Fall 2019 Course Descriptions

## 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 experiential requirement (Academic Regulations 2.1 (5))

B506 Climate Law & Policy (3) – Cole
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 3/19

B508 Modern Small Firm Practice ^^ (2) – Stafford, C.
Many new law school graduates hang their own shingles after graduation; some move quickly into the ranks of management at small firms across the country. Many lawyers are unfortunately ill prepared to make such decisions. In this class, students design their own law firms, by examining the decisions inherent in creating or managing a small firm from the perspective of an applied legal ethics course, looking at how the Rules of Professional Conduct get applied 'on the ground' in managing a law firm consistent with the ethical expectations of our profession. In other words, this class recognizes that running a law firm is a constant exercise in advanced ethics.
Updated 7/19

B512 Global Externship Program ^^ (6) – Krishnan, J.
Students would spend eight weeks at O.P. Jindal Global University, where they would earn six hours of externship credit from Maurer by working with one of our Stewart Fellow employers. These employers include law firms, Supreme Court litigators, and non-governmental organizations. The students would be expected to work 300 hours during the externship and the duties would range from conducting legal research to doing policy analysis to working on other non–related but essential professional work that the respective office needs to operate on a daily basis. Note, travel time within Delhi and the National Capital Region to and from the university to the employer's office may range from 70–90 minutes each way, per day. During this time there, students would also take a two-credit hour course from a JGU faculty member related to the Indian legal profession or the Indian legal system. These two JGU credit hours would then be transferred back to Maurer. The students would then return to Maurer and take an intensive, shortened (five–week) two–credit course taught by Professor Krishnan, resulting in students earning a total of ten credits for the semester. (For the fall of 2019, this two–credit course with Professor Krishnan would be an independent study.)
Updated 3/19

B514 Private Practice Externship ^^ (2) – Van der Cruysse, I.
COURSE GOALS: The student will work with in-house counsel of a corporation, or law-firm, and will gain insight in how the corporation is run as a business, and how it is serving its client(s).
A handful of for-profit corporations partnered with the school for educational purposes: for those in IP, you must register for course B551 (see course description and guidelines for the application process). For paid positions in a for-profit environment, the student first typically finds a paid position with the employer, and can then request approval for externship credit, as long as the employer agrees to follow the requirements for the externship program.

COURSE COMPETENCIES: Depending on the subject area and placement, there may be prerequisites which vary according to substantive area.

STUDENT ROLE: Legal research and writing, observer at and participant in meetings with clients and — in some cases— with outside counsel, participation in depositions, court hearings, transactional meetings.

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

CLIENTELE SERVED: The private corporation, private firm and their respective clients.

NATURE OF PRACTICE: A variety of assignments, but in general: research and writing, document review, transactional work. The student is required to work 104 hours on-site for 2 credits. The academic component consists of ABA required work: (1) written goals and objectives for the externship, (2) 6 reflective essays, and (3) a final self-assessment and evaluation of the work place. Students are required to maintain and submit a detailed timesheet. Students will meet for an orientation meeting at noon on the first day of classes, and for three subsequent meetings: 2 with all students in this course, and one exit interview with the faculty supervisor in the last week of the externship.

APPLICATION METHOD: Faculty approval prior to registration will be required. Students interested in this externship course, are encouraged to contact the Faculty Director for Externships and Faculty Advisor, Prof. Inge Van der Cruysse at ivanderc@indiana.edu prior to their search and – for IP externships only, which are a separate course, B551 —— with Prof. Mark Janis at mdjanis@indiana.edu.

ADDITIONAL INFORMATION: For additional questions, contact Prof. Inge Van der Cruysse at ivanderc@indiana.edu. If you have not secured or approved your placement for the fall 2019 yet by registration day, please register for another course you want to take in case securing and/or approving the placement falls through. Once you secure and get your placement approved, you can drop the extra class and add the externship in the first week of classes. Materials: any additional reading materials will be posted on the CANVAS page for this course.
Updated 3/19

B524 Representing the State ## (2) – 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).
Updated 3/19

B528 Advanced Appellate Advocacy ^^ (2) – Lahn, S.
This course provides a structure for the Fall 2019 semester’s academic work of the Sherman Minton Executive Advocacy Board, including: researching and writing the moot court case problem, bench memo, and scoring rubrics; and serving as teaching assistants for the 2L Appellate Advocacy course by developing a case problem for, and then judging and critiquing, practice oral arguments early in the semester. Enrollment is mandatory for, and limited to, students selected for the Executive Advocacy Board. Because work on the moot court case problem must be finished before the school year starts, all board members will have research, analysis, and writing responsibilities over the 2019 spring and summer months. Once school starts in the fall we’ll meet once weekly, at a time that is mutually available. Please feel free to contact Prof. Lahn with any questions. (Pass/Fail.)
Updated 03/19

B529 Reproduction, Childhood & the Law ## (3) – Madeira, J.
This course will address a broad spectrum of issues that define the legal, social, and political dimensions of a child’s life from conception to the age of majority. After exploring the constitutional foundations of procreation, privacy and parenthood, the first third of the course will focus on the legal implications of assisted reproductive technologies (ART) such as IVF, including the legal identity of frozen embryos, parental rights in ART cases, and surrogacy. The remainder of the course continue to consider the interrelationship of state, society, family, and child past conception, considering topics such as abortion, medical decision-making, child abuse and neglect, foster care, adoption, and juvenile justice. Because this is a writing course, students will have the option of either writing three five-page response papers or a 15-page research paper.
Updated 3/19

B534 Civil Procedure II (3) – Parrish, A.
This three-credit course focuses on the legal framework governing civil litigation. 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, the Erie doctrine, and the preclusion doctrines. While introducing you to key jurisdictional doctrines and key policies underlying procedural law, the course is intended to help you learn to read complex cases effectively and to think analytically. You will also be exposed to professionalism issues.
Updated 3/19

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 3/19

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. Clinic students form new nonprofit entities; counsel clients looking to dissolve existing entities; edit internal governance documents; draft contacts and memoranda of understanding; provide basic tax advice; advise on governance, employment, communications, intellectual property, and compliance matters; and provide a wide variety of other transactional legal assistance as needed. Students will also receive a concrete introduction to the federal and state laws governing nonprofit organizations.

Students develop fundamental analytical, editorial, counseling, communication, planning, and negotiation skills through live projects and classroom work that make them well suited to serve as counsel to organizations in either the private or public sector.

Prerequisites:
1. Corporations (may be taken the same semester as the NPLC)
2. Prior to registering students must submit a short statement of interest to Professor Jennifer Prusak (jsprusak@indiana.edu), the NPLC Director, that explains why they wish to take the course.

Updated 3/19

B538 Semester Public Interest Program ^^ (8) – Hughes, S.
Selected 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 scheduled 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 also will submit short papers over the course of the semester as the deliverables for the B539 course so that intensive writing and feedback on writing is a central feature of the B 538 and B 539 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 three credits for a total of 11 credits for the two courses. Some students need to earn up to two more credits from directed readings or independent research to meet the requirements for graduation on time if they have not already participated in the maximum number of credits for directed readings or independent research. For more information, go to http://www.law.indiana.edu/students/clinic/washington.shtml
Updated 03/19

B539 Lawyering in the Public Interest ^^ (3) – Hughes, S.
This three-credit course works in tandem with B 538 (8 credits) to give students a full 11 base academic credits for the semester. Each student participating in the DC Semester Externships must enroll in B 539 as well as B 538. B 539 was formerly worth 2 credits, but former students suggested the change to three credits.

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 librarian, Professor Jennifer Morgan); 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 using remote technology to connect you (wherever you may be) with Professor Morgan and myself here in Bloomington. We will begin the in–person class meetings the Friday after Labor Day and continue to the end of class, which for Fall 2019 will be the Thursday or Friday before Thanksgiving.

Students should expect that the five regular written assignments will be due by noon on the Wednesday before the Friday in–person class meetings and should prepare to give presentations of their work during class meetings. These writing assignments will be in addition to the “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), as well as 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, and have made time on Sunday afternoons if any student needs help remotely on Sundays. Professor Morgan offers advice on research tools via email (jlbryan@indiana.edu) during the week.

Updated 3/19

**B545 Criminal Law Externship ^^ (1–4) – Morrison, T.**

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 prosecutor and public defender 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

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

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

**Criminal Law Externship for Bradley Fellows with Prof. Tim Morrison** (one semester)

This advanced section of Criminal Law Externship required for Bradley Fellows will be arranged by Prof. Tim Morrison in conjunction with CSO. In addition to the usual requirements for an externship, Prof. Morrison will lead bi–weekly regular group meetings to provide additional guidance and enhance the academic aspects of the externship. Criminal Law (the mandatory 1L course), Criminal Process: Investigation, and Criminal Process: Trial are pre–requisites or co–requisites to enroll in this special section of Criminal Law Externship. Prior criminal law experience (i.e., a prior semester of Criminal Law Externship, or its equivalent) is also generally required to enroll in this special section.

Updated 3/19

**B547 Public Interest Internship Program ^^ (2) – Van der Cruysse, I.**

**COURSE GOALS:** The student gets a behind–the–scenes insight in how non–profit organizations, legal service public interest firm, and corporations, local, state and federal
government organizations work, and will be offered the opportunity to serve clients directly under the supervision of a licensed attorney.

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

**STUDENT ROLE:** Legal research and writing, observation and participation at meetings with clients, litigation and pre–litigation skills, transactional skills.

The student is required to work 104 hours on–site for 2 credits.

The academic component consists of ABA required work: (1) written goals and objectives for the externship, (2) 6 reflective essays, and (3) a final self-assessment and evaluation of the work place. Students are required to maintain and submit a detailed time–sheet.

Students will meet for an orientation meeting at noon on the first day of classes, and for three subsequent meetings: 2 with all students in this course, and one exit interview with the faculty supervisor in the last week of the externship.

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

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

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

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

**APPLICATION METHOD:** For placement assistance, you may contact the Career Services Office. Prior to your search, you should set up an appointment with Prof. Inge Van der Cruysse at ivanderc@indiana.edu

**ADDITIONAL INFORMATION:** Students and the externship for which they apply, must be approved by the faculty supervisor of this course before a student may be permitted to register for the course.

Note: If you have not secured or approved your placement for the fall 2019 yet by registration day, please register for another course you want to take in case securing and/or approving the placement falls through. Once you secure and get your placement approved, you can drop the extra class and add the externship in the first week of classes.

Materials: any additional reading materials will be provided on the CANVAS page for this course.

Updated 3/19

**B548 Financial Institutions (3) – Hughes, S.**

No description available

**B551 Intellectual Property Externship ^^ (1–4) – Janis, M.**

The Intellectual Property Externship program consists of a series of externship opportunities developed and administered by the law school in connection with the Center for Intellectual Property Research. The number and type of externships will vary from semester to semester. Some may be available during the summer. Intellectual Property externship opportunities will be posted at designated times during the fall and spring semesters. Students will ordinarily apply directly to the externship hosts, who will be responsible for
selecting externs. Student externs will then enroll in the Intellectual Property Externship course. Prerequisites will vary, depending upon the externship.
Updated 3/19

**B554 Legislation ## (2) – Popkin, W.**
Most law today is found in statutes and it is therefore important to understand how courts deal with statutory law. The major emphasis in this course is statutory interpretation.

Part I deals with the history of statutory interpretation, from the early period when judge-mad law dominated to the current period, when statutes dominate.

Part II discusses both the theory and technique of statutory interpretation, focusing on text, external context, and change. We want to know what the modern textualists are trying to tell us and whether their efforts at controlling judicial discretion are successful. Textualism is contrasted with purposivism (the dominant approach during much of the 20th Century). We also consider canons of construction, which is the technique by which judges bring substantive values to interpretation. An important question is how modern textualists with these canons. Finally, a separate chapter deals with “Change” and how different judges adapt a statute to changing circumstances.

Part III deals with administrative interpretation and legislative history. It dwells on the shift from judicial enthusiasm for considering such history in the mid–20th Century to current suspicion about its use. It also considers the effectiveness of rules about statutory interpretation adopted by courts and legislatures.

Part IV discusses statutes as a source of law — how statutes interact with the common law and with each other to create law. Now that most law is statutory, working out the interaction of statutes has become more important than the older problem of working out the relationship of statutes to traditional common law.

On a broader note, the course takes two approaches — the practical side of helping lawyers tell judges how to interpret legislation and the jurisprudential perspective of worrying about what approach is best in our constitutional democracy.
Updated 3/19

**B558 Conservation Law Clinic ^^ (3) - Hyman, Senior Staff Attorney; Freitag, Conservation Law Center Director**
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. 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. During the Fall semester, a seminar component is included with the clinical work. In Fall 2019, the seminar will focus on the status of large cats (panther, jaguar, lynx, etc.) in the United States and their treatment under the Endangered Species Act. 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 Christian Freitag (cfreitag@indiana.edu) prior to registration.

Updated 7/19

**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 in enrolled in a Professional Responsibility course. 3Ls or 4th-year JD/MBAs only. Enrollment in the clinic is limited, so students must, at or prior to enrollment, submit a current resume and a brief statement of interest to the Director by email in order to obtain permission to participate, and proceed to enroll in the course while awaiting approval.

Updated 3/19

**B563 Domestic Relations Mediation ++ (3) – Applegate, A.**

Domestic Relations Mediation (“Mediation Course), a stand-alone simulation course, will be offered for three (3) credit hours and available to up to eighteen (18) students, both 2Ls and 3Ls. The Mediation Course is also the prerequisite course to B691–Family and Children Mediation Clinic (“Mediation Clinic”). Through the Mediation Course, 2L and 3L students are trained to become registered domestic relations mediators in Indiana. The Course will be offered in the fall 2019 semester and subsequent fall semesters (but not in spring semesters). Classes will meet every Friday morning from 8:30 a.m. until noon and in the first week of class, on Friday from 1:00 until 4:30 p.m. (alternatively, in case of a conflict with that Friday afternoon, on Saturday, 8/24, from 8:30 until noon). Students who successfully complete the Mediation Course will be considered for enrollment in B691–Mediation Clinic in a semester following the fall 2019 semester. For example, a 3L who takes the Course in the fall 2019 semester will likely have the opportunity to enroll in the Clinic in the spring 2020 semester. And a 2L who takes the Course in the fall 2019 semester will likely have the opportunity to enroll in the Clinic in one of the following three semesters (spring 2020, fall 2020, or spring 2021).

Advance Approval to Enroll Required: 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 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 2019 semester.

**Mediation Course:** The Mediation 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 may 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 in the Mediation Clinic.

**Exam/Grading:** During the School of Law examination period, students will take an open book proficiency examination in Indiana family law and ethics. In the reading period before the examination period, students (in teams of 2 co–mediators) will conduct a one–hour videotaped simulated mediation. Final grades in the course will be based 1/3 on class attendance, participation, and performance, 1/3 on performance on the proficiency examination, and 1/3 on performance during the videotaped simulated mediation.

**Scheduling Requirements:** Given the state licensing requirements, **attendance at all classes is mandatory.** 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 Friday morning classes for the course, as well as the class session on the afternoon of Friday, 8/23 (or the morning of Saturday, 8/24). There will be an attempt to provide make up opportunities for unavoidable absence due to illness or emergency circumstances, with advance notice provided of the absence. Students who do not attend (or make up) all the classes will not be eligible to register as mediators or participate in the Mediation Clinic.

**Participation in the Mediation Clinic:** Students who wish to participate in the Mediation Clinic must submit their applications to the Indiana Office for Admissions and Continuing Education (“ACE”) to become registered domestic relations mediators in Indiana, after successfully completing the Mediation Course. Students who plan to enroll in the Clinic in the spring 2020 semester will need to submit their applications to ACE no later than December 16, 2019, in order to ensure timely registration for the spring semester. Please note that in order to be a registered domestic relations mediator in Indiana, in addition to all other requirements, applicants must have a bachelor's degree or advanced degree from an institution recognized by a U.S. Department of Education approved accreditation organization.

As a general rule, preference for enrollment in the Mediation Clinic is given to 3L students. In addition, students are selected for Clinic participation on the basis of a number of criteria, including their performance in the Mediation Course, level of commitment to the mediation 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. Finally, acceptance into the Mediation Clinic is also based on student scheduling availability and whether there are enough open spaces in the Clinic in a given semester.

Additional requirement for students who will take the Mediation Clinic: All students who enroll in the Mediation Clinic 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

Students who do not take the Mediation Clinic: Although students who successfully complete the Mediation Course will meet the State’s requirements for mediator registration, they will not be professionally ready for individual (unsupervised) mediator practice in Indiana or elsewhere until they have had supervision with actual family law cases (B563 is a simulation course). Thus the Law School strongly recommends that they not conduct individual (unsupervised) mediations until they have at least (a) completed B691, (b) completed an externship with family law mediation practice under the supervision of an experienced registered mediator, (c) completed summer or part–time employment with family law mediation practice under the supervision of an experienced registered mediator, or (d) are in practice after successfully passing the Bar exam.

Prerequisites: There is no prerequisite for the Mediation Course, although the Mediation Course is the prerequisite to the Mediation Clinic.

Contact Information: Students with questions about the Mediation Course should contact Professor Amy Applegate by e–mail (aga@indiana.edu).

Updated 3/19

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 the client in the best position for success. This course will address pretrial aspects of civil litigation – from pleadings through summary judgment and settlement negotiations. We will look at 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 a requirement for the course. Updated 3/19

B564 Federal Habeas Litigation ^^ (2) – Ausbrook, M. / Lahn, S.
Students in this experiential course will work on active federal habeas corpus cases in the United States district courts and the Seventh Circuit, and occasionally in the Indiana appellate courts (on remand). After examining the fundamentals of habeas law and procedure in the first weeks of the course, we will analyze the records of clients’ state–court convictions and investigate potentially meritorious claims; draft petitions, motions, and
briefs; and prepare for live hearings and oral arguments. This hands–on experience will be especially useful for those planning to apply for jobs as federal law clerks; in state attorneys’ general offices; or in criminal defense. But it will also inform anyone’s understanding of the American justice system, including the current national policy debates about wrongful convictions, mass incarceration, and sentencing reform. Grading will be based on evaluations of students’ case work and class participation; there is no final exam. Enrollment is with the instructors’ permission; to apply, or for further information, please contact Prof. Michael Ausbrook, micausb@iu.edu, or Prof. Seth Lahn, slahn@indiana.edu.

Updated 3/19

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

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

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

Updated 3/19

**B569 Nonprofit Organizations ## (3) – Purcell, P.**

Over 1.5 million nonprofit organizations, supported by over $400 billion in annual gifts, provide essential services ranging from large urban hospitals, major universities, national social service agencies and grant–making private foundations to "grassroots" homeless shelters, food pantries and health clinics. Attorneys fulfill an important role as independent counsel, staff and/or volunteer directors to nonprofit organizations as well as counsel to the donors who support these charitable missions.

This three credit hour course examines the legal issues of nonprofit organizations. Specific topics will include:

- Formation of all types of nonprofit organizations under state and federal law
- Governance duties and liabilities of officers, directors and trustees
- Tax–exempt status for nonprofit organizations under state and federal law
- Creation of private foundations, donor advised funds and supporting organizations
- Lobbying and political campaigning
- Inurement, private benefit and intermediate sanctions
- Commercial activity and unrelated business income tax
- Charitable giving
- Oversight by state attorney general and Internal Revenue Service
- Special issues for membership organizations
- Mergers, joint ventures, dissolution and antitrust
This course is designated by the law school as a writing course. Grades will be based on a team writing project, short essay assignments and participation in class discussion. The required text will be:


Updated 3/19

**B572 Intellectual Property Clinic ^ ^ (1–4) – Hedges, N.**
No description available

**B575 Constitutional Design in Multiethnic Countries ## (3) – Williams, D.**
No description available

**B587 Information Security Law (3) – Cate, F.**
Information security is a rapidly expanding and very important area of law. It responds to the need in our increasingly data–dependent society to secure information and information systems from unauthorized access, destruction, alteration, and misuse. As a result, it affects every segment of our economy and almost every aspect of our lives. This course will examine some of the most pressing threats to data and systems, the major legal and practical responses, and the policy issues they raise, with a particular focus on individuals, corporations, not for profit organizations, and civilian government agencies. No technical knowledge is required.

Updated 3/19

**B590 Entertainment Law (2) – Meitus, R.**
Entertainment law is a respected area of legal practice dealing with representation of both creative talent and 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. 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. The course is designed to be useful even if a student does not go on to practice directly in the entertainment or media law fields.

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 3/19

**B592 Law & Political Theory: Institutional Analysis: Concept Applications (3) – Blomquist, B.**
Formal institutions (e.g., laws) and organizations (e.g., courts, firms) and informal institutions (e.g., norms) are important determinants of individual and group decisions and behaviors. Individual and group decisions and behaviors, in turn, create and change formal and informal institutions and organizations. In this seminar, we will review, discuss, and compare some important analytical approaches to understanding these interrelationships between institutions and behaviors. One of those approaches has been named New Institutional Economics (NIE). The other is the Institutional Analysis and Development (IAD) framework associated with the
Ostrom Workshop at IU and what is sometimes called the “Bloomington School.” Each of these approaches has been influential in shaping current theory and research on how organizations and institutions (including laws, rights, and other rule-governed relationships) develop and change, and how organizations and institutions shape individuals’ choices and actions at the micro scale and the paths of social and economic development at the macro scale.

Please note: This class meets according to Department of Political Science regulations and calendar.
Updated 3/19

**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, the exclusionary rule, roadblocks, third-party searches, confessions, wiretapping, police interrogations and videotaping.
Updated 3/19

**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 3/19

**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 3/19

**B608 Family Law (3) – Sanders, S.**
This course examines legal and policy issues that arise from the government’s regulation of family and other intimate relationships. Topics to be covered include marriage, divorce, adoption, child custody and child welfare, family privacy, and assisted reproductive technology. The course is primarily doctrinal, intended to provide necessary grounding in principles and case law for students planning to do family law work – as a primary concentration or part of a larger practice – in any state. We’ll also have some guest speakers – practitioners and judges – who can talk about how practice sometimes differs from theory.

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

Grades will be based primarily on an open-book take-home final exam, though in-class participation will be taken into consideration as well.

Updated 3/19

**B618 Modern Law Practice Field Placement Program ^^ (8) – Henderson, B.**
3L students who have successfully completed Modern Law Practice I & II will spend an entire semester in advanced practice setting that that integrates law with data, process, technology and related allied disciplines. The core of the program is a semester-long field placement (minimum of 400 hours of fieldwork). The field placement also includes established and regular communication among participating students, the supervising attorney, and the primary instructor, Professor Henderson. The academic component of the fieldwork credits is satisfied through weekly reflective essays and bi-weekly virtual meetings that integrate the fieldwork experience with students’ own life, work, and academic experiences. Drawing upon the structure of this course, students will use this experience to learn how to direct their own skills development as young lawyers. This a paid field placement that is both for pay and for credit. Representative employers include Cisco, Cummins, Blue Cross-Blue Shield of Kansas City, Chapman and Cutler, and Perkins Coie.

Updated 3/19

**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 Getting to Yes (3rd Edition) by Roger Fisher and William Ury. 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 3/19

**B620 International Business Negotiations ^^ (1) – Finkelstein, J.**
This is an intensive course, structured around a simulated negotiation exercise in which students from Indiana University Maurer Law School (IND) and the Baltic Federal University Summer Law School Program (BFU) will represent either an African agricultural production company (Malundian Cassava Corporation) or a multinational (US) pharmaceutical company (KJH Pharmaceutical Corporation). The negotiations will take place through written exchanges and live, videoconferenced negotiations.

The purpose of the course is to provide students with an opportunity (i) to gain an introduction to transactional law and experience the sequential development of a business transaction over an extended negotiation, (ii) to study the business and legal issues and strategies that impact the negotiation, (iii) to gain insight into the dynamics of negotiating and structuring international business transactions, (iv) to learn about the role that lawyers and law play in these negotiations, (v) to give students experience in drafting communications, and (vi) to provide negotiating experience in a context that replicates actual legal practice with an unfamiliar opposing party (here, the students at BFU). Students will also learn about the legal and business issues that may arise in joint ventures, supply agreements, and licensing agreements. This course will also give participants the opportunity to work across cultures with students from a different country.

Class schedule:
M, Aug. 19: 6:30-9:30 pm
Tu, Aug. 20: 6:30-9:30 pm
W, Aug. 21: 6:30-9:30 pm
Th, Aug. 22: 8:00-9:40 am (negotiation session)
F, Aug. 23: 8:00-9:40 am (negotiation session)
S, Aug. 24: 8:00-10:00 am AND 11:00 am – 1:00 pm (2 negotiation sessions)
Final reflective paper will be due after this week.
Note: 3Ls have priority for this course.
Updated 3/19

**B625 Commercial Arbitration ^^## (2) – Raymond, A.**
The course deals with the law and the practice of public and private arbitration in the United States and its place in the legal system as an alternative method of dispute settlement. Included is a study of commencing arbitration, notice, choosing arbitrators, the hearings,
enforceability of agreements and awards, the relationship of federal and state arbitration laws, and selected problems in domestic and international commercial arbitration. With the abundance of transnational transactions, special emphasis in the course will be placed on the rules and forms of arbitration for international commercial disputes, including the use of online dispute resolution. Emphasis is placed on the areas of actual use from legal practitioner’s point of view.

Written work will consist of a series of short assignments comprising submissions for a mock arbitration that will take place toward the conclusion of the course. There will be no course examination.

Updated 3/19

B634 Advanced Con Law: Issues Related to the Press (3) – Fargo, A.
An examination of the theory and practice behind the development of free speech and free press law in the United States. Topics discussed will include the history of the First Amendment, First Amendment theory, censorship, libel, right of privacy, government regulations, access to information, and confidential news sources. Student research required.
Please note: This class meets according to School of Journalism regulations and calendar.
Updated 3/19

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 in-class exercises to reinforce the day’s topic. 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 3/19

B642 Appellate Advocacy ^^ (1) – Lahn, S.
When a lawyer gets up and prepares to address an audience—whether it’s the U.S. Supreme Court, a jury, a board of directors, or a city council meeting—there’s usually a lot at stake, not only for the client but often for the attorney too. In this Skills course, we’ll practice how to rise to those challenges by presenting complex ideas and facts effectively
and professionally. In pursuing that goal, we'll examine everything from video of real appellate arguments to empirical data on the science of persuasion to public speaking techniques gleaned from other fields such as sports psychology and acting.

This Skills course is designed to work in tandem with the 2019 Sherman Minton Moot Court competition and to help you make the most of participating in that event. While the focus will be on oral argument, we'll also examine the essentials of appellate brief-writing and the current Sherman Minton Problem in the weeks that you're writing your moot court brief. In order to sync with the moot court calendar, the class will meet for two hours a week and finish by the third week in October. **One scheduling note:** In order to make the course available to as many students as possible, it is being offered in two sections: one section will meet on Monday and Wednesday at 2:20–3:15 p.m.; the other will meet on Thursday at 9:50–11:50 a.m.

Course requirements include, in addition to participating in the 2019 Sherman Minton Competition: two practice oral arguments; a short written assignment (with a partner) to prepare for the practice arguments and a self-assessment afterwards; and a meeting to review video of the practice arguments. Feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)

**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. The readings will be primarily, if not entirely, pdf downloads and some of the cases will not be edited much, if at all. 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.

**Updated 3/19**

**B649 State & Local Tax (2) – Paul, S.**
State and local taxation provides a practical application of the Commerce Clause and Fourteenth Amendment to the modern business and regulatory environment. This course explores the basic principles of state and local taxation, beginning with an overview of the restrictions on state taxation provided by the federal and state constitutions and select federal statutes. The course then delves deeper into each of the three primary types of tax (state income taxes, sales and use taxes, and real property taxes), covering the historical development, underlying theory, and practical application of each. Several cutting-edge legal and policy controversies will be examined in depth, including the rise of e-commerce and its effect on the state and local tax base. The Hellerstein casebook will form the basis of the readings for the course, with select additional cases and materials provided over the
course of the semester. Students may find it helpful to have taken Federal Income Tax, but that course is not a prerequisite for participation in this class.

Updated 3/19

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 3/19

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 3/19

B653 Corporations (3) – Foohey, P.
This course provides a survey of the legal rules and concepts governing the modern corporation in the United States. Topics to be covered include agency law, business formation, limited liability, fiduciary duties, corporate governance, executive compensation, shareholder voting, derivative suits, corporate control transactions, and the purpose of the firm. A principal focus is on the publicly traded corporation that dominates much of the U.S. business environment. 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. 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 3/19

B658 Law & Education: Legal Perspectives (3) – Rippner, 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 J.D. Minor in Education Policy (see https://www.law.indiana.edu/academics/jd-degree/joint-degrees/). Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy and Dr. Janet Decker (deckerjr@indiana.edu) for further information about the course or the Education Policy minor.

Please note: This class meets according to School of Education regulations and calendar. Updated 3/19

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

The purpose of this course is to develop students’ legal research and writing skills while increasing their knowledge about education law and policy. Students will investigate and discuss current issues, developments, and concerns surrounding education law and policy. Specific topics vary each semester. This is a School of Education course which will be taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses that is required for the J.D. Minor in Education Policy (see https://www.law.indiana.edu/academics/jd-degree/joint-degrees/). Only Education Policy Minor students are eligible to enroll in this course. Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy and Dr. Janet Decker (deckerjr@indiana.edu) for further information about the course or the Education Policy minor.

Please note: This class meets according to School of Education regulations and calendar. Updated 3/19

**B658 Law & Education: Leadership in Special Education (3) – Decker**

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/). 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 8/19

**B658 Law & Education: Higher Education Law (3) – Decker, J.**

The purpose of this course is to introduce you to current legal issues occurring in higher education settings. Specifically, this course will prepare you to: 1) identify legal issues
occurring in public higher education settings so that you can formulate, articulate, and defend alternative solutions; 2) describe and analyze key principles of higher education/college policy as well as federal and state law and apply them to real life scenarios; 3) increase your awareness about the importance of legal literacy for administrators, faculty, policymakers, and others; 4) access primary sources of law (i.e., federal and state statutes, regulations, and case law) needed to analyze and solve legal dilemmas and to stay abreast of evolving law; 5) collaborate with others to solve complex legal issues; 6) communicate persuasively in oral and written form so that you can advocate for yourself, colleagues, students, school, and district; and 7) analyze a variety of social justice and ethical issues involving socio-economic status, race, disability, sexual orientation, gender identity, and gender. This course is a School of Education course (EDUC-C705) 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
Updated 8/19

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 3/19

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 3/19

B668 Constitutional Law II (3) – Williams, S.
This course will focus on the First Amendment. We will spend the majority of the semester examining freedom of expression. We will begin with an overview of free speech theory and then turn to the issues that arise when government action interferes with various types of speech, including politically subversive speech, libel and defamation, pornography, hate speech, and commercial speech. We will also discuss the problems posed by regulation of symbolic acts of expression (like flag burning), limitations on the use of public areas such as parks and streets, and campaign finance reform. The remainder of the course will focus on the religion clauses of the First Amendment. We will examine cases concerning the meaning of religion and the protection afforded to religious practice, particularly when it violates general laws. We will also explore the interpretation of the establishment clause, in cases involving school prayer and school vouchers, the teaching of evolution, and public sponsorship of Christmas displays. The course will include both lecture and discussion. There will be one final examination which will be a take-home exam.

Updated 3/19

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 detailed feedback provided in an individual meeting with the professor. The class also involves daily class discussion of a range of consequential, often controversial, speech and religion issues. Approximately three quarters of the semester is 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 3/19

B680 Employment Discrimination (3) – Widiss, D.
This course examines federal civil rights laws prohibiting employment discrimination based on race, color, sex, religion, national origin, age, and disability. The course considers litigation strategy and the sources, theories, and goals of anti–discrimination law. Specific subjects covered include discriminatory refusals to hire and terminations, workplace harassment and the #MeToo movement, and employers’ responsibilities (or lack thereof) to accommodate or address pregnancy and family responsibilities, religious practices, and disabilities. The applicability of current law to discrimination on the basis of sexual orientation or gender identity is also addressed. Students are required to complete several pass/fail assignments that provide practice applying the legal concepts discussed. Grades will be based primarily on performance on an in-class open book final exam, but performance on the assignments and in–class discussion may also be taken into consideration.
Updated 3/19
**B688 Community Legal Clinic ^^ (3) – Singleton, E. / Weng, C.**

The Community Legal Clinic (CLC) is a three-credit, live-client course open to second- and third-year students. Students represent low-income clients in a variety of areas including contested family law matters, disability benefits, and simple wills. A maximum of three students will be chosen to work exclusively on contested family law matters. (Preference will be given to students eligible to serve as certified legal interns.) Students also may partner with local service providers on legal projects.

Students serve as the primary legal representatives, under faculty supervision. As such, they handle client interactions, fact investigation, legal drafting, court proceedings (motions, hearings, and trials), and negotiations. Students are expected to devote 10–12 hours per week to their client responsibilities. This time includes a weekly supervision meeting and office hours.

Classes are scheduled three times per week. The classes introduce students to relevant areas of law and procedure and to lawyering skills. We focus in particular on interviewing and problem solving. Class time enables students to practice the skills they need to work with their clients and to bring problems from their client work to the full staff of the clinic for discussion and assistance.

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 appear before state administrative law judges and in court.

Additional requirement: All students who enroll in the CLC 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](http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml).

Enrollment requires permission of the clinic directors. To apply, please send a statement of interest and a copy of your resume (no GPA or rank please) to Earl Singleton (singlet@indiana.edu) and Carwina Weng (wengc@indiana.edu), two days before the deadline for 3L registration. If you are particularly interested in family law, please so indicate.

Updated 3/19

**B691 Family & Children Mediation Clinic ^^ (4) – Applegate, A.**

This clinic, offered for four (4) credit hours in the fall 2019 semester, has 40+ hours of class meeting time, in addition to fieldwork. In the fall 2019 semester the clinic is generally available to up to six (6) students. Through this program, 2L and 3L students (and masters level clinical psychology and social work students) who have taken the prerequisite and companion course (B563–Domestic Relations Mediation, which is offered in 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.

Advance Approval to Enroll Required: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) explaining their interest in the clinic. Students may only enroll in the course 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 2019 semester.

Mediation Clinic: Students in the mediation clinic will comediate cases referred primarily by
judges in local and nearby counties. Students will mediate custody, parenting time, child
support, asset and debt division, and other disputes between parents and others in family
law cases. During the semester, the students will co-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. A substantial amount of class time will also be devoted to case rounds, in which students share and reflect collectively on the students' field work experiences. 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 will participate in interdisciplinary training, practice, and/or research with faculty and students from the IU Department of Psychological and Brain Sciences and the IU School of Social Work.

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:

1. Class: All clinic students must be available on Thursdays from 8:30 a.m. to 12:00 p.m. for class each week during the semester.

2. Field work: Each student team must also be available for field work during at least one of the time periods set forth below, specifically, (a) Tuesday or Wednesday from 8:30 a.m. to 1:30 p.m., (b) Tuesday or Wednesday from 1:00 to 6:00 p.m., or (c) Thursday from 1:00 to 6:00 p.m. Students should understand that sometimes field work extends beyond the hours planned for it. During the semester, students will be scheduled each week to attend intake sessions or a mediation (negotiation) session at their regularly scheduled time.

3. Preparation and follow up for field work: Students will need to prepare in advance of intakes and mediations, and follow up with necessary documentation and paperwork after sessions. This work will often need to be done with your co-mediator.

4. Supervision meeting: Students will attend a regularly scheduled supervision meeting with Professor Applegate (typically a day or two before the intake or mediation of their cases) each week. 24 hours in advance of the meeting, students will submit any necessary documents for field work plus a reflective journal of their mediation experiences.

Prerequisites: The prerequisite to the clinic is the successful completion of B563–Domestic Relations Mediation.

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–
B698 Judicial Field Placement ^^ (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 behind closed doors in chambers. 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. Students in judicial externships are typically asked to do extensive legal research and writing. This externship program provides an immersion in legal writing for practice.

COURSE COMPETENCIES: The student will typically have to do legal research and writing (and 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. The student is required to work 104 hours on-site for 2 credits. The academic component consists of ABA required work: (1) written goals and objectives for the externship, (2) 6 reflective essays, and (3) a final self-assessment and evaluation of the work place. Students are required to maintain and submit a detailed time-sheet. Students will meet for a mandatory orientation meeting at noon on the first day of classes, and for three subsequent meetings: 2 with all students in this course, and one exit interview with the faculty supervisor in the last week of the externship. Additional externship course requirements include weekly time-sheets, bi-weekly reflective essays, and self-assessment exercises.

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

CLIENTELE SERVED: The judiciary and constituents in the jurisdiction.

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 in the spring semester prior to starting your search for a placement, with the Faculty Director for Externships and Faculty Advisor, Prof. Inge Van der Cruysse. Inge Van der Cruysse at ivanderc@indiana.edu.

ADDITIONAL INFORMATION: Students are required to apply through the Externship program prior to May 1, 2019 by contacting Prof. Inge Van der Cruysse at ivanderc@indiana.edu, Faculty Director of Externship Programs. Note: If you have not secured or approved your placement for the fall 2019 yet by registration day, please register for another course you want to take in case securing and/or approving the placement falls through. Once you secure and get your placement approved, you can drop the extra class and add the externship in the first week of classes. Materials: Any additional reading (e.g. judicial ethics, etc.) required for your externship, will be posted on the class CANVAS page.
**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, the protection of privacy in law enforcement, and (time permitting) privacy considerations in national security. Information Privacy II (not this course) will focus on privacy issues involving government records, and commercial and international contexts.

**B709 Transactional Drafting: Real Estate #^ (3) – Need, M.**

In this course, students will learn transactional drafting skills through a focus on commercial real estate acquisitions. Students will learn the relationship between business and legal aspects of a commercial real estate transaction through a “cradle to grave” review of a hypothetical transaction, from first review through due diligence and closing. Students will familiarize themselves with basic valuation skills, basic lender qualifying models, and title work review, as well as the drafting and review of all aspects of the acquisition process, the acquisition contract, and triple net leases.

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

**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 TBA. (Professor Paul Craig is a renowned British teacher and scholar of administrative law. He has been teaching here for nearly twenty years.)

**B714 Deliberative Leadership: Soft Skills for Lawyers (1) – Henderson, B. / Kiser, R.**
This course emphasizes the “soft skills” of judgment, communication, wisdom, leadership, persuasion, self-assessment, self-development and professionalism. Grounded in empirical studies of human behavior, the course is designed to promote client service, legal ethics and professional values. It describes the primary importance of professional soft skills; identifies the impediments to accurate self-assessment and resilient self-development; shows how attorneys can become more socially proficient; discusses the elements of wisdom; highlights leadership traits, skills and practices; and refines our concepts of professionalism. Teaching methods include lectures, simulations, class discussions, breakout sessions, case studies and independent research.

This is 1-credit law school course offered over fall break (Monday to Thursday, Oct. 14-17) in Chicago, IL. The course will be held at the law firm of Chapman & Cutler at 111 W. Monroe Street from 5 to 8:30 pm. Indiana Law 2L and 3L students are eligible for a full-tuition; however, students are responsible for their own housing. (Career Services Offices has information on affordable lodging). Dinner will be provided each night courtesy of the law firm. Enrollment capped at 18 students.

Updated 8/19

**B720 Advanced Trial Practice ^^ (3) – Diekhoff, M.**

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 3/19

**B722 Trial Advocacy ^^ (3) – Kellams, M. and 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 3/19

**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 3/19

**B726 IP 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 3/19

**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).

Rising levels of wealth inequality and increased corporate concentration—are these antitrust problems? Democratic presidential candidates seem to think so, going so far as to call for the break-up of big tech companies like Facebook and Amazon. Republican legislators also seem to think so, slamming antitrust enforcers’ approach to big tech as “toothless.” And antitrust policy makers and enforcers have spent the last two years debating whether antitrust laws’ focus on economics has lost the thread of Congress’ original intent for antitrust statutes, or whether such criticism is merely #HipsterAntitrust—cool to talk about, useless as a legal approach. The U.S. seems poised to take a step in a new antitrust direction, but despite a lot of political noise, it isn’t clear that it will be in the E.U.’s direction of more active enforcement (with their billion-dollar fines on Google and Amazon).

Gaining some basic knowledge of antitrust is not just important for being an informed citizen. As our law school’s “general practice” web page advises: “No matter how specialized a lawyer’s practice, there are certain subjects with which every professional should be familiar” and you “should know enough about antitrust to be able to recognize a potential issue and help [your] client avoid running afoul of the law.” Or as a plaintiff’s lawyer, you should know enough about antitrust law so that you don’t miss a chance to sue for treble damages. Or if you are interested in government practice, you should know enough about antitrust law to consider careers with multiple federal agencies (e.g., Federal Trade Commission, DOJ Antitrust Division) and state Attorneys General offices. It is also just plain fun: it is judges and lawyers who have “made antitrust law out of the cryptic antiquated language of the Sherman Act, as later supplemented by the equally cryptic Clayton Act.” (Judge Posner) All of antitrust law, which has both civil and criminal components, has grown out of a handful of statutory sentences. This course will chart antitrust law’s development and basic concepts (from criminal price-fixing to civil monopoly claims to the analysis of whether proposed mergers are anti- or pro-competitive), which will allow us to make some informed predictions about what value antitrust law may have to offer in the future.

Updated 3/19
B734 Advocacy: Moot Court ^^ (1) – Lahn, S.
This course is the for–credit component of 3L students’ participation on the Sherman Minton Advocacy Competition Board. For additional information, please see the description of the Competition Board in the Fall 2019 Advocacy Board solicitation (available on the moot court bulletin board or at lawmoot@indiana.edu). Feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)
Updated 03/19

B734 Advocacy: External Teams ^^ (1) – Lahn, S.
This course is the for–credit component of students’ participation on one of the Law School’s external (interscholastic) moot court competition teams, except for teams such as the IP moot court teams that are covered under a separate course number. For more information, please see the law school’s Policy on Participating on Maurer’s External Moot Court, Trial, Transactional, Drafting, Negotiation, and other Competition Teams, available online or at Student Affairs. Please note: those hoping to form a team for a Fall 2019 external competition must submit an application to the Student Affairs Office by no later than April 15, 2019. Feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions.
(Pass/Fail)
Updated 03/19

B734 Advocacy: IP Moot Court ^^ (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 3/19

B735 Int’l Business Transactions (3) – Emmert, F.
This course is a survey of the legal aspects of international business transactions. It introduces students to the international legal environment within which such transactions are negotiated, executed, and enforced. This environment involves treaty and customary international law; the regulation of multinational corporations; international dispute resolution; and the extraterritorial application of national law. After setting the legal environment, the course analyzes important types of international business transactions, including transnational sales, agency and distribution agreements, foreign direct investment, and international joint ventures. No business or business–law background is required to take this course.
Updated 8/19

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.
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, date TBA. (Professor Paul Craig is a renowned British teacher and scholar of EU law. He has been teaching here for nearly twenty years.)

Updated 3/19

B771 Mediation ^^ (2) – O’Connor, J.
This course explores mediation as the most frequently used 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.

Role playing in various areas of practice (e.g. family law, personal injury, business dispute) will be used to reinforce mediation theory that is discussed in class. The class members will be assigned various roles in the mediation. The exercises will be conducted on days that the class would otherwise meet for a general class session, and may be held off campus 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 ubiquitous 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 3/19

B794 Human Trafficking: Child Exploitation (3) – Van der Cruysse, I.
COURSE GOALS: This course examines the problem of child exploitation and trafficking as it arises on global, national and local levels. The course goes in depth into the applicable international legal instruments that protect children’s human rights, as well as federal and state legislation that criminalizes exploitation and trafficking, and aims to empower and protect the victims.

In general the course illustrates how local, federal and international laws implement underlying policies to approach this global crisis and how policy and laws develop as the crisis does. It also highlights how the different laws work together (or fail to work together) when the behavior of the defendant crosses international borders and state lines, and the victims, while living among us, are often invisible.
The Course focuses on cases that help students analyze how child exploitation and trafficking laws interact with one another. The three types of cases used are federal child pornography and trafficking cases; state criminal trafficking cases; and state civil child abuse and neglect cases that include child sexual exploitation and trafficking. The cases illustrate the challenges for the parties, the attorneys, and professionals in other disciplines. Investigations operate simultaneously on an international, federal and state level. The jurisdiction for some of these cases needs to be clarified among the judiciary, prosecution, defense and victim advocates. Professionals in the legal, medical, social work worlds need to collaborate to address the victims’ trauma.

Through those cases, the course also highlights and discusses the psycho–social profiles of perpetrator and victim, and how society can facilitate recovery and reintegration of both. This course is open to enrollment of graduate students from other schools with an interest in child trafficking issues: e.g. criminal justice, psychology, SGIS, social work, education, SPEA. The goal is for all students to understand better effective responses to the issue of child trafficking from other disciplines and the opportunities for interdisciplinary collaboration.

COURSE QUALIFICATIONS: no pre–requisite for this course, interest in human rights and all aspects of trafficking

NATURE OF PRACTICE: human rights, human trafficking, children’s rights, criminal exploitation of children, social work, psychology, investigation, global vs. local perspective.

COURSE REQUIREMENTS:
1. Class attendance
2. Active participation, including engagement with guest speakers in the practice of trafficking law
3. Final Exam
   In addition, there will be a packet of supplementary course materials prepared for this course: applicable international treaties, federal legislation, state legislation; articles on the psychology of the perpetrator and the child victims; law review articles, and caselaw; as well as, media materials of current affairs.

APPLICATION METHOD: Registration

ADDITIONAL INFORMATION: For questions, please contact Prof. Inge Van der Cruysse at ivanderc@indiana.edu
Updated 3/19

L694 Seminar in Voting Rights ** (3) – Fuentes–Rohwer, L.
On May 17, 1957, Martin Luther King, Jr., exhorted President Eisenhower and members of Congress “to give [African Americans] the right to vote.” This was “our most urgent request.” How do we make sense of his plea in light of the 15th Amendment, ratified by the states in 1870 and professing to guarantee to all Americans the right to vote irrespective of race or color? This is the question at the heart of our seminar. Rather than a triumphalist story, the history of the right to vote in the United States is much more complicated than we often recognize. It ebbs and flows. The course begins at the drafting of the U.S. Constitution and the choices made about our democratic structure and ends with Wisconsin and its recent political gerrymandering case, Gill v. Whitford. The course is framed over the
overarching question whether the Supreme Court – or any other institution – should play a leading role in this difficult area. The seminar will appeal to students interested in legal history, constitutional theory, political science, Democratic theory, and constitutional law. Updated 3/19

L730 Seminar in Intellectual Property ** (3) – Leaffer, M.
This Seminar has two goals. The first is provide students the opportunity to write a substantial paper relating to their interest in IP. The second goal is expose students to current developments in IP and cutting edge legal scholarship. In this regard, our class sessions will feature invited intellectual property law scholars who will deliver works-in-progress to the class for discussion and review. In past years, we have offered an IP Colloquium (involving invited speakers) and a separate IP Seminar. This year we’re providing a unique opportunity for students to engage in a seminar that also blends in elements of the IP Colloquium.
Updated 3/19

L748 Seminar in Law & Psychology of Crime & Punishment ** (3) – Hoffmann, J.
This three (3) credit research seminar is co-taught by Professor Joe Hoffmann from the Law School and Professor Jim Sherman from the Psychology Department. We will study the social and cognitive psychology that underlies the doctrines of the criminal law. We will begin each week of the seminar by reading one or more real criminal-law cases that raise one or more difficult moral/legal issues. We will then assign relevant readings from the psychology literature, as well as from the legal literature, in an effort to achieve greater insight into the behavior and perceptions of the legal decision-makers in the cases. Our primary interest will be in the behavior and perceptions of those who have traditionally shaped the doctrines of the criminal law, i.e., lawyers, judges, legislators, and jurors. To put it another way, we will seek to understand the reasons why the substantive doctrines of the criminal law have developed in the way that they have developed. At the end of each seminar meeting, we will return to the cases, and we will discuss the potential legal and social implications of what we have learned. The final grade for the seminar will be based primarily on an interdisciplinary research paper drawing from legal and psychological sources. In addition, each week students will be assigned to serve as "experts" and "commenters" on the readings, and 19.5% of the final grade will be based on class performance in these roles.
Updated 3/19

L763 Seminar in Environmental Law ** (3) Weeks, W.
The Seminar in Environmental Law aims for the participants to gain an in-depth understanding of two to four environmental issues, laws, regulations or lawsuits of current public interest. Each week, we read and discuss articles, analyses, or primary materials such as briefs, opinions, and federal register notices chosen for their relevance to the issues we are studying. In addition, toward the mid-point of the semester, students will choose a topic in environmental law as the subject for their personal research, analysis, and writing. During the last few meetings of the Seminar, students will present the results of their work, as well as complete and turn in a polished and substantial paper of 20-30 pages on the topic they have chosen.
Updated 7/19

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 3/19

**L770 Seminar in Comparative Inequality** **(3)** – Brown, K.

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

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

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

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

While the Old Testament teaches us that Moses led the Israelites to the Promise Land, the Roman general Pompey conquered Jerusalem in 63 BCE. The First Jewish–Roman War began in 66 CE. Eventually it led to the destruction in 70 CE of the Jewish Temple built by Herod on Mount Moriah or the Temple Mount (the place where Abraham was to sacrifice Issac). After putting down the Bar Kokhba revolt from 132–136, the Romans forced the remaining Jews to leave Jerusalem. The Romans eventually built a temple to Jupiter on the Mount. By 640 CE, much of Israel/Palestine was in the hands of Muslim rulers. Muslims built the Dome of the Rock on the Temple Mount, which they know as Haram Al Sharif (the Noble Sanctuary). For many Muslims, it is from here that the Prophet Muhammad ascended into Heaven and came back with the requirement that Muslims must pray five times a day. The Dome of the Rock was initially completed in 691 CE. The modern day area of Israel/Palestine remained in Muslim hands until the collapse of the Ottoman Empire at the end of World War I, when the area came under British control. With the Balfour Declaration of 1917, Great Britain expressed its support for a Jewish homeland in Israel/Palestine. While some Jews had continued to live in this area, the British—at times—facilitated the return of even more Jews. The return of Jews accelerated in the years leading up to World War II and afterwards. After World War II, Great Britain turned its stewardship of Israel/Palestine over to the newly formed United Nations. On November 29, 1947, the United Nations adopted Resolution 181 providing for the division of Great Britain’s former Palestinian mandate into Jewish and Arab states. While the Jews accepted the division, the Arabs did not. In May 1948, the British mandate ended and the modern state of Israel was founded. Israel’s founding quickly led to a war with its Arab neighbors. But, the new nation emerged successful from the War. During the Six Day War in 1967, Israel conquered the entire area of Israel/Palestine. But during the 1990s, Israel and the Palestinian Leadership agreed to the Oslo Accords that embodied a Two–State Solution where Israel would allow the Palestinians to control the area now known as Occupied Palestine, consisting of the West Bank and the Gaza Strip. As a result, the Arab population of Israel/Palestine includes Arab Israelis who are a minority group within Israel, Palestinians in the West Bank, Palestinians in Gaza, and Palestinians who are refugees outside of Palestine. Due to concerns about security, Israel maintains very tight control over the movements and lives of the Palestinian people. The Israel/Palestinian conflict provides for multiple types of inequality rooted in Jewish, Muslim, and Christian religions that we will discuss.

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

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

Updated 3/19

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 3/19

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 that the research typically required at our School for a law journal Note or for a typical Seminar writing project.

Updated 3/19

L799 Seminar in Con Law: Special Topics on First Amendment Law ** (3) – Bell, J.
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 can be taken concurrently with Con Law II. It may also 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.

Updated 3/19

L799 Seminar in Con Law: Constitutional Interpretation & Democracy ** (3) – Sanders, S.
To understand the law of the Constitution, it is necessary to understand the debates over how the Constitution should be interpreted. The two best-known, and competing, theories of American constitutional interpretation are typically called “originalism” and “living constitutionalism.” Those labels are something of an oversimplification, as there is considerable diversity and disagreement within these two camps as well as between them.

In this seminar, we will read the discuss works by some of the most prominent and interesting proponents, as well as critics, of various forms of originalism and living constitutionalism. We will also venture beyond those particular debates to consider a few related questions concerning the role of courts in a democracy: Should the Constitution be “majoritarian” or “counter-majoritarian”? What has been the relationship between the Supreme Court’s decisions and public opinion? Under what circumstances should courts avoid deciding controversial social questions and await the democratic process?

Readings will consist of articles and book chapters distributed via Canvas. Grading will be based on a seminar paper and weekly participation. The seminar may be especially useful for students seeking to write a journal note and/or wishing to prepare a substantial writing sample for judicial clerkship applications.

Updated 3/19