 3/17

B669 Immigration Law – Parrish, L.

This survey course will provide a foundation in the statutory, regulatory, and constitutional sources of U.S. immigration law. Major topics covered include the administrative structure of the immigration system; the admissions process; the visa system, including family-based, employment-based, and visas for victims of crime (U visa) and trafficking (T visa); immigration relief for victims of domestic violence; grounds of inadmissibility/removability and waivers of those grounds; removal and detention; citizenship and naturalization, and asylum. Issues involving the treatment of children in the immigration system will also be discussed, including the surge of Central American youth entering through the Southern border, litigation involving right to counsel, and benefits under the Special Immigrant Juvenile law. The course will also review the status of recent executive orders, including Deferred Action for Childhood Arrivals (DACA), Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), and the "Executive Order Protecting the Nation from Terrorist Entry."

Updated 3/17

B670 Sales (3) – Hughes, S.

This course is effectively an advanced course in contracts involving the sale of tangible things. Instead of relying on common law concepts, the law of Sales is extensively codified in Article 2 of the Uniform Commercial Code adopted by the states other than Louisiana. State adoptions are not necessarily true to the uniform text and we will discuss likely non-uniform adoptions as we go along.

This class looks at the sales transaction from the first moment of negotiation through to arbitration or litigation. It looks at settlement issues, malpractice issues, and the calculation of damages.

Article 2 has remedies beyond those available at common law, and some have huge practical upsides. Permissible variations by agreement, which apply to many of the provisions, can cause issues for consumers and small businesses.

For Fall 2017, we will use the most recent edition of the Rusch and Sepniuck textbook published by Thomsen West.

I love teaching this course. I enjoy hearing how different reasonable minds look at the same facts in the many problems we will work through the semester.

Each student will have the opportunity to get feedback on one (1) optional written "answer" to one of the problems in the textbook. There will be one final exam for credit.

Updated 3/17

B671 Appellate Practice & Procedure ##^^ (3) – Orenstein, S.

This course is designed to acquaint the student with the ins and outs of criminal appellate advocacy. He or she will learn how to read the file transmitted by trial counsel, communicate with the client, read the transcripts of the trial with an eye to identifying relevant issues, write a persuasive brief, and prepare for and engage in oral argument before the appellate court.

Prerequisites: Evidence and Criminal Procedure

Updated 3/17

B688 Community Legal Clinic ^^ (3) – Singleton, E.

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

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

The seminar component consists of a weekly class meeting during which the students are introduced to the relevant substantive and procedural areas of the law. There will now be two levels of participation in the Clinic. Those students who have completed one-half (1/2) of the hours required toward graduation and have completed the Legal Professions course may become certified legal interns and represent clients under the supervision of the professor. Those who have not completed on-half (1/2) of the hours required toward graduation may enroll in the Clinic and participate in the classroom seminar, work with clients but not represent them in court until becoming eligible for certification. Enrollment is limited. Certified 2L's and 3L's may enroll for three (3) credit hours per semester and non-certified 2L's may enroll for 1-3 credit hours. Both certified and non-certified interns may take a maximum of six (6) credit hours for this clinic.

Updated 3/17

B691 Family and Children Mediation Clinic ^^ (4) – Applegate

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

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

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

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

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

Scheduling Requirements: Only students who have successfully completed B563 may participate. Clinic students must be available on *Mondays from 8:30 a.m. to 12:30 p.m. during the semester, and on Wednesdays from 8:30 to 12:30 p.m. for the first 2-3 weeks of the semester (class hours are, however, adjusted or shortened later in the semester)*. During the semester, students will also generally be scheduled each week to attend (1) an intake session for one case (approximately 2-3 hours) or a mediation (negotiation) session in another case (approximately 4-6 hours) on a regularly scheduled morning (Tuesday, Wednesday, Thursday, or Friday), and (2) a regularly scheduled supervision meeting (typically the afternoon before intake or mediation). In addition to these times, students will

need to prepare in advance of intakes and mediations, and follow up with necessary documentation and paperwork after sessions. *Given the class schedule, it is not possible for students enrolled in the clinic to take other courses during the semester that meet Monday or Wednesday before 1:15 p.m. Additionally, students must commit to intakes and/or mediations one morning each week and on that day, the students should not enroll in a class before 2:20 p.m.*

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

Additional requirement: All students who enroll in the mediation clinical program must consent to a criminal background check and sex offender registry check required by the Indiana University Policy for Programs Involving Children. More information about the policy and use of information obtained through these checks is at:

<http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml>

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

Updated 3/17

B698 Judicial Field Placements ^^ (2) – Van der Cruysse, I.

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

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

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

When there is a classroom component offered, the student will be learning from a judge’s perspective how one branch of government, the judiciary, operates as an administration, plays a role in history, what specific professional ethics are required of a judge, and how judges make decisions.

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

CLIENTELE SERVED: The judiciary.

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

APPLICATION METHOD: Make an appointment with the Faculty Director for Externships and Faculty Advisor, Prof. Inge Van der Cruysse at ivanderc@indiana.edu.

ADDITIONAL INFORMATION: Students are required to apply through the Externship program during the semester by contacting Prof. Inge Van der Cruysse at

ivanderc@indiana.edu, Faculty Director of Externship Programs.

Updated 3/17

B708 Information Privacy Law I (3) – Tomain, J.

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

Updated 3/17

B709 Transactional Drafting ## ^^ (3) – Need, M.

In this course, students start with the “nuts and bolts” of contract drafting and proceed through the process of incorporating deal terms into contract provisions. Students will study both stylistic and legal conventions and their relationship to one another in a range of contract types. Through the lectures, in-class exercises, and drafting homework assignments, students will learn how to identify risks and draft clear contract provisions that minimize ambiguity and control those risks. The course is designed for students who are interested in corporate or commercial law, but it is useful to any student who will be drafting and negotiating contracts in his or her legal career.

Note: 3Ls have priority for this course.

Updated 3/17

B713 Administrative Law (2) – Craig, P.

This course treats those aspects of the administrative process that are common to almost all administrative agencies. Primary consideration is given to the constitutional justification for the administrative agency and the agency's relationship to the legislature, the executive, and, in significant detail, the courts. Administrative discretion to formulate policy and the manner in which policies are made is stressed. Specific topics include the constitutional basis of administrative procedure, the scope of judicial review, the difference between rulemaking and adjudication, the limits of procedural due process, as well as the construction of the Administrative Procedure Act. The course emphasizes federal administrative law, but most of the concepts apply to state law as well. This is a second or third year course. There are no prerequisites other than completion of the required first year courses. This course will meet for only six weeks, with the final exam scheduled for the evening of October 4. (Professor Paul Craig is a renowned British teacher and scholar of administrative law. He has been teaching here for nearly twenty years.)

Updated 3/17

B720 Advanced Trial Practice ^^ (3) – Cook, J.

Advanced Trial Practice is a limited enrollment course for third-year students who are especially interested in litigation. It provides students with an opportunity to refine their basic trial skills, as well as an opportunity to practice jury selection, presentation and cross-examination of expert witnesses, and impeachment. The development and improvement of advocacy skills and techniques are the focus of this class. Written assignments are designed to complement specific advocacy skills and to assist the student in identifying and

addressing litigation issues. The class utilizes a criminal case problem that presents a guilt-innocence question and challenges students to consider issues including witness and juror bias and the presentation of non-traditional experts. The final exam is a mock trial. Evidence and Trial Advocacy are prerequisites.

Students enrolled in the class are encouraged to participate in trial advocacy competition.
Updated 3/17

B722 Trial Advocacy (3) – Kellams, M.; Diekhoff, M.

Trial Advocacy is one of the core courses in the litigation curriculum. It covers the techniques, tactics and performance aspects of the trial; including opening statements, direct and cross-examination, exhibits, and closing arguments. There is also discussion of courtroom demeanor, relationships with judges and court officials, and ethical guidelines for courtroom practice. Students learn by doing, with every student performing in smaller practical sections most weeks. In lieu of a final exam, students conduct a full trial. Trial Advocacy is the second course in the trial practice sequence. Evidence is taken first, and is a prerequisite to Trial Advocacy. Trial Advocacy is taken second, and is a prerequisite to Advanced Trial Practice and Trial Competition. Trial Advocacy is also useful as preparation for clinical courses that involve litigation, such as Community Legal Clinic. Trial advocacy is taught by experienced trial lawyers and judges.

Please note that in addition to the sections managed by each of the respective instructors, the students from all sections meet on Tuesdays at 7:45 for a forty-five minute lecture.

Updated 3/17

B723 Evidence (4) – Orenstein, A.

Evidence law regulates the proof of facts at trial and reflects the construction of courtroom "truth." In this course we will examine the rules of evidence and explore some aspects of their practical application. The course will cover: relevancy, hearsay, privileges, character, impeachment, experts, authentication, and best evidence. We will look at the rules and cases to analyze how evidence law may perpetuate and influence the cultural values, legal rules, and social norms that our society uses to assess credibility. The course is taught with a casebook, but will emphasize problems and a close reading of the rules.

Updated 3/17

B725 Bankruptcy (3) – Foohey, P.

This course examines the nature of the legal relationship between debtors and creditors under the Bankruptcy Code as well as under nonbankruptcy law. It is intended to be a survey course that provides a general basis for advising consumer and business clients considering filing for bankruptcy or wanting to avoid detrimental impacts of others' bankruptcy filings. It also will provide knowledge to support subsequent detailed study of business reorganization, bankruptcy procedure, and international bankruptcy. Subjects covered include debt collection procedures under state law, the purposes of bankruptcy, liquidation under Chapter 7 of the Bankruptcy Code, individual debt adjustment under Chapter 13 of the Bankruptcy Code, business reorganization under Chapter 11 of the Bankruptcy Code, international coordination under Chapter 15 of the Bankruptcy Code, recovery of fraudulent transfers and preferential transfers, and the jurisdiction of the bankruptcy courts.

This course uses a problems-based approach to bankruptcy. You are expected to attend every class (including the first class) prepared to discuss the assigned materials and problems. At the beginning of class, we briefly will discuss the theory and substance of the law. Most or all of the class sessions will be spent working through a series of problems, which you are expected to prepare prior to class.

The course grade is based on an eight-hour take-home examination consisting of two or three longer essay questions, with slight adjustments for class participation.

There are no prerequisites for this course.

Updated 3/17

B726 Intellectual Property Antitrust (3) – Knebel, D.

This course will focus on the interplay between the antitrust laws and laws protecting intellectual property such as inventions, works of authorship and trademarks. Although both sets of laws are ultimately intended to make our economy more innovative and productive, their distinct ways of accomplishing that objective often seem to put them at odds with each other and courts are routinely called upon to resolve those conflicts. In the process of looking at these conflicts and their resolution, the course will provide an understanding of basic antitrust principles that may be sufficient for students not intending to concentrate in that area.

No previous exposure to antitrust is expected or required. It is recommended that students have taken at least one intellectual property course, or be concurrently enrolled in one.

Updated 3/17

B729 Antitrust (3) – Wallace, S.

“Antitrust laws . . . are the Magna Carta of free enterprise,” and are “as important to the preservation of economic freedom and our free-enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms.” Justice Thurgood Marshall, *United States v. Topco Associates* (U.S. 1972).

Congress enacted the antitrust laws for the benefit of competition, which is the “heart of our national economy” (*Standard Oil v. FTC* (U.S. 1951)), in an effort to ensure the lowest prices and highest quality of goods and services for consumers. But, as Judge Posner has observed, antitrust law as we know it is due largely to the courts; it has been judges who have “made antitrust law out of the cryptic antiquated language of the Sherman Act, as later supplemented by the equally cryptic Clayton Act.” And courts’ interpretation of antitrust law has been affected by political and economic considerations that have evolved over time. Antitrust law is enforced by federal agencies (U.S. D.O.J. Antitrust Division and Federal Trade Commission), state Attorneys General, and private plaintiffs – who stand to earn treble damages from successful antitrust suits. Unusually, the same statute (the Sherman Act) is the basis for both criminal and civil prosecutions for a variety of illegal conduct among competitors, including horizontal and vertical price fixing agreements, territory or customer allocations, and tying arrangements. And a substantial amount of civil antitrust practice is devoted to analyzing the likely competitive effects of proposed mergers under the Clayton Act. Attorneys with business clients should be familiar with antitrust law to help clients avoid the often substantial penalties for violating the law, while attorneys representing consumers need to know how to use antitrust law on behalf of those clients. The course will seek to develop an understanding not only of the specific statutes, but of the legal and economic principles that underlie those rules so that practitioners, even if they do not concentrate their practices in this area, are able to identify and address possible antitrust issues.

Updated 3/17

B734 Advocacy ^^ (1) – Lahn, S.

This course is the for-credit component of students’ participation on either (a) the Sherman Minton Advocacy Competition Board or (b) one of the Law School’s external (interscholastic) moot court competition teams, such as the National Cultural Heritage, ABA NAAC, BLSA,

Williams, or Pace Environmental teams, except for IP moot court teams, which are covered by a separate course number. Please check with Prof. Lahn before enrolling. (Pass/Fail.)
Updated 3/17

B734 Advocacy ^^ (1) – Janis, M.

This course is the for-credit component of students' participation on one of the IP Moot Court teams, which include AIPLA, INTA, Oxford International IP Moot, IP LawMeets, and the International Patent Drafting Competition. Enrollment is by permission of the instructor only. Before enrolling under this course number, please confirm your participation on the IP Moot Court Team with the CIPR Administrative Director, Casey Nemecek (cnemecek@indiana.edu).
Updated 4/17

B736 Strategic Business & Tax Planning (2) – Greene, D.

Nearly every major business decision is shaped by tax law. This course explores how and why taxation, particularly federal income taxes, affects everyday business decisions. The course will take a broad perspective on a variety of business planning topics from entity formation; to business investment and financing decisions; to tax arbitrage; to multiparty business and tax planning; to the taxation of international activities; and finally to the tax treatment of corporate mergers and acquisitions. The course will be taught in two different sections at the Kelley School of Business. Each student is required to enroll in only one of the two sections. The class will consist of law and graduate business students, and it will meet according to the Kelley school's calendar. Thus, it will be an intense 7-week course, meeting twice a week from late October through mid-December. In order to receive the full law school (2.0) credits for this course, law students will be required to meet with Professor Greene as a class on several occasions before the formal start of the course in October. These early class meetings will be used to familiarize law students with the fundamental business concepts used in the course. This course is recommended for those law students interested in transactional planning, as well as those who would like to have a well-rounded understanding of business law. B650: Introduction to Federal Income Tax is the only prerequisite for this course. Those students who have sufficient professional business or tax experience may be able to waive this requirement with the permission of the instructor. Please note that this class meets according to Business School regulations and calendar.
Updated 3/17

B743 Patent Law (3) – Janis, M.

This class surveys United States patent law, with an emphasis on the decisions of the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (USPTO), and the U.S. Supreme Court. The structure follows the basic steps of a patent infringement suit, addressing claim construction, validity, infringement, defenses and remedies. In general, we will draw on cases involving straightforward and sometimes even humble technological developments that illustrate fundamental patent law principles. We will learn how patent law arguments are developed and rebutted before the courts and the USPTO; how the institutions of the patent system operate and how they might be improved; and how changes to the patent law regime, including those enacted as part of the America Invents Act, affect a wide range of innovators, from start-ups to universities to multi-national tech companies. The exam is an open-book take-home exam.
Updated 3/17

B745 Conflict of Laws (3) – Buxbaum, H.

Transactions or conduct may have contacts with more than one state: for instance, the parties may live in two different places, or action may be taken in one state that has effects in another. (Similarly, transactions or conduct may have contacts with more than one

country.) This reality generates a number of legal questions that are relevant both to transaction planning and to dispute resolution—for instance, what are the limits of a state (or a country's) power to regulate? If two states have that power, and both seek to apply their law (which may differ in substance) to the same dispute, how should we choose between them? Can the parties to a transaction avoid potential problems by simply choosing the applicable law themselves, and, if so, are there any limits to that form of party autonomy? Given the realities of interstate and international commerce, these issues are of obvious relevance to lawyers in many different fields of law practice. They also raise fascinating and complex questions about the limits of sovereignty and the policy considerations underlying the exercise of sovereign authority.

The field known as “conflict of laws” comprises three major sub-areas: (1) jurisdiction, (2) choice of law, and (3) enforcement of foreign judgments. We will cover all of those topics, although the primary focus of the course will be on the choice-of-law process. Over the years, many different approaches have been developed to guide that process. We will examine those approaches and consider how they work in application. The course also considers issues such as the role of the United States Constitution in limiting choice-of-law abuses, particularly courts' unwarranted choice and application of their own law.

There are no prerequisites for this course, and it is equally useful for 2Ls and 3Ls. Please note: This class will NOT be offered in the 2018-2019 academic year. That is, this will be your only chance to take this class.

Updated 3/17

B748 Comparative Law: Constitutional Design & the Economy (3) – Williams, S.

This course will explore the ways that constitutions shape the economy. A constitution determines the basic legal structures of a society; those structures, in turn, help to determine whether a country experiences prosperity or poverty, income inequality or distributional fairness, sustainable development or destruction of resources, corruption or integrity in the economic sphere. The course will look at a range of constitutional design elements and the ways that each can affect these economic outcomes. Topics may include: property rights (including customary and/or indigenous property rights), natural resource regimes, anti-corruption mechanisms, development mechanisms, taxation systems, and federal revenue sharing. We will examine the different options available on each topic and the consequences of choosing a particular option for countries operating under different economic, political, and social conditions. The goal is to think systematically and synthetically about the potential to design a constitution to meet the economic needs of a particular society. There will be one take-home final examination in the course.

Updated 3/17

B751 Survey of Intellectual Property (3) – Leaffer, M.

This course provides a broad overview of intellectual property law, one of the fastest growing areas of the law and one that has become relevant to virtually all areas of modern legal practice. The course is designed for students who do not necessarily intend to specialize in intellectual property, and does not require any background in technology. The course considers patent, trademark, copyright law and related bodies of state law, such as trade secret and the right of publicity. Patents protect technological information (inventive products and processes); copyrights cover expressive information (art, literature, music, computer software); trademarks encompass symbolic information (brand names, and other identifying symbols). Students who complete the course may wish to enroll in other upper-level intellectual property courses that we offer here, although this course is not a prerequisite for those courses.

Updated 3/17

B755 European Union Law (2) – Craig, P.

This course will begin with a short historical overview of the European Union. The course will then consider the institutions and legislative process of the EU, the scope of EU competence, direct effect, supremacy, fundamental rights, preliminary rulings and free movement of workers. The exam will be at the end of this six week course, scheduled for the evening of October 2. (Professor Paul Craig is a renowned British teacher and scholar of EU law. He has been teaching here for nearly twenty years.)

Updated 3/17

B756 Race, American Society & the Law – Lovelace, T.

This three-credit course will explore key themes in modern civil rights law. In the wake of the 2008 Presidential election, many political commentators hailed the dawning of a new, post-racial society. However, persistent racial inequalities, recent court opinions, and current legislative debates have demonstrated that race continues to be a powerful force in American society. We will engage competing visions of racial equality through law by examining contemporary topics such as affirmative action, school resegregation, and the criminal justice system. This course will also highlight the limitations of law in racial reform and will consider the ways in which law is often complicit in perpetuating race, gender, and class hierarchies. The course's weekly readings will consist of a wide range of scholarly materials from diverse perspectives.

Updated 3/17

B761 Law & Philanthropy ## (3) – Purcell, P.

Approximately 1,000,000 tax-exempt organizations in the U.S. provide an array of services, ranging from urban hospitals, major universities, nation-wide social service agencies and grant-making private foundations to "grassroots" homeless shelters, food pantries and health clinics. Over \$300 billion in charitable gifts donated each year support these services. Charitable giving takes a variety of forms – including outright gifts of cash or property, charitable endowments, bequests in wills or trusts, beneficiary designations of retirement plans or life insurance, gift annuities or charitable remainder trusts paying the donor a lifetime income, and complex charitable lead trusts. Most planning techniques offer significant savings in gift, estate, income and/or capital gains taxes.

This course will review the history and current state of nonprofit corporations and tax-exempt organizations, exploring issues related to their creation, operation and governance for the attorney who may counsel or work for such an organization. Charitable giving tax laws will be examined in detail, illustrating the various ways in which an estate planning attorney may advise his or her client to consider a charitable gift in the context of an estate plan. Finally, we will show how the field of planned giving offers attorneys a venue for public service by assisting the fundraising needed by a charity to fulfill its mission.

Students will have an opportunity to meet and question staff and attorneys who counsel charitable organizations and their donors or clients in order to learn more about this unique "third sector" of American society.

No final exam.

The grade is based on:

1. Class participation,
2. Two written case study analyses, and
3. Interview report (written and oral to class) of a meeting with an attorney serving the nonprofit field that I arrange on behalf of each student.

Updated 3/17

B771 Mediation ^^ (2) – O’Connor, J.

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

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

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

Note: 3Ls have priority for this course.

Updated 3/17

B771 Mediation for LLMs (2) – Stafford, C.

This course explores civil mediation as a method of dispute resolution and lays a foundation for the development of advocacy skills in the mediation environment. Class sessions will explore real world mediation in many practice areas from the perspective of the client, the advocacy attorney, and the mediator. We’ll work on negotiation strategies in the mediation context. This course will cover relevant authority and rules governing mediation and will include frequent discussions on legal ethics in the mediation setting.

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

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

Updated 3/17

B782 Introduction to Environmental Law (3) – Barnes, J.

This course introduces students to the regulatory regime developed in the United States to address environmental problems. Although the course will touch on common law approaches, the primary focus will be on key concepts and issues in the design, implementation and enforcement of the major environmental statutes. The majority of class

time will be devoted to the Clean Air Act and the Clean Water Act; the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Recovery Act ("Superfund"), and the Safe Drinking Water Act. The National Environmental Policy Act will receive more limited coverage.

This is a hands-on course and the course materials include edited Federal Register preambles, copies of permits and actual court filings along with edited cases and selected statutory and regulatory provisions. These materials allow students to see the process by which environmental law is made and enforced--and to become familiar with the materials they would work with if their subsequent practice involves environmental law.

As part of their preparation for some classes, students will be expected to work through problems that involve application of course materials to actual or hypothetical situations. These exercises will serve as the basis for class discussion.

This core course is a prerequisite for advanced environmental law offerings such as the Advanced Environmental Law and Practice course.

Updated 3/17

B789 Feminist Jurisprudence (3) – Williams, S.

This class will explore a variety of feminist approaches to law. We will begin with a review of the development of several schools of feminist legal theory, including liberal feminism, cultural or relational feminism, dominance feminism, postmodernist feminism, and the intersection of feminist theory with critical race theory and lesbian theory. We will examine the perspectives offered by these approaches on central issues in the philosophy of law, including the meaning of equality, the possibility of objectivity or neutrality, and the role of power. We will then apply these feminist theories to a range of legal issues, such as rape, sexual harassment and other employment discrimination, child custody, spousal abuse, the regulation of reproduction, and work/family conflict. The class will include both lecture and discussion. There will be one final examination which will be a take-home exam.

Updated 3/17

L690 Seminar in Corporate Law: Financial Regulation ** (3) – Fletcher, G.

The financial crisis of 2008 was a watershed in American financial history. In this seminar, we will examine the financial crisis in detail using law review articles, congressional hearings, and policy documents. We will analyze the key events that contributed to the crisis, including the mortgage crisis, securitization, credit ratings, and the deregulatory trends of the 2000s. Additional topics include why financial regulators were unable to stop the crisis from happening; how they responded to the crisis; and the policy and legal response to the crisis. This course will be taught in a seminar format and students will have writing and research assignments throughout the semester. There is no final examination for this course.

Prerequisite: None

Updated 3/17

L714 Seminar in Judicial Conduct ** (3) – Geyh, C.

This seminar explores the law governing judicial conduct and the social science research that explains judicial decision-making behavior. The first part of the seminar concerns how courts and judges are regulated. Several sessions will be devoted to judicial ethics, including such topics as: avoiding the appearance of impropriety; judicial disqualification; judicial campaign conduct; ex parte communications; and personal conduct. Additional sessions will be devoted to judicial oversight, including: judicial administration (featuring systems of judicial discipline); impeachment and other removal processes; and legislative oversight of the courts. The second part of the seminar will be devoted to social science

research on judicial decision-making behavior, including views from political science, psychology, and history. The concluding session of the seminar will then explore the implications of recent social science learning for future regulation of the courts.
Updated 3/17

L730 Seminar in Intellectual Property ** (3) – Janis, M.

In this seminar, we will study how patent, trademark, copyright, and other IP regimes can be brought to bear on the difficult problem of protecting visual design. "Visual design," for our purposes, includes a wide range of subject matter – such as the shape of a FERRARI chassis; the appearance of the graphical user interface on a WINDOWS tablet; the packaging that Apple uses for its IPHONE; sculpture; fashion design, and so on. In addition to reading cases and other primary materials, we will hear from five or six intellectual property law scholars and lawyers who will visit campus to present works-in-progress that pertain to the topic. Students will also select a topic within this general area and will prepare a seminar paper. Grades will be based on the paper and on class participation. Concurrent or prior enrollment in an intellectual property law class is strongly advised.
Updated 3/17

L736 Seminar in Constitutional Law: Congress, the President & the Courts ** (3) - Johnsen, D.

This seminar examines the authorities of the three branches of the national government, with an emphasis on presidential powers. Specific topics may include: What are the relative powers of the President and Congress in the areas of foreign affairs, military action and national security? For example, when must Congress authorize war before the President authorizes the use of military force? What are the limits to the President's authority to regulate immigration in the name of national security, including possible federalism limits that allow for "sanctuary cities"? And when is judicial oversight of such matters appropriate? Should courts refuse to hear claims of unlawful torture, detention or surveillance by the government, under state secrets, political question, standing or other doctrines that reflect separation of powers principles? May the President refuse to enforce (or defend) laws he believes are unconstitutional, such as laws that proscribe torture and require court orders for government surveillance? What are appropriate forms of congressional oversight of the Executive, including limitations on the appointment and removal of executive branch officers and judges, the refusal to raise the debt ceiling or authorize expenditures resulting in the shutdown of government, and the Independent Counsel Act? When may the President refuse to comply with requests for information from Congress or the courts? Requirements include a research paper (which satisfies the advanced research requirement). No exam.
Updated 3/17

L763 Seminar in Environmental Law: Institutional Analysis of Social-Ecological Systems ** (3) – Cole, D.

This 3-credit seminar provides a brief overview of the wide-ranging literature on how, when, and why individuals engage (or fail to engage) in collective action to resolve (or not) social and social-ecological problems that confront them. The seminar will focus, although not exclusively, on the "Bloomington School" of institutional analysis (a.k.a., the Bloomington School of Political Economy or Public Choice) developed by Vincent and Elinor Ostrom, along with their colleagues, over 40+ years in the Ostrom Workshop in Political Theory and Policy Analysis at Indiana University.

Institutions, including both formal laws and informal social norms, constitute the "rules of the game" governing social interactions that have outcomes affecting both the human and natural environments. Institutional analysis, at its simplest, is the study of rules, rule-

changes, and their social and ecological consequences over time. It encompasses various social-scientific approaches to institutions, including (but not limited to) institutional economics (e.g., the economics of property rights and contracting), game theory, theories of rational and public choice, network analysis, and conventional legal analysis.

This seminar is open to law students, PhD students, and postdocs. Faculty are invited to participate in the seminar whenever they like. Master's candidates can apply to take the course by emailing Professor Cole at: dancole@indiana.edu. The final syllabus for this fall's seminar will be uploaded to CANVAS a week or so before classes begin. Past syllabi are available from Professor Cole upon request.

In the first weeks of the semester, students are expected to read Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge 1991). In addition, each week's discussion will be based on a half dozen or so papers, which will be available on CANVAS. Students taking the course for credit have two types of assignments:

First, starting in the second week of the semester, each student is expected to write a short (2-3 page) biweekly memo to the instructor and other members of the class, reflecting on what they are currently reading, how they are progressing on their seminar paper, and related topics. These memos are not individually graded. However, part of the final grade will be based on class participation. The faithfulness and quality of the memos will be reflected in this part of the grade.

Second, a final paper is required. Each student is expected to select either a type of problem (such as that of providing or conserving a particular type of public good or common-pool resource) or a type of decision-making arrangement (such as that of a legislature, a market structure, a cooperative organization or a common-property regime). The paper will include an analysis of how combinations of rules, the structure of the goods and technology involved, and cultural conditions combine to affect the incentives facing individuals and resulting in patterns of interactions that have social and/or social-ecological outcomes. Students may choose to focus more on ground-level interactions among individuals subject to rules, the policy-level where rules are made, or the constitutional-choice level, where the meta-rules of the game are determined. However, significant linkages among these levels should be addressed. This is an excellent opportunity to do a research design for a dissertation that applies institutional analysis to a particular problem. Any papers relating to dissertation or other research must be written exclusive for this class (submitting one research paper for credit in multiple courses is considered an act of plagiarism at IU). Papers written for this seminar by law students will qualify for the law school's advanced writing requirement. Students are encouraged to use this opportunity to write a first draft of a paper that eventually will be submitted for publication.

Students will present papers at a Mini-Conference on to be scheduled on the first Monday following the end of the semester. Please note that this class meets according to SPEA regulations and calendar.

Updated 3/17

L766 Seminar in Children & the Law ** (3) – Levesque, R.

This course examines the law's response to the developmental understanding of childhood, with particular focus on distinguishing the rights of youth from those of adults. Much of our efforts center on understanding the myths and realities of legal doctrine governing childhood, particularly the transition to adulthood. To do so, students explore how the legal system responds to youth's needs in a variety of social contexts and institutions (e.g.,

families, media, intimate relationships, schools, and religious institutions) and sociolegal systems (juvenile, child welfare, medical, mental health, and criminal justice systems). Supreme Court cases serve as our main texts, although students do consult empirical research and substantive areas of law in their writing projects. Students' grades are based on class participation relating to assigned readings as well as oral and written presentations describing the results of independent research projects.

Updated 3/17

L773 Seminar in Tax Policy ** (3) – Gamage, D.

This seminar will cover a number of topics relating to the theory and policy of taxation. Students will be required to complete short weekly reading response papers in addition to one longer seminar paper. Students will be graded on the writing assignments and on class participation; there will not be a final exam. Students will be expected to perform as active participants in learning and analyzing the course materials, both in preparation for class sessions and during class discussions. The emphasis will be on improving lawyerly skills as related to tax policy topics. It is recommended for students to have previously taken or be concurrently enrolled in the Introduction to Income Tax course, but this is not required. This course is distinct from the Tax Policy Colloquium and students are encouraged to take both this course and the Tax Policy Colloquium if they so desire.

Updated 3/17

L776 Seminar in Crim Law: Current Issues in Criminal Law & Procedure ** (3) – Hoffmann

This three (3) credit research seminar will explore selected topics of current interest in criminal law and procedure. Each week, the professor will assign readings about current issues such as: the use of “big data” in criminal justice; the psychology of false convictions; the impact of new technologies on criminal liability and personal privacy; government searches of e-mails and cell phones; preventive detention; racial and religious profiling; “stand your ground” laws; police use of deadly force; and the death penalty. Some of these issues will include a comparative dimension, based primarily on discussions held during the biennial Bradley-Wolter Colloquium in Comparative Criminal Law and Criminal Procedure, of which IU Maurer is a founding co-sponsor. Near the midpoint of the semester, after consultation with the professor, students will choose a topic in contemporary criminal law or criminal procedure, and will write a 20-30 page research paper on that topic. Early drafts of the research paper will be reviewed by both the professor and fellow students in the seminar. The final grade for the seminar will be based on a combination of the final research paper grade (80%) and a class participation grade (20%).

Updated 3/17

L797 Seminar in Jurisprudence ** (3) – Conrad, S.

This Seminar will emphasize basic skills training in the drafting and revision of formal expository prose. The principal course textbook will be one that offers a relatively accessible introduction to the field of Anglo-American philosophy of law. But the course will also make use of manuals for self-help in the improvement of writing skills. Every student will be required to give a prepared in-class presentation on one of the chapters in the principal textbook. And every student will be required to submit—at the midpoint of the semester—a first draft of a thematic essay on that chapter. This essay assignment will call for some research beyond the HANDBOOK, but research far less extensive than the research typically required at our School for a law journal Note or for a typical Seminar writing project.

Updated 3/17

**L799 Seminar in Constitutional Law: Special Topics on First Amendment Law **
(3) – Bell**

This seminar focuses on current “hot topics” related to speech in First Amendment law. Special attention will be given to threats to speech in the current climate. After a brief introduction to different ways of thinking about the First Amendment, we will examine various attempts to place restrictions on speech in the class room, in the public arena, and in the workplace. Topics we have discussed in the past include the following: Racist Speech, Hate Crime, Cross Burning, Noose Hanging, Recording of the Police, Violent Video Games, Campaign Finance Reform, Protests at Military Funerals and other protests of speech, and Holocaust Denial.

This seminar is designed for those who have already taken a course that examines First Amendment doctrine. It may be taken with special permission, by those who have taken a course on the First Amendment outside the law school. Though there is no formal prerequisite, students who have taken Constitutional Law II may find the course concepts about which we engage easier to discuss and write.

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