Fall 2020 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))

**Online Synchronous:** Class instruction will take place entirely online, primarily during scheduled, synchronous meetings that allow for real-time interaction between students and the instructor. Some asynchronous content may also form part of the course, as a supplement to remote class sessions.

**Online Asynchronous:** Class instruction will take place entirely online, primarily through asynchronous content that students may complete at any time. Examples of asynchronous content include prerecorded lectures, written feedback on drafts of papers, interactive quizzes, and forum discussions. Some regular synchronous meetings may also form part of the course, as a supplement to the asynchronous content that accounts for most direct instruction.

**In person:** The course is designed as a traditional classroom experience for students who will attend class sessions in person. Students may elect to take the class entirely online with the understanding that their ability to participate may be limited. Approval from The Office of Student Affairs is required before a student will be permitted to take an in person class entirely online.

**B514 Private Practice Externship ^^ (1-3) – Sorrell, L.**
Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.
No description available

**B528 Advanced Appellate Advocacy ^^ (2) – Lahn, S.**
This course provides a structure for the Fall 2020 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 on 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 2020 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 03/20

**B534 Civil Procedure II (3) – Wallace, S.**
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.

**Online Synchronous**
B536 Health Law ## (2) – Gamage, D.
This course surveys major topics in the law of health care in the United States. The course is writing and presentation oriented and is partially structured in a seminar-style format. Students will be required to write multiple medium-length papers, to present their plans for these papers to the class, and to offer helpful suggestions following other students’ presentations of their paper plans. Students will be graded on the writing assignments and on class participation; there will not be a final exam.

Online Synchronous
Updated 3/20

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 externship/field placement (B538) coupled with an on-site or video-enabled twice monthly in person seminar on lawyering in the public interest (B539). Students must work at least 400 hours during the semester at the externship site for the eight B538 hours of credit. The externship work includes 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. For Fall 2020, we will spend some of every class period in the B 539 course on Administrative Law and Legislation topics.

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. Students are strongly encouraged to enroll in a separate, one-credit, online course on Advanced Legal Research on Federal Regulatory and Legislative Law subjects. Professor Jennifer Morgan will teach this specialized Advanced Legal Research course. This brings to the total number of credits available for the three courses to 12 credits. This 12-credit total should alleviate the need for students enrolled for Fall 2020 to fill out their credits for the semester with directed readings or independent research, and the choices that some students make to take heavy loads in the Spring Semester following their DC semesters.

Online Synchronous
Updated 3/20
B539 Lawyering in the Public Interest \^{3} (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. Students who need an additional credit are strongly encouraged to enroll in the specialty Advanced Legal Research course being offered online only with a focus on regulatory and legislative research tools. This online course will bring the total of credits designed for the DC Semester Program to 12 credits.

This course has several components – six relatively short 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; class sessions of roughly four hours on Thursdays or Fridays beginning at noon (or earlier by agreement of students) 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 B. 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. Gregory A. Castanias, a DC-based partner at Jones Day and my former student, will join the class as often as his schedule of IP appellate litigation allows.

Students should leave this class with a portfolio of short written products suitable to share with potential employers. The written work in this portfolio should not require permission from supervisors or redactions. Assignments match the types of work projects that 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 2020 will be the Thursday or Friday before Thanksgiving. Please advise me not later than Tuesday noon prior to scheduled Friday meetings if you cannot make class that week – unless an emergency arises, in which event please inform me as soon as you can.

Students should expect that the six 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) or (812-327-2083). 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.

Online Synchronous
Updated 3/20

B545 Criminal Law Externship: Bradley Fellows^^ (1-3) – Morrison, T.
Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.

Online Synchronous
No description available

B547 Public Interest Internship Program ^^ (1-3) – Sorrell, L.
Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.
No description available

B548 Financial Institutions (3) – Hughes, S.
Format for Fall 2020: This course will be offered as a synchronous, remote course. For each class period, I will provide advance notice to a few students that they will be on call and I will share with everyone some key topics for discussion during that class. The final exam will be a timed exam in the exam period after Thanksgiving – so roughly in early December. It will be administered via Zoom. The exam will be open note, open textbook, and open statute in format. I am confident that both this class plan and exam arrangement can work because of my experience with a large class during Spring 2020.

Introduction and Scope of the Course: This course surveys U.S. laws pertaining to providers of regulated financial services – commercial banks, broker-dealers, commodities brokers and exchanges, investment banks (also known as securities firms), hedge funds, investment advisors, and, to a lesser extent, insurance companies. We will cover compare the regulation of banking and securities, banking and insurance, derivatives, securitizations, and international regulation of financial services providers. We will look at the laws and regulations that pertain to these lines of business and how Congress reformed them in 2010 in response to the economic crisis of 2008 and 2009. And today’s “hot topics” such as the regulation of “fintech” companies, industrial loan companies, Initial Coin Offerings and Simple Agreements for Future Tokens, crowdfunding, and open banking and “challenger banks.”

Some of the most interesting issues pending with regulators include the scope of financial services professionals in terms of fiduciary duties to customers, their oversight of their customers’ behavior generally and customers’ compliance with laws here and abroad, including the Foreign Corrupt Practices Acts, anti-money-laundering and counter-terrorism-finance laws, sovereign-wealth movements, and anti-corruption, and what to do about cryptocurrencies and initial coin offerings (specifically and generally). We can spend some time on federal criminal laws that apply to financial service providers.
This course will give you tools with which to participate in discussions about regulatory and compliance questions, as well as to enhance your knowledge of administrative and constitutional law principles that arise in financial services practices.

Course Materials: Barr, Jackson, and Tahyar, Financial Regulation: Law and Policy (Foundation Press, 2018). This is available in an e-book format. No statutory supplement matches this textbook. I have a plan to make up for its absence.

Before August 10th, please send me (via email sjhughes@indiana.edu) a brief statement of why you registered for this course including any background or future plans that involve banking or other financial services providers and their duties to their customers.

Note: the final exam for this course will be administered remotely after Thanksgiving.

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**B550 Wildlife Law ## (3) – Fischman, R.**

The course covers the basic legal issues involved in conservation and management of wildlife. The coverage includes not just terrestrial animals, but all "wild"-life, including fish and plants. Students will learn about the relationship between real property and wildlife, sovereignty and federalism issues, the Endangered Species Act, and migratory bird conservation. In dealing with these subjects, students will apply statutory provisions and regulations to problems. The class also discusses the public policy, ethical, scientific, and economic issues associated with environmental decision-making. This is a modern wildlife law class, focusing on regulatory issues and biodiversity, while de-emphasizing (but still covering) the traditional concerns of game management. The course will spend more time on the controversial, federal Endangered Species Act than any other source of law. The course will be online-only, asynchronous. But students will have frequent opportunities to meet in Zoom sessions with the professor at different times each week in order to accommodate everyone. Class grades will be based on a variety of assessments, emphasizing short writing assignments. Graduate students in conservation fields will take the same class under a different, cross-listed number. All students will engage is some small-group, online collaborations containing a mix of both law and non-law grad. students.

Most of the course work will occur between Aug. 24 and Nov. 13. A final assessment, which will constitute less than half the course grade, will be due between Nov. 30 and Dec. 11.

There is no book to be purchased for this class. All material will be available on Canvas.

**B551 Intellectual Property Externship ^^ (1-3) – 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.

Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.

**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-made 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.

There will be three paper assignments during the year, as explained in the syllabus to be distributed before class begins.

During this pandemic the course will be taught online, using Zoom. Because the enrollment is limited, it will be taught as close to an in person experience as possible – raising hands to be called on and not using chat. I will send students a copy of my class notes before each class (as an attachment to an announcement on Canvas). This will help you to prepare for class, to participate in discussion, and to review after class.

**Online Synchronous**

Updated 7/20

**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 2020, 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. Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.

**Online Synchronous**
Updated 3/20

**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.

Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.

**Meets in person**
Updated 3/20

**B563 Domestic Relations Mediation ^~ (3) – Applegate, A.**
Mediation in the Domestic Relations Context (“Mediation Course”) is a simulation course offered for three (3) credit hours and available to up to sixteen (16) 2L and 3L students. The Mediation Course is geared to students interested in some or all of the following:

(1) learn how to mediate, the most utilized form of alternative dispute resolution in virtually all fields of law;
(2) improve and enhance communication skills that will be useful in many legal contexts;
(3) learn about family law and mediation ethics in Indiana;
(4) learn about domestic violence and its effect on families and family dispute resolution;
(5) learn about interdisciplinary research and practice;
(6) at the end of the course, assuming successful completion of the course, be eligible
to apply for a professional license to mediate in Indiana in the domestic relations context; and

(7) provide an opportunity for substantial hands-on mediation experience in the live-client B691 Family and Children Mediation Clinic ("Mediation Clinic") following completion of the Mediation Course and enrollment as a domestic relations mediator.

The Mediation Course is the prerequisite course to the 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 2020 semester and subsequent fall semesters (but not in spring semesters). For the fall 2020 semester, the course is being taught remotely, i.e., not in person.

During the fall 2020 semester classes will meet for all or part of every Friday morning from 8:30 a.m. until noon and on Saturday morning, 8/22, from 8:30 to noon (the day following the first class of the semester). For some classes, there will be "asynchronous" portions of class (i.e., pre-recorded class content that students will watch in advance of the scheduled class time), as well as "synchronous" (i.e., "live," as scheduled) class meeting times over Zoom. Class preparation, depending on the week, may include readings, exercises, preparation for simulated role plays, and/or other assignments. Readings for the course will be posted by the start of the semester. Other assignments will be posted in advance of class.

Advance Approval to Enroll Required: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) in advance of 3L registration 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.

State Licensing Requirements: 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, completion of the entire course, including asynchronous portions of class, is mandatory. This training serves as the foundation for students to mediate cases referred by local courts in the clinic in the Mediation Clinic.

Exam/Grading: In the reading period before the examination period, students (in teams of two co-mediators) will conduct a one-hour videotaped simulated mediation. This exercise will be graded and count for one-third of students’ grades. There will be no written final, but there will be several written exams, all open book, which will be graded and taken together will also count for one-third of students’ grades. The final one-third of students’ grades will be based on class attendance, and the quality of preparation and participation in the class.

Scheduling Requirements: Given the state licensing requirements, attendance at all synchronous classes, and watching asynchronous pre-recorded parts of class and completing all related activities in a timely manner, are mandatory. Given the COVID-19 pandemic, in case of illness or other extenuating circumstances, students will be permitted to make up missed synchronous and asynchronous parts of classes and activities. Completion of all the classes is required to be eligible to register as mediators and participate in the Mediation Clinic.
Participation in the Mediation Clinic: Students who successfully complete the Mediation Course will be considered for enrollment in B691 – Mediation Clinic in a semester following the fall 2020 semester. For example, a 3L who takes the Course in the fall 2020 semester will likely have the opportunity to enroll in the Clinic in the spring 2021 semester. And a 2L who takes the Course in the fall 2020 semester will likely have the opportunity to enroll in the Clinic in one of the following three semesters (spring 2021, fall 2021, or spring 2022).

Students who wish to participate in the Mediation Clinic in the spring 2021 semester must submit their applications to the Indiana Office for Admissions and Continuing Education (“ACE”) to become registered domestic relations mediators in Indiana no later than December 18, 2020, 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.

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).

Online Synchronous
Updated 7/20

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 initial case intake through discovery, 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 lawyers and judges, as well as a strong emphasis on the litigation rules that govern pretrial 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 be given an opportunity to conduct a mock witness interview and mock deposition and will be provided detailed feedback regarding these exercises. Students will also draft pre-trial materials, such as discovery requests. Grades will be based on written work product, performance during the witness interview and deposition, and class participation. There is no final exam. Evidence is a requirement for the course.

Meets in person
Updated 3/20

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.

Meets in person
Updated 3/20

B565 Int’l Crim Law: Legal Responses to Mass Atrocity & War Crimes (3) – Waters
War and violence haven’t been banished from our world, but the way we respond to them has changed. Increasingly, that response involves formal mechanisms – courts, and truth commissions that combine human rights, the laws of war, and criminal law. But why have we chosen this path? And what does it mean for criminal law to be international?

The course surveys the development of legal responses to war and atrocities, especially through principal international tribunals of the modern era, including courts for the Yugoslav conflicts, World War II, Central and West Africa, and others. Students will examine the institutions, processes, norms and substantive commitments of international criminal law, in its broader context as one response (among many) to mass violence, and as a mechanism for the expression, and control, of values.

Online Synchronous
Updated 7/20

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

Meets in person
Updated 3/20

B575 Constitutional Design in Multiethnic Countries ## (3) – Williams, D.
In the twenty-first century, more countries than ever before are searching for a constitution tailored to their own challenges and traditions, in the hope that proper constitutional design can improve their politics and social relations. This course will consider how such countries can design a constitution. It will consider the choices open to constitutional designers on a range of subjects, such as the different electoral systems, styles of federalism, and approaches to civil/military relations, and it will examine what we know (or think we know) about the likely consequences of the various choices. Students will then put this knowledge to work: in teams, they will choose a real country in the world and design a good constitution for it, through several short papers and one long paper written over the course of the semester. Extensive research into the constitutional history, traditions, politics, and social relations of the chosen country will be required, so as to draft a constitution closely tailored to conditions on the ground.

Meets in person
Updated 3/20

B587 Cybersecurity Law I (formerly Information Security Law) (3) – Cate, F.
Cybersecurity law responds to the need in our increasingly data-dependent economy to secure information and information systems from unauthorized access, destruction, alteration, and misuse. Cybersecurity I examines 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 corporations, not-for-profit organizations, and civilian government agencies. Cybersecurity II, which will be offered in the spring, focuses on national and international law in intelligence, military, and national security contexts. Students may take either course or both courses, depending upon their interests.

Online Synchronous

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.

Note: This course meets according to Political Science regulations and calendar.

Meets in person
Updated 3/20

B601 Criminal Procedure: Investigation (3) – Bregant, J.
In the criminal justice system, the people are (theoretically) represented by two separate, but equally important groups: the police who investigate crimes, and the district attorneys who prosecute the offenders. This course will cover some of their stories. We will focus on the constitutional constraints placed on criminal investigations, including Fourth, Fifth, and Sixth Amendment rights. Particular topics will include searches and seizures, interrogations, confessions, lineups, and the right to counsel.

This is primarily a course in applied Constitutional law, but we will also discuss some of the social, ethical, and psychological issues inherent in criminal investigation and police procedure. Grading will be based on a final exam, as well as preparation for and participation in class.

Online Synchronous
Updated 3/20

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: (1) the classic hornbook Law of Remedies: Damages-Equity-Restitution (THIRD EDITION, 2018), by Dan B. Dobbs and Caprice L. Roberts (in hardback); and (2) Line by Line: How to Edit Your Own Writing (PAPERBACK EDITION, 1986), by Claire Kehrwald Cook. The course will use the problem method, both for our “classroom” discussions and for the writing assignments. There will be a series of short writing assignments, some of which are to be revised in response to feedback given in the initial grading. The course will throughout proceed “online synchronously”; and because each student’s “classroom” (and analogous) contributions to the course enterprise are very important in the final grading, everyone will be called upon to routinely demonstrate a high level of initiative in using Canvas and/or Zoom and/or email and/or analogous remote-learning resources in order to enrich the learning experience for the class in general.

Online Synchronous
Updated 7/20

B606 Constitutional Litigation (3) – Sanders, S.
Suits aimed at vindicating constitutional rights through money damages -- for example, litigation against the police, prisons, schools, or other government agencies -- are sometimes called "constitutional torts" or "Section 1983 actions" (named for the federal statute that creates the cause of action). These actions account for a substantial share of the docket of almost all federal courts, and they are critical to vindicating constitutional rights and making government officers accountable for their actions.

This course will examine the law that has been developed by the Supreme Court and other federal courts to govern such cases. We will deal with such questions as: What qualifies as a constitutional injury? Who is the proper defendant, the government employee or the government itself? When are government actors immune from suit, and why? Under what circumstances may ostensibly private entities be sued under the Constitution? And (dear to the heart of almost every lawyer) when may attorney's fees be recovered? This material has been the subject of intense political and judicial controversy over the last few decades because it determines what constitutional guarantees actually mean in practice.
In light of the recent national focus on police misconduct and calls to modify or end qualified immunity, we will also examine why Section 1983 lawsuits seem not to have been more effective at curbing excessive use of force by police, and we will evaluate proposals for reforming qualified immunity.

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

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

Grading will be based primarily on a take-home essay exam, but class preparation and participation also will be taken into account.

**Meets in person**

Updated 7/20

**B608 Family Law: Practicum ^^ (2) – Stafford, C.**

This course examines legal issues that arise from the family. It focuses on the definition, creation, and dissolution of the family. Topics covered include marriage, divorce, paternity, property distribution, child custody, and assisted reproductive technology. Among the themes we will explore are the tension between the need for fixed, predictable rules and the need for flexibility to accommodate increasingly diverse family forms; the use of technology to aid family law parties, attorneys, and courts; and a practical approach to representing family law clients in negotiation, mediation, and court. Grading will be based on frequent role plays in the classroom, a research paper, and other written assignments. There will be no final exam.

**Meets in person**

Updated 3/20

**B617 Modern Law Practice II ^^ (2) – Henderson, B.**

The prerequisite for this course, Modern Law Practice I: Foundational Concepts & Methods, introduced students to the tools, methodologies, and professional and practical skills needed to effectively and efficiently serve large organizational clients. Modern Law Practice II: Contracts & Commercial Transactions combines these operational skills with substantive law, first by deconstructing a series of transactions that are common in the tech industry; and second, by engaging in a multi-class simulation designed to provide students with experience working on a complex corporate transaction from inception to closing. Students are required to work in teams to perform both negotiations and drafting exercises.

Assessment is based on a combination of team work product, individual performance, in-class participation, and practicum assignments. Course is offered in fall semester in conjunction with Modern Law Practice Field Placement.

Updated 3/20

**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 3/20

**B620 International Business Negotiations ^^ (1) – Finkelstein, J. and Weng, C.**
MEETS ONLY AUGUST 18 - AUGUST 25 (see schedule below)

This is an intensive course, structured around a simulated negotiation exercise in which students from Indiana University Maurer Law School (IU) 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:
T, Aug. 18: 6:30-9:30 pm
W, Aug. 19: 6:30-9:30 pm
Th, Aug. 20: 6:30-9:30 pm
F, Aug. 21: 8:00-9:40 am (negotiation session)
S, Aug. 22: 8:00-10:00 am (negotiation session)
M, Aug. 24: 8:00-9:40 am (negotiation session)
T, Aug. 25: 8:00-9:40 am (negotiation session)

Negotiation debrief will be scheduled separately, and final reflective paper will be due after this week.

Enrollment limited to 12 students

**Online Synchronous**
Updated 3/20

**B639 Advanced Legal Research ^^ (3) – Ahlbrand, A.**
Advanced Legal Research offers 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, with a focus on 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.

This course will be offered in an asynchronous online format, meaning that the class will not meet at regular intervals for live instruction. Instead, instruction will take the form of course readings, recorded lectures, and other online resources, as assigned. Students will have several opportunities to assess their progress in the course, through a combination of shorter and more in-depth research assignments, culminating with a capstone research 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. In keeping with ABA regulations requiring substantive and meaningful interaction between instructor and student and among students, students will actively participate in weekly discussion board prompts in Canvas, as a substantial portion of their participation grade for the course.

Each student’s course grade will be based on (1) brief, weekly research quizzes, (2) research exercises distributed at the end of each subject or module, (3) a research memorandum on a topic of the instructors’ choice, and (4) class participation.

**Online Asynchronous**
Updated 7/20

**B639 ALR: Legislative & Regulatory Research ^^ (1) – Morgan, J.**
Online (asynchronous) course; Graded; no prerequisite
The goals of this course are:
1. U.S. Congressional Documents and Legislative History
   a. To understand the federal legislative process
   b. To learn about the publication of U.S. Congressional documents
   c. To learn what the major sources of federal legislative history are
   d. To understand the relative hierarchical values of different sources of legislative history
2. Federal Administrative Regulations and Regulatory History
   a. To understand the federal rulemaking process
   b. To learn about the construction and publication of federal regulations in all forms: proposed rules and final rules in the Federal Register (FR) and the codification of final rules in the Code of Federal Regulations (CFR)
   c. To learn how to utilize preambles and dockets for regulatory history research
3. Research Methods and Databases
   a. To track and maintain awareness of federal legislative and regulatory planning and action, utilizing a variety of electronic and print tools
   b. Emphasis will be placed on appropriate and effective research strategies and evaluation of sources, both print and electronic.

Evaluation: There will be no final examination, grades will be based on course assignments.
**Online Asynchronous**
Updated 3/20

**B642 Appellate Advocacy ^^ (1) – Lahn, S.**
When an attorney gets up and prepares to address an audience—whether the U.S. Supreme Court, or a jury, zoning commission, or corporate board—there’s usually a lot at stake, not only for the client, but often for the lawyer as well. In this Skills course we will practice how to rise to those challenges and present complex facts and ideas confidently and cogently. In pursuing that goal, we’ll use tools ranging from video and audio tape of real appellate
arguments; to empirical studies on the science of persuasion; to techniques of professional performance gleaned from other fields such as sports psychology and theatre.

This Skills course is designed to work in sync with—and to allow you to excel in—the 2020 Sherman Minton Moot Court competition, which will run this year from the first week in September through the first week in November. While our focus will be on courtroom speaking, lawyers almost always submit some type of written argument first, and so we will also spend time examining the special form, rules, and strategies of the appellate brief that you and your partner will write this fall for the Minton competition.

The changes wrought by the 2020 pandemic have dovetailed in some ways with long-term shifts in litigation practice: in particular, courts’ increasing use of audio/video platforms such as Zoom to conduct appellate arguments and other proceedings. To prepare for this new world (and work within IU’s reopening rules), we’ll be conducting our oral arguments, as well as classes and conferences, remotely this semester.

A central feature of our course is the practice oral argument that each student presents to a panel of Advocacy Board judges before the Minton competition begins. You will then write a short self-assessment and meet with the instructor to analyze your taped performance. Other course requirements, in addition to participating in the 2020 Sherman Minton Competition, are: attending eight (asynchronous) on-line classes and completing the short accompanying written exercises. There is no final exam. Please feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)

Online Asynchronous
Updated 7/20

B643 Poverty Law ## (2) – Boys, S.
We are experiencing a time of extreme political divide in the United States. One of the most intense areas of debate surrounds entitlement programs, which are sure to be a focus of the 2020 Presidential campaigns. In this course, we will follow current political events closely and discuss the potential impact of various policy initiatives.

In order to put today’s legislative proposals in context, we will explore the history and impact of several social welfare programs, including TANF, Medicaid, and the Supplemental Nutrition Assistance Program (formally “food stamps”). Causes of poverty will be examined in the context of the legal system, as well as other social institutions. Broad topics will include: the role of government in poverty prevention, homelessness, health care, hunger, minimum wage, work incentives, lending practices, access to education, and the criminalization of poverty.

Readings will include pertinent cases, as well as social science literature assessing how legislation is being implemented and the consequences for low-income Americans. Course assignments will consist of three papers.

Dr. Stephanie Boys is a professor of social work at IUPUI and an alumnus of Indiana University Maurer School of Law.

Meets in person
Updated 7/20

B645 Wills & Trusts (3) – Gjerdingen, D.
1. Online Class Schedule
   The class will be taught entirely online. There will be both synchronous and asynchronous elements. Here’s what this means:
Main Weekly Meeting. We will meet on Zoom every Monday from 5:45-6:45pm. This is required. Here, I’ll give you a preview of the material for each week. Each class will be recorded.

Taped Class Units. There will be 39 taped class units. These follow the Syllabus. Each will be available on Canvas. Each week, you’ll be assigned 3 classes. Each class also will have its own PowerPoint slides.

End of the Week Office Hours. At the end of each week, I’ll have specially designed “End of Week” Office Hours. There, I’ll be available to answer questions about material assigned that week. These are not required. But I hope you’ll use them. (Please Note: I’ll have other regular office hours, as well.)

2. Course Materials on Canvas
All course materials will be on Canvas. This includes the following:

- Full Syllabus. This is a 30+ page document. It has a detailed listing for each of the 39 classes. This will be available in both pdf and Word. (For those interested, it also has links to relevant Indiana material.)
- Class Modules. There’s a module for each of the 39 classes. Each module has a PowerPoint presentation. It also may have additional, optional material.
- Classes Videos. Each class also will have a video. In each video, I lecture using the PowerPoint for each class.
- Past Exams. About 20 past exams are posted. There also are handouts about preparing for and taking exams.
- Special Study Aids. To help you, I also made some special study materials:
  - PowerPoint Slides in PDF. A complete set of PowerPoint slides for the class in pdf and 6 slides to a page format. In the past, students have used this for taking notes and review. In total, there are about 2500 individual PowerPoint slides for the course.
  - Course Review & Exam Checklist. There’s also a two-hour video review of course material. It’s based on a 20-page handout that doubles both as a review of course material and a checklist for exams.

3. Final Exam.
The final exam is on Thursday, December 8, from 9am-noon. It will be given online. Here’s the general format:

- Open Book. The exam will be open book. You’ll be able to use your book and notes, as well as the special study aids provided.
- Limited Words. The exam will be limited to 2000 words.
- Canvas. The exam be given on Canvas as an Assignment (like exams this spring).
- Grading. Letter grades will be used. The final grade will be based entirely on the final exam.

Online Asynchronous
Updated 7/20

B649 State & Local Tax (2) – Paul, S. and Blair, B.
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
Students may find it helpful to have taken Federal Income Tax, but that course is not a prerequisite for participation in this class.

**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 in detail, class time 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. It will be taught synchronously online, augmented with some materials on Canvas, such as short videos.

**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.

**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.
B654 Products Liability ## (2) – Maderia, J.
Nowadays, questions of when products are defective and to what extent manufacturers are liable for consumer errors are among the most compelling in law—and make for extremely colorful cases. What happens when hoverboards or smart phones catch on fire? How should we handle defective antibody tests for COVID-19? Join Prof. Madeira on a fascinating tour to learn how the law determines whether sellers and other commercial transferors of products should be liable for the personal injuries or property damage their products cause. Much of the course will focus on "strict" products liability, but other claims such as negligence, warranty, and misrepresentation will also be covered. Special attention will be paid to medical device litigation and "inherently dangerous" products. Student grades are determined by performance on writing assignments, which will consist of either a series of shorter papers or one longer paper.

Online Synchronous
Updated 7/20

B658 Law & Education: Legal Perspectives (3) – Eckes, S.
This course will prepare students to 1) identify legal issues occurring in public PK-12 schools; 2) appreciate the importance of legal literacy for administrators, educators, policymakers, and others; 3) understand legal principles and apply them to real life scenarios; 4) describe and analyze key principles of school/district policy as well as federal and state law; 5) conduct legal research to stay abreast of evolving law; 6) collaborate with others to solve complex legal issues, and 7) legally advocate for parents, students, schools, and districts. This is a School of Education course (EDUC-A608) which will be taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses that is required for the Minor in Education Policy (see https://www.law.indiana.edu/academics/jd-degree/joint-degrees/ outside.shtml). 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
Note: This course meets according to School of Education regulations and calendar.
Updated 3/20

B658 Law & Education: Higher Education Law (3) – Rippner, 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

Note: This course meets according to School of Education regulations and calendar.
Updated 3/20

**B658 Law & Education: Leadership in Special Education (3) – Goddett, B.**

Special education is the most commonly litigated area in public schools today. Students will analyze legal, political, cultural, and leadership issues surrounding these disputes, as well as federal and state legislation and case law. Topics will include: student harassment based on disability; litigation surrounding discipline of students with disabilities; the evolution of the U.S. special education system; special education and school choice; alternative dispute resolution in special education; the Individuals with Disabilities Education Act’s due process procedures; eligibility of students with disabilities; school-family relationships in special education; and other special student populations (e.g., LGBT, gifted and talented, homeless students). This course is a School of Education course (EDUC-A675) taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses required for the Minor in Education Policy (see [http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml](http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml)). 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

Note: This course meets according to School of Education regulations and calendar.
Updated 3/20

**B659 American Legal History: Three Big Books on Inequality ## (3) – Conrad, S.**

This fall the course will be devoted to three big books on the law and “inequality,” books so big that they call for sustained collaborative study; (1) *Capitalism and Ideology*, by Thomas Piketty; (2) *Supreme Inequality: The Supreme Court’s Fifty-Year Battle for a More Just America*, by Adam Cohen; and (3) *The Affirmative Action Puzzle: A Living History from Reconstruction to Today*, by Melvin Urofsky. Prospective students are strongly advised to scout out each of those books online. The series of writing assignments will require analysis and evaluation of each author’s strategies of argumentation. Moreover, students will be required to revise some of the writing assignments in response to feedback given in the initial grading. The course will throughout proceed “online synchronously”; and because each student’s “classroom” (and analogous) contributions to the course enterprise are very important in the final grading, everyone will be called upon to routinely demonstrate a high level of initiative in using Canvas and/or Zoom and/or email and/or analogous remote-learning resources in order to enrich the online learning experience for the class in general.

Online Synchronous
Updated 7/20

**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.

Meets in person
B669 Immigration Law (3) – Fuentes-Rohwer, L.
This survey course will provide a foundation in the statutory, regulatory, and constitutional sources of U.S. immigration law. Major topics covered include the administrative structure of the immigration system; the admissions process; the visa system; grounds of inadmissibility/removability and waivers of those grounds; removal and detention; citizenship and naturalization, and asylum. More specifically, the course will also discuss issues involving refugees from Central America and policy changes related to asylum at the southern border (including metering and Migrant Protection Protocols); the Travel Ban; and significant changes in the immigration courts.
Meets in person
Updated 3/20

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, the prevalence and persistence of systemic racism, and employers’ responsibilities (or lack thereof) to accommodate pregnancy and family responsibilities, religious practices, and disabilities. The course also addresses discrimination on the basis of sexual orientation or gender identity and questions left open by the Bostock decision. 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.
Meets in person
Updated 3/20

B688 Community Legal Clinic ^^ (3) – 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 guardianships, disability benefits, short-term family law matters, and simple wills. 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, 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.
Enrollment requires permission of the clinic director. To apply, please send a statement of interest and a copy of your resume (no GPA or rank please) to Carwina Weng (wengc@indiana.edu), two days before the deadline for 3L registration. Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.

Meets in person
Updated 3/20

B698 Judicial Field Placement ^^ (3) – Van der Cruysse, I.
COURSE GOALS: The student will have gained a behind-the-scenes view of what happens in a courtroom from the judge’s perspective, and how cases are discussed and decided. The student will also learn to discern from the judicial perspective what courtroom style (at oral argument or trial) is effective and what is not effective.
In the classroom component of this externship course, students will become familiar with judicial ethics; the judiciary as a branch of government: its organization and structure; judicial selection and election; judicial decision-making processes.

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

STUDENT ROLE: In the externship component, the student will be observing hearings, will be doing research for the judge or the judge’s clerk, and will be drafting bench memos/oral briefings, court orders, and parts of draft opinions. For this course, the student will register for 3 credits: 2 credits will take place in the field placement (104 hours of on-site work), and 1 credit will consist of classroom instruction lawyering in the public interest, Mondays, 4:30PM-5:25PM. Additional externship course requirements include weekly time-sheets and reflective essays, and 2 self-assessment exercises.

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

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

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

ADDITIONAL INFORMATION: Faculty approval prior to registration will be required: students can contact Prof. Inge Van der Cruysse at ivanderc@indiana.edu for an approval form. Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean Orenstein.

Online Synchronous
Updated 3/20

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 (3) – Almendares, N.
“Bureaucratic policymaking is the hallmark of modern American government.” This course studies the law related to government agencies like the Environmental Protection Agency (EPA), Federal Trade Commission (FTC), and so forth. Since there are a variety of administrative agencies, with different structures and procedures, the legal and constitutional rules focus on what is permissible. In other words, administrative law sets the boundaries. Key issues in the course are the separation of powers, procedural due process, the availability of judicial review of agency action, and statutory interpretation. Assessment will be through a timed online exam.

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

**Meets in person**
Updated 3/20

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

**Online Synchronous**
Updated 3/20

**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.

**Meets in person**
Updated 3/20

**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, students must view a weekly 45 minute asynchronous lecture.

**Meets in person**
Updated 3/20

**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.

Online Synchronous
Updated 3/20

B725 Bankruptcy (3) – Foohey, P.
This course examines the nature of the legal relationship between debtors and creditors under the Bankruptcy Code as well as under nonbankruptcy law. It is intended to be a survey course that provides a general basis for advising consumer and business clients considering filing for bankruptcy or wanting to avoid detrimental impacts of others' bankruptcy filings. It also will provide knowledge to support subsequent detailed study of business reorganization, bankruptcy procedure, and international bankruptcy. Subjects covered include debt collection procedures under state law, the purposes of bankruptcy, liquidation under Chapter 7 of the Bankruptcy Code, individual debt adjustment under Chapter 13 of the Bankruptcy Code, business reorganization under Chapter 11 of the Bankruptcy Code, international coordination under Chapter 15 of the Bankruptcy Code, recovery of fraudulent transfers and preferential transfers, and the jurisdiction of the bankruptcy courts.

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

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

There are no prerequisites for this course.
Online Synchronous
Updated 3/20

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

Note: this course involves a take-home final examination.
Meets in person
Updated 3/20
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 2020 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 3/20

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 have 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 on line or at Student Affairs. Please note: those hoping to form a team for a Fall 2020 external competition must submit an application to the Student Affairs Office by no later than June 15, 2020. Feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)
Updated 03/20

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).
Meets in person
Updated 3/20

B735 Int’l Business Transactions (3) – Emmert, F.
This course is a practice oriented introduction to the legal aspects of international business transactions. After an overview of the legal frameworks governing IBTs, we analyze in depth the four corners of a documentary sale: The sales contract, the payment or financing contract, the shipping contract, and the insurance contract. The course finishes with an overview of typical problems related to transnational litigation and international commercial arbitration, the two dominant forms of enforcement of rights arising from IBTs. Prof. Emmert is bringing 25 years of experience as a transactional lawyer, international arbitrator, and law professor to the course and will be using his brand new book, published by Carolina Academic Press, with dozens of check lists, model contracts and other study aids. No business or business-law background is required to take this course.
Meets in person
Updated 3/20

B736 Strategic Business & Tax Planning (2) – Rego, S.
No description available
Note: This course meets according to Business School regulations and calendar

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.

Meets in person
Updated 3/20

B745 Conflicts of Law (3) – Sanders, S.
Imagine that a plane crashes in State A. The aircraft was assembled in State B, and owned by a company in State C, but the defective engine was manufactured in State D. The injured or deceased passengers are from ten different states. State laws vary on matters like availability of punitive damages and who may file a wrongful-death action. So, in our air crash example, which state’s law should apply to the tort claims? This is an especially knotty example of a conflict-of-laws problem, but it gives you a taste of what the subject is about – and why it is relevant to real-world legal practice.

Transactions or conduct may have contacts with more than one state. This reality generates a number of legal questions that are relevant both to transaction planning and litigation. For example, if two states have the power to legislate and regulate, and both seek to apply their law to the same dispute, how should we choose between them? Can the parties to a transaction avoid potential problems by simply choosing the applicable law themselves, and, if so, are there any limits to that form of party autonomy? Over the years, many different approaches have been developed to help guide lawyers and judges on these issues. We will examine those approaches and consider how they work in application. They also raise fascinating questions about the limits of sovereignty and the policy considerations underlying the exercise of sovereign authority.

The field known as conflict of laws comprises several sub-areas: (1) choice of law (the sort of problem illustrated by the air crash example); (2) requirements and restrictions on choice of law that are imposed by the U.S. Constitution and the realities of a federal system, including Full Faith and Credit, interstate enforcement of judgments, and the *Erie* doctrine; and (3) a sovereign’s ability to exercise personal jurisdiction. We will cover all of these topics, though the dominant focus of the course is choice of law.

There are no prerequisites for this course, though there is some overlap (in the areas of personal jurisdiction and *Erie*) with Civil Procedure II. It is equally useful for 2Ls and 3Ls, and may be especially valuable for students planning to clerk. This course is offered once every two years, and so students who do not take it this fall will not be able to take it next year.

Online Synchronous
Updated 3/20

B748 Comparative Law: War & Peace in the Islamic Tradition (3) – Afsaruddin, A.
War and peace are universal themes in which Muslim scholars took great interest. This class will focus on how the concepts of war and peace are dealt with as religious, ethical, and legal issues within the internally diverse Islamic tradition. Readings will focus on the Qur’an and its commentaries, hadith (sayings of the Prophet Muhammad), and legal texts, among others.

Note: This course meets according to Near Eastern Languages and Cultures regulations and calendar.
**B758 Trademarks (3) – Knebel, D.**
This course will introduce students to the federal Lanham Act and related common law doctrines that protect against consumer confusion and the appropriation of commercial goodwill. We will investigate the creation and maintenance of trademark rights, trademark registration and administrative proceedings, loss of trademark rights, infringement of trademark rights, defenses and limitations, and jurisdiction and remedies. In addition to these topics, registration, and infringement, we will consider the constitutional and economic foundations of trademark protection and evaluate current trends in trademark law as it applies in online environments.

**B761 Law & Philanthropy ## (3) – Purcell, P.**
Approximately 1,500,000 tax-exempt organizations in the U.S. provide an array of services, ranging from urban hospitals, major universities, nation-wide social service agencies and grant-making private foundations to "grassroots" homeless shelters, food pantries and health clinics. Over $400 billion in charitable gifts donated each year support these services. Charitable giving takes a variety of forms – including outright gifts of cash or property, charitable endowments, bequests in wills or trusts, beneficiary designations of retirement plans or life insurance, gift annuities or charitable remainder trusts paying the donor a lifetime income, and complex charitable lead trusts. Most planning techniques offer significant savings in gift, estate, income and/or capital gains taxes.

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

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

No final exam.

The grade is based on:

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

**B771 Mediation ^^ (2) – Applegate, A.**
This Mediation Course is geared to students interested in some or all of the following:

1. learn the basics of how to mediate, the most utilized form of alternative dispute resolution in virtually all fields of law;
2. improve and enhance communication skills that will be useful in many legal
contexts;
(3) learn about mediation ethics, and how they compare to attorney ethics; and
(4) acquire a foundation for the development of advocacy skills in the mediation environment

Class sessions will consist of discussions, problem-solving and other skill-based exercises, and simulated mediation role-playing exercises that build from the assignments in advance of class, including readings and recordings.

The text for the course is Douglas N. Frankel and James H. Stark, The Practice of Mediation: A Video-Integrated Text, 3rd Edition. There will be some supplemental materials in addition to the textbook.

Grading in the course will be based on (1) several short open book tests during the semester (counting for 30% of the course grade): (2) a short research paper about some aspect of mediation to be determined in consultation with Professor Applegate (counting for 30% of the course grade); and class attendance, and the quality of preparation and participation in the class (counting for 40% of the course grade). There will be no end of the semester course examination.

Attendance at all classes, and completion of all pre-class assignments, are mandatory.

Given the COVID-19 pandemic, in case of illness or other extenuating circumstances, students will be permitted to make up missed classes and assignments.
This course will be limited to 20 participants.

**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

Online Synchronous
Updated 3/20

L710 Seminar in Law & Society: Law & Social Psychology ** (3) – Quintanilla, V.
The seminar course will begin with an introduction that compares and contrasts the divergent epistemologies of law versus social psychology and introduces students to research methods common in social psychology. Afterward, we will proceed to the substantive portion of the course by covering the following social psychological themes: (1) social cognition: how people select, interpret, remember, and use social information to make judgments and decisions; (2) social perception: how we form impressions of and make inferences about other people; (3) self concepts: research on self construals, and differences between the interdependent and interdependent self construal and its legal implications for judgments of intent and punishment; (4) cognitive dissonance: discomfort caused by holding two or more inconsistent cognitions or caused by performing an action that is discrepant from one’s customary, and typically positive, self conception; (5) attitudes and persuasion: explicit or implicit evaluations of people, objects and ideas cognitively, affectively, and/or behaviorally based, and differences between the peripheral and central routes to persuasion—important for legal rhetoric; (6) conformity: behavioral change caused by the real or imagined influence of other people and its implications for designing effective legal rules; (7) group processes: social facilitation, social loafing, deindividuation, group polarization, groupthink and their implications for judging and jury decision-making; (8) pro-social behavior and aggression: acts performed either to help or to harm others; (9) prejudice and stereotyping: research on implicit bias, and the affective, cognitive, and
behavioral underpinnings of prejudice, which will offer a bases to evaluate discrimination
law.

Seminar papers will focus on themes that weave together several levels of analysis on
problems of interest to students in the class. In general, these papers will focus on this
problem of interest and analyze (1) how societal institutions shape the above social
psychological concepts, and how this social psychology of persons, in turn, shapes legal
decision-making, laws, or legal institutions, or (2) how laws or legal institutions shape the
social psychology of persons, which in turn, influences societal institutions. We will be
discussing these social psychological concepts in class, and a variety of laws or legal
institutions. Students will be expected to research problems, laws, legal institutions of
interest to them, and to study literature on the societal institutions (such as the workplace,
family, prisons, schools, e.g.) that relate to the problems of interest to them.

Research seminars involve intensive student participation in the classroom (students often
taking the lead in discussing and presenting material) and the completion of a substantial
written product (usually a paper of between 20-30 pages). I will provide students with
significant feedback on their written work while the work is in progress. This feedback will
ordinarily include a written critique of an outline and a first draft of the research paper that
the student prepares. As a three-credit course, students should be prepared to devote a
minimum of 127.5 hours to their work in the seminar, taking into consideration time spent
in-class, time spent on readings and other preparation in advance of class, and time spent
on researching and writing the outline/abstract, first draft, and final draft of the research
paper.

Online Synchronous
Updated 7/10

L710 Seminar in Law & Society: Psychology for Law Practice ** (3) – Bregant, J.
Being a good psychologist can make you a better lawyer, and this course will help you
figure out how. We will discuss how psychology can inform your social interactions and your
decision making, and how you can use the insights of social and cognitive psychology in the
everyday practice of law. We will begin with a crash course in psychology, before turning to
specific applications of psychological methods and principles in law.
At the end of the course, you will be able to read and understand social science research at
a practical level, and you will know how to apply that research to client interactions,
management, negotiations, litigation, dispute resolution, and your daily life. Grading will be
based on class participation and preparation, as well as on a final paper.

Online Synchronous
Updated 3/20

L712 Seminar in Int’l Law: The Great War ** (3) – Waters, T.
Before anyone knew there would be a second world war, the first was known as the Great
War. It was a war of the modern era: industrialized, mass-mobilized, drawing on all the
resources of the bureaucratic state and altering profoundly the societies that fought. This
seminar will recover the overshadowed memory of this, perhaps the most disruptive event of
our era, with special attention to the way law shaped and was shaped by the shock of a violent
modernity.

Those lessons are important in and of themselves, and as case studies in the general problems
of law and war that persist today. Students will consider such problems as the question of
when to use violence; the ability of law to respond to changing technology; the quest to assign
legal and moral responsibility for war; the difficulties of dismantling and creating states; and
the challenges of crafting a global governance system.
Students will write a seminar research paper.

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

**Online Synchronous**
Updated 7/20

**L714 Seminar in Judicial Conduct** (3) – Geyh, C.
This seminar explores the law governing judicial conduct and the social science research that explains judicial decision-making behavior. The first part of the seminar concerns how courts and judges are regulated. Several sessions will be devoted to judicial ethics, including such topics as: avoiding the appearance of impropriety; judicial disqualification; judicial campaign conduct; ex parte communications; and personal conduct. Additional sessions will be devoted to judicial oversight, including: judicial administration (featuring systems of judicial discipline); impeachment and other removal processes; and legislative oversight of the courts. The second part of the seminar will be devoted to social science research on judicial decision-making behavior, including views from political science, psychology, and history. The concluding session of the seminar will then explore the implications of recent social science learning for future regulation of the courts.

**Online Synchronous**
Updated 3/20

**L730 Seminar in Intellectual Property: Data Law & Policy** (3) – Mattioli, M.
This seminar explores new policy challenges at the nexus of intellectual property law and the emerging field of data science. Today, policymakers and technologists believe the world is on the cusp of a new industrial age that will be powered and defined by digital information of all kinds—from health records, to credit card reports, to the digital footprints our smartphones and other electronic devices create throughout the day. Considering the vast potential of this emerging area, the legal framework that relates to the exchange and reuse of data itself remains conspicuously underdeveloped.

Through weekly readings, class discussions, and guest lectures, the seminar will canvas a set of policy problems that have emerged against this backdrop. These include problems related to data exclusivity, control over downstream uses of data, inadequate disclosure of metadata, data transactions, data valuation, and more. Drawing upon these readings and discussions, students will craft their own articles over the course of the semester.

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

**Online Synchronous**
Updated 10/18

**L730 Seminar in Intellectual Property** (3) – Leaffer, M.
In General: The theme of this seminar is international Intellectual property, for which each student will write a paper on an aspect of the subject in its global, transnational, or comparative dimension. I will teach this class exclusively on-line.

Class Sessions: For our class sessions, I plan to invite recognized experts in the field. As for the format, each speaker will present the topic in the first hour. For the second hour (after a short break), we will have a question and answer period. I will assign readings pertaining to the subject of the day and I expect that each student participates in the discussion hour. Last year for example, our guests covered subjects such as non-conventional trademarks, the intersection of IP and competition law, the extraterritorial application of U.S. patent law, and the new European directive on digital copyright. I was particularly impressed by the intellectual level of student participation. This year I plan to have an equally interesting group of internationally known speakers who will talk about a varied assortment of IP issues.

Grading: Each student will write a paper on his or her chosen subject. I am flexible on the length of the paper. My only requirement is that it concentrate on an issue of international IP. I will also consider each student’s class participation as part of the grade. Attendance is mandatory.

**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.

**L773 Seminar in Tax Policy ** (3) – Gamage, D.
This seminar will cover topics relating to the theory and policy of tax law and public finance and the United States domestic and international tax systems. 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 helpful for students to have previously taken or to 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.

**L776 Seminar in Criminal Law: Punishment in Theory & Practice ** (3) – Eaglin, J.
This seminar will examine cutting-edge issues in the administration of criminal justice through a historical and philosophical lens. Subtopics considered over the course of the semester will include the various theories of punishment; the introduction of technology to sentencing; the privatization of various services in criminal justice; the development of structured guidelines to inform key sentencing decisions; and the rise of mass incarceration. This course offers students the opportunity to consider how the administration of criminal law intersects with issues of justice, fairness, politics, and efficiency in the United States. Students must complete weekly responses in addition to a final research paper on a topic related to issues of punishment in the United States.

L797 Seminar in Jurisprudence ** (3) – Conrad, S.
Although this Seminar is offered as a discursive introduction to the Anglo-American philosophy of law, the course will also emphasize basic skills training in the drafting and revision of formal expository prose. Accordingly, the two textbooks for the course will be: (1) Jurisprudence: Theory and Context (EIGHTH EDITION, 2019), by Brian H. Bix; and (2) Line by Line: How to Edit Your Own Writing (PAPERBACK EDITION, 1986), by Claire Kehrwald Cook. Every student will be required to give a prepared “classroom” presentation on a select portion of the Bix textbook. And every student will be required to draft—and to revise—a substantial Seminar Paper on a topic to be developed and approved early in the semester. The course will throughout proceed “online synchronously”; and because each student’s “classroom” (and analogous) contributions to the course enterprise are very important in the final grading, everyone will be called upon to routinely demonstrate a high level of initiative in using Canvas and/or Zoom and/or email and/or analogous remote-learning resources in order to enrich the online learning experience for the class in general.

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 classroom, 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.

L799 Seminar in Con Law: Law & Democracy ** (3) – Almendares, N.
This seminar explores the relationship between law and democracy. Topics will include the role of undemocratic institutions, notably the courts, which make law through their decisions and overrule choices made by elected officials. This latter power, referred to as the “countermajoritarian difficulty,” has been a key issue in constitutional jurisprudence. The
course will also consider the way procedures – like campaign financing and the structure of Congress – affect democracy and participation in government. Theories of democracy and representation will be reviewed as well. Readings will consist of articles, book selections, and cases. Course requirements include active class participation and a writing assignment. 

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