Fall 2021 Course Descriptions

B514 Private Practice Externship ^^ (1-3) – Violi, L.

COURSE GOALS: The student will work with attorneys in a law firm, corporate, or other private practice setting, and gain insight in how the organization runs as a business and how the legal personnel serve their client(s). The goal of the course is for students to be able to develop their own lawyering and legal skills, assess that development, reflect on their experience and its application to their legal career, and discuss it with their employer and faculty supervisors.

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

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

STUDENT ROLE: The students’ role in this course will first and foremost consist of working as an extern at their organization. Work responsibilities at the externship will vary based on the employer, but will likely consist of legal research, reviewing and drafting memos and other legal documents, and observing and participating in meetings, depositions, court hearings, and/or transactional meetings.

Students are required to work 52 hours for each credit (i.e. 104 hours for two credits, 156 hours for three credits). The academic component consists of ABA required work: (1) written goals and objectives for the externship, (2) reflective essays, (3) one-on-one meetings with the faculty supervisor, and (4) a final self-assessment and evaluation of the workplace. Students are required to maintain and submit a detailed timesheet throughout the semester.

CLIENTELE SERVED: Varies, but generally the firm, corporation, and/or their respective clients.

APPLICATION METHOD: For assistance with finding an externship, please contact Lauren Violi and/or work with your CSO advisor.

Faculty approval prior to registration is required. Students interested in this externship course are encouraged to contact Lauren Violi (lvioli@iu.edu).

The first step in the process of doing an externship for credit is completing the Externship Permission Form on CareerNet. Students can access that on the left column of their CareerNet home page, here:
Once you complete and submit that form, CSO will review it; and when it’s approved by us, it’ll go on to the employer, to the student, and to Alexis/Paul in Student Affairs for registration.

**ADDITIONAL INFORMATION:** Further Information & Guidelines: Before signing up for an externship course, please be sure review the Faculty Policy on Field Placements, which can be found as Appendix K to the Student Handbook. For additional questions, contact Lauren Violi at lviol@iu.edu.

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

**MATERIALS:** The Syllabus and any additional reading materials and assignments will be posted on this course’s Canvas page.
Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean McFadden.
Updated 5/21

**B524 Representing the State ## (2) – Fisher, T.**
State attorneys general have long represented and advised government officials, handled criminal appeals, and protected consumers from unfair trade practices. Nowadays, many state AGs also oppose federal overreach, litigate both against and alongside large industries and interest groups, and play a role in resolving any social crisis that arises. This course will offer a systematic treatment of how and why state attorneys general function as they do. This is a writing class (satisfying the writing course graduation requirement) where, in lieu of a final exam, students will write 2-3 short papers (1000-1500 words) and participate in one or more group projects.
Updated 5/21

**B526 Tax Policy Colloquium ## (2) – Lederman, L.**
This course offers an opportunity for students to read and react to articles in progress on an array of tax topics. There will be approximately seven presentations during this semester, made by professors from other schools, with six short reaction papers required. This course satisfies the writing requirement for graduation. For information on the types of topics covered in past years (which span an array of domestic and international tax issues), see the Colloquium website at https://law.indiana.edu/instruction/tax-policy/ and click on the date links. The Fall 2021 speaker list will be posted there when it’s available (likely in July).
If is not yet posted there by July 15, feel free to email Prof. Lederman at llederma@indiana.edu for then-available information.

This course will be offered online, synchronously via Zoom. Students will be expected to read each article draft in advance of the presentation, along with background reading, and to write a short reaction paper in response to most of the papers; to discuss the article draft and background materials in the class session prior to the presentation; to pose questions to most of the presenters about the article or talk; and to participate in a synthesis discussion in the class session following the presentation. The presentation sessions (i.e., alternate weeks) will also be attended by other members of the I.U. community and worldwide tax community, including Maurer alumni and tax faculty from other law schools. Those attendees participate in the discussions, enriching the experience, but students in the class get priority for their questions and comments. Because of these outside participants in the presentation sessions, students in the class will need to sign a release reflecting the fact that students’ names and images will be viewable by third parties.

Introduction to Income Tax is a prerequisite (or co-requisite with permission of the instructor). Note that this course can be taken more than once because the topics covered differ each year. Also, to complete your enrollment in this course, please email Professor Lederman before the first class to obtain and sign the release form mentioned above. Updated 5/21

**B528 Advanced Appellate Advocacy ^^ (2) – Lahn, S.**
This course provides a structure for the Fall 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 as well as designing all other aspects of the Fall competition. Participants also serve as teaching assistants for the 2L Appellate Advocacy (B642) 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 2021 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 5/21

**B534 Civil Procedure II (3) – Wallace, S.**
This three-credit course explores personal jurisdiction, subject matter jurisdiction, the Erie doctrine, service o process, venue, removal, and appeals, among other topics. Civil Procedure II addresses topics formerly covered in the second semester of our year-long Civil Procedure course, and so may be fairly characterized as “foundational” -- not just for prospective litigators, but also for aspiring non-litigators who, as corporate lawyers, tax lawyers, trusts and estates lawyers, real estate lawyers, intellectual property lawyers, and others, practice law in the shadow of civil litigation. Updated 5/21

**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. The course may make use of a computer chatroom program to facilitate specified class discussions, and, if so, students will be expected to bring a laptop or equivalent device to relevant class sessions. 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.

Updated 5/21

**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. 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.

Only students pre-approved for participation in the DC Semester Program may enroll. For more information on the pre-approval process, please see the course description for B 539, Lawyering in the Public Interest.

Updated 4/21

**B539 Lawyering in the Public Interest ^^ (3) – Hughes, S.**

This three-credit course works in tandem with B 538 (8 credits) to give students a full 11 base academic credits for the semester. Each student participating in the DC Semester Externships must enroll in B 539 as well as B 538. 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.

No student may enroll in B 539 or B 538 without express, advance permission from the Executive Associate Dean or Associate Dean for Student Affairs. We require applications from students interested in the DC Program to be submitted to Professor Hughes and she, along with the Associate Dean for Student Affairs and Professor Jennifer Morgan make eligibility recommendations to the Executive Associate Dean or Associate Dean for Student Affairs. We will make eligibility recommendations on a rolling basis beginning in the Fall Semester of students’ second years of law school for participation the Fall Semester of students’ third years. Students interested in the Program should contact Professor Hughes in advance of submitting applications and should confirm with Director Katie Beck or Recorder Alexis Lanham that they have sufficient credits towards graduation and have met other curricular requirements in advance of submitting their applications.

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 Maurer alumnus, 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.

Professor Hughes will be available during the semester by email (sjhughes@indiana.edu) and by phone (812-855-6318) or (812-327-2083). I will hold the equivalent of “office hours” by arrangement and prior to or following the bi-weekly class sessions should anyone have need for them and have made time on Sunday afternoons if any student needs help remotely on Sundays. Professor Morgan offers advice on research tools via email (jlbryan@indiana.edu) during the week.

Updated 5/21

**B545 Criminal Law Externship ^^[1-3] – Violi, L.**
The Criminal Law Externship provides an opportunity for second-year and third-year students to receive 1-3 hours of academic credit for their work at prosecutor or public defender offices.

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

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

Prerequisites: Some of these positions may require that a student be eligible for certification as a Certified Legal Intern (CLI) per Indiana Supreme Court Admission and Discipline Rule 2.1 (requiring completion of half of the hours required for graduation and enrollment in or completion of “The Legal Profession” course). Information regarding certified legal interns and the relevant forms can be found on the Indiana Board of Law Examiners website.

Permission to register: Enrollment is limited and participation may be restricted to one semester. Students must obtain faculty permission to register for the class, the first step of which is completing the Externship Permission Form on CareerNet.

Participating Offices: While B545 may be completed in numerous counties and offices, below is a list of employers with whom students have completed externships in the past – Bartholomew County Prosecutor, Brown County Prosecutor, Hamilton County Prosecutor, Greene County Prosecutor, Johnson County Prosecutor, Lawrence County Prosecutor, Marion County Prosecutor, Monroe County Prosecutor, Morgan County Prosecutor, Owen County Prosecutor, Lawrence County Public Defender, Marion County Public Defender Agency, and Monroe County Public Defender. Some of these offices post regularly with CSO; please reach out to CSO if you are interested in or have questions about other employers.

Further Information & Guidelines: Before signing up for an externship course, please be sure review the Faculty Policy on Field Placements, which can be found as Appendix K to the Student Handbook.
Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean McFadden.
Updated 5/21

**B547 Public Interest Internship Program ^^ (1-3) – Violi, L.**

**COURSE GOALS:** The student gets a behind-the-scenes insight into how non-profit organizations, legal service public interest firms, and local, state and federal government organizations work, and will be able to serve clients directly under the supervision of a licensed attorney. The goal of the course is for students to be able to develop their own lawyering and legal skills, assess that development, reflect on their experience and its application to their legal career, and discuss it with their employer and faculty supervisors.

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

**STUDENT ROLE:** The students’ role in this course will first and foremost consist of working as an extern at their organization. Work responsibilities at the externship will vary based on the employer, but will likely consist of legal research, reviewing and drafting memos and other legal documents, and observing and participating in meetings, depositions, court hearings, and/or transactional meetings.

Students are required to work 52 hours for each credit (i.e. 104 hours for two credits and 156 hours for three credits). The academic component consists of ABA required work: (1) written goals and objectives for the externship, (2) reflective essays, (3) one-on-one meetings with the faculty supervisor, and (4) a final self-assessment and evaluation of the workplace. Students are required to maintain and submit a detailed timesheet throughout the semester.

**CLIENTELE SERVED:** Varies, but generally a government agency or underrepresented populations.

**APPLICATION METHOD:** For assistance with finding an externship, please contact Lauren Violi and/or work with your CSO advisor.

Faculty approval prior to registration is required. Students interested in this externship course are encouraged to contact Lauren Violi (lvioli@iu.edu).

The first step in the process of doing an externship for credit is completing the Externship Permission Form on CareerNet. Students can access that on the left column of their CareerNet home page, here:
Once you complete and submit that form, CSO will review it; and when it’s approved by us, it’ll go on to the employer, to the student, and to Alexis/Paul in Student Affairs for registration.

ADDITIONAL INFORMATION: Before signing up for an externship course, please be sure review the Faculty Policy on Field Placements, which can be found as Appendix K to the Student Handbook.
For additional questions, contact Lauren Violi at lvioli@iu.edu.

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

MATERIALS: The Syllabus and any additional reading materials and assignments will be posted on this course’s Canvas page.
Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean McFadden.
Updated 5/21

B548 Financial Institutions (3) – Hughes, S.
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, depending on students’ interests, insurance companies. We will look at prudential regulation of these financial services providers as well as the business conduct, ethics, and governance rules that apply to providers that may differ from requirements placed on other corporations. We will compare the regulation of banking and securities, banking and insurance, derivatives, securitizations, and international regulation of financial services providers. We will look at how Congress reformed them in 2010 in response to the economic crisis of 2008 and 2009. We will discuss “hot topics” such as SPACs, 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 if students enrolled are interested in these “white collar” criminal laws.

This course will give you tools with which to participate in discussions about regulatory and compliance questions, to discuss structural options for start-ups, and should 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, 2019). This is available in an e-book format. No statutory supplement matches this textbook. I will distribute a list of statutory and regulatory provisions to which students will need access as we go, in a mid-semester section list for students’ review.
purposes, and in a final section list for the examination. This textbook contains significant materials on policy choices as well as applicable laws. Our focus will be on law, not policy.

Before August 10\textsuperscript{th}, 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.

Class Participation and Final Examination Information: For each class period, I will provide advance notice to a few students that they will be on call. I have prepared and will revise slide decks for most of the portions of the textbook we are likely to cover. I will make these available enough prior to class to enable you to use them as guides to readings assigned pages and laws.

The final exam will be a timed exam in the exam period after Thanksgiving – so roughly in early December. It will not be a take-home examination. The exam will be open note, open textbook, and open statute in format.

Updated 4/21

**B550 Wildlife Law (3) – Fischman, R.**
The course covers the basic legal issues involved in conservation and management of wildlife. The coverage includes not just terrestrial animals, but all "wild"-life, including fish and plants. Topics include the relationship between real property and wildlife, sovereignty and federalism issues, the Endangered Species Act, migratory bird conservation, and other federal programs. In dealing with these subjects, students will apply the common law, statutes, and regulations to problems. The class also discusses the public policy, ethical, scientific, and economic issues associated with environmental decision-making. This is a modern wildlife law class, focusing on regulatory issues and biodiversity while de-emphasizing (but still covering) the traditional concern of wildlife law—game management. The course will spend more time on the controversial, federal Endangered Species Act than any other source of law.

Most class sessions will be discussion-oriented. Class grades will be based primarily on take-home, essay-style exams modeled on the problems students address in class. Some O'Neill MPA and MSES students will take the same class under a different, cross-listed number. All students will engage in small-group activities collaborating with a mix of both law and non-law students.

Updated 5/21

**B551 Intellectual Property Externship ^^ (1-3) – Violi, L.**
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, and 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.

Before signing up for an externship course, please be sure review the Faculty Policy on Field Placements, which can be found as Appendix K to the Student Handbook.

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

Updated 3/20
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.

Updated 5/21

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, with a focus on issues related to land conservation, freshwater ecosystems and water quality, and endangered species. 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 on issues of broad importance. 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 2021, the seminar will focus on public and private land conservation issues, including the work of nonprofit land trusts, conflicts involving public lands like the Indiana Dunes National Park and Bear’s Ears National Monument, and emerging issues in the field of conservation. Students interested in registering for two consecutive semesters are preferred. Independent study students are also considered. To apply, please send a statement of interest and a copy of your resume to Christian Freitag (cfreitag@indiana.edu) prior to registration.
Updated 4/21

**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 McFadden.

Updated 5/21

**B563 Domestic Relations Mediation ^^ (3) – Applegate, A.**
This skills-based course is offered for three (3) credit hours and is available to up to sixteen (16) students. The course is offered in the fall each year and is the prerequisite for taking B691, the Family & Children Mediation Clinic (“mediation clinic”), although students who take B563 are not required to take B691. Through this course, 2L and 3L students learn how to mediate in the family law context, with the necessary training to become registered domestic relations mediators in Indiana (after successful completion of the course and registration with the Indiana Accreditation and Continuing Legal Education Commission). This training serves as the foundation for students to mediate cases referred by local courts in the mediation clinic, under the supervision of Professor Applegate. The course offers students the opportunity to:

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; and
5. learn about interdisciplinary research and practice.
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 in person or via Zoom to demonstrate and/or provide feedback to students during role plays, thus exposing students to different styles of in person and remote mediation.

**Class Meeting Time:** The class meeting time is *Friday mornings from 8:30 a.m. until 11:45 a.m.* and in the first week of class, on Friday from 1:00 until 4:15 p.m. (alternatively, in case of a conflict with that Friday afternoon, on Saturday, 8/22, from 8:30 until 11:45). Barring further COVID restrictions, the class will be taught in person.

**Class Preparation:** Preparation for classes will include reading of relevant Indiana guidelines and rules; limited review of relevant statutes and cases; watching asynchronous recordings about family law, ethics, and social science issues; limited review of social science materials; and learning parts or preparing to mediate in role plays. Class hours may be shortened at times when students watch asynchronous recordings in advance of class (note that assigned reading of statutes and cases have been reduced as a result of the asynchronous recordings); this will be detailed in the syllabus.

**Attendance:** Attendance during the entire course is mandatory; in the event of an unavoidable absence for health or another legitimate exigent circumstance, and with advance notice to Professor Applegate, students will be given the opportunity to make up a missed class by watching a recording of the missed class.

**Exam/Grading:** During the School of Law examination period, students will take an open book proficiency examination in Indiana family law and ethics. In the reading period before the examination period, students (in teams of 2 co-mediators) will conduct a one-hour videotaped simulated mediation. Final grades in the course will be based 1/2 on class attendance, participation, and performance, 1/4 on performance on the proficiency examination, and 1/4 on performance during the videotaped simulated mediation.

**Advance Approval to Enroll Required:** Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) in advance of 2L/3L registration explaining their interest in the course (and the related mediation clinic, if interested in the clinic as well), and attaching a current resume. Professor Applegate will meet briefly over Zoom with students who are interested in taking the course. Students may only enroll in the course after receiving advance approval from Professor Applegate to enroll.

**State Licensing Requirements:** The course meets Indiana state requirements for forty (40) hours of mediator training in order to become registered Indiana domestic relations mediators. After successfully completing the course (and related requirements), students may apply to become registered domestic relations mediators in Indiana. This training serves as the foundation for students to mediate cases referred by local courts in the clinic.

**Students who wish to take the mediation clinic:** Students who successfully complete the course will be considered for enrollment in the mediation clinic in a semester following the fall 2021 semester. For example, a 3L who takes the Course in the fall 2021 semester will likely have the opportunity to enroll in the Clinic in the spring 2022 semester. And a 2L who takes the Course in the fall 2021 semester will likely have the opportunity to enroll in the Clinic in one of the following three semesters (spring 2022, fall 2022, or spring 2023).

**Students who do not take the mediation clinic:** Although students who successfully complete the 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 School of Law strongly recommends that they not conduct individual
(unsupervised) mediations until they have at least (a) completed the mediation clinic (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 course.

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

Updated 5/21

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.

Updated 6/21

B564 Federal Habeas Litigation ^^ (2) – Ausbrook, M. / Lahn, S.
This clinical course is designed to familiarize students with the fundamentals of federal habeas corpus litigation and to involve them in live cases at various stages. In addition to becoming familiar with the basic statutes, rules, and cases that run habeas litigation, students will conduct legal research, draft various kinds of documents connected with live filings, and investigate the facts of live cases or as part of the screening process of potential cases. When possible, students may also attend court hearings and visit clients in the Indiana prisons.

For new students who have not covered the basics of federal habeas law, the class meets twice a week. The importance of the classes cannot be overstated. (For that reason, the in-class hours are scheduled as if this were a three credit class.)

For continuing students, there will be a weekly all-group meeting that will be used for discussion by the students of their case work, the assignment of new work, and the discussion of questions and problems that have arisen. When they can be arranged, there will also be talks by people outside the law school about their perspective regarding federal habeas work.

Course Goals: By the end of the course, new students should have: 1) some considerable useful practical knowledge about federal habeas corpus litigation—for example, how to get
Continuing students will probably have worked on some pretty mind-bending cases and will maybe even have achieved a win.

Updated 5/21

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

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

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

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

This course is designated by the law school as a writing course. Grades will be based on a team writing project, short essay assignments and participation in class discussion. The required text will be:


Updated 5/21

**B572 Intellectual Property Clinic ^^ (1–4) – Hedges, N.**

Description to be provided

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

Description to be provided

**B580 Civil Rights Statutes ## (3) – Fuentes-Rohwer, L.**

This course examines the nature and scope of various federal civil rights laws, including the Civil Rights Act of 1866, the Civil Rights Act of 1964, and the Voting Rights Act of 1965. We will make sense of these iconic statutes as both historical artifacts as well as legal tools. That is, we will situate these laws within their historical milieus, consider their purposes, and evaluate their effectiveness.
As we explore these statutes, two overarching inquiries will anchor our discussion. First, what role do the federal courts and the political branches play in defining the meaning and extent of these rights? In thinking about this question, it is important to note that these statutes came into being during moments of Reconstruction, times when the country was trying to figure out what it meant to be free. This observation leads to a second question: what role have social movements played in this narrative? This is an important if ironic question. This course will help you think about some very interesting answers.

Updated 5/21

**B587 Cybersecurity Law I (3) – Cate, F.**

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

Updated 5/21

**B592 Law & Political Theory: Institutional Analysis: Concept Applications (3) – Cole, D.**

This 3-credit seminar, which the IU Nobel Laureate Elinor Ostrom taught for many, many years, examines how, when, and why individuals engage (or fail to engage) in collective action to resolve (or not) the social and social-ecological problems that confront them. The seminar will focus, as it did when Professor Ostrom taught it, on the “Bloomington School of Political Economy” and its approach to Institutional Analysis, which she developed over the course of more than 40 years, along with her husband Vincent and colleagues in the Ostrom Workshop in Political Theory & Policy Analysis at Indiana University. Though the “Bloomington School” will be highlighted, we will also address other approaches, both complementary and competing, throughout the semester.

Institutions, including both formal laws and informal social norms, constitute the “rules of the game” governing social interactions, which have outcomes affecting both human societies and the natural environment. Institutional analysis, at its simplest, is the study of rules, rule-changes, and their social and ecological consequences over time. It encompasses various approaches to institutions from diverse disciplines, including (but not limited to) institutional economics (e.g., the economics of property rights and contracting), game theory, theories of rational and public choice, agent-based modeling, network analysis, and legal analysis.

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

Before the start of the semester, students are expected to have read Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge 1991). Weekly discussions will be based on a half dozen or so papers and book chapters, which will be made available on CANVAS. In addition to attending weekly seminar meetings, students taking the course for credit must:
(1) Write a short (2-3 page) biweekly memo to the instructor and other members of the class, reflecting on what they are currently reading, how they are progressing on their seminar paper, and related topics. These memos are not individually graded. However, they will factor into the final grade as part of class participation. The faithfulness and quality of the memos will be reflected in this part of the grade. In Week 1, Professor Cole will divide the students in class into two sections, A & B. Students assigned to Section A will complete the first set of memos, due a day before Week 2’s meeting. Students assigned to Section B will complete their first memos for Week 3. And so on.

(2) Complete a final paper. Each student is expected to select either a type of problem (such as that of providing or conserving a particular type of public good or common-pool resource) or a type of decision-making arrangement (such as that of a legislature, a market structure, a cooperative organization or a common-property regime). The papers should include an analysis of how combinations of rules, the structure of the goods and technology involved, and cultural conditions combine to affect the incentives facing individuals, resulting in patterns of interactions that have social and/or social-ecological outcomes. Students may choose to focus more on ground-level interactions among individuals subject to rules, the policy-level where rules are made, or the constitutional-choice level, where the meta-rules of the game are determined. However, any significant linkages between these levels should be addressed. This paper assignment provides an excellent opportunity for students to do create research designs for a dissertation engaging in institutional analysis of a particular problem or problem-set. That said, any papers relating to dissertation or other research must be written exclusive for this class (submitting one research paper for credit in multiple courses is considered an act of plagiarism at IU). Papers written for this seminar by law students will qualify for the law school’s advanced writing requirement. Students are encouraged to use this opportunity to write a first draft of a paper that eventually will be submitted for publication. The final week of the semester, the seminar will not meet. That week will be devoted, instead, to the completion of student papers.

At the end of the semester, after final papers have been turned in, we will convene the “Mini-Conference,” a long-standing tradition of the Ostrom Workshop, which will be held on the first Monday following the end of the semester. Instead of student presentations, at the Mini-Conference, faculty members will present and briefly critique student papers, followed by a response from student authors and general discussion. The virtue of having faculty members present the students’ works is to help students understand how an intelligent reader, not necessarily an expert in the topic of the paper, interprets what and how each student writes.

The Seminar will meet each Tuesday* during Fall 2021 from 3:00 pm to 5:00 pm in the Tocqueville Room at the Ostrom Workshop. A complete syllabus for the course will be made available on the CANVAS site around the start of August.

Updated 5/21

**B601 Criminal Procedure: Investigation (3) – Thusi, I.**

Do you know your rights when you are stopped by the police? How about when you are questioned by law enforcement? You may think you do, but you may learn otherwise in class. This course examines the detailed constitutional law concerning police procedures having to do with criminal investigation. In an exciting and fast paced fashion we examine the limits imposed on police by the Fourth, Fifth, and Sixth Amendments. Though the course is primarily doctrinal, the professor frequently offers knowledge based on research or experience of how things actually occur. Some of the areas covered include: arrests and searches incident to arrests; stop and frisk; pre-textual stops; consent searches; electronic surveillance; warrantless searches of premises, vehicles, and containers; and the
What you learn in this course is likely to give you an impressive doctrinal command of the Fourth and Fifth Amendments and the policy issues related to regulation, reform, and/or potential abolition of the police.

Updated 5/21

**B602 Criminal Procedure: Trial (3) – Hoffmann, J.**

This course covers the procedures that govern criminal cases after the initiation of formal legal proceedings. We will learn about pre-trial issues (such as prosecutor discretion and the charging process, bail and speedy trial, discovery and disclosure, and jury selection); trials; plea bargaining as a substitute for trials; sentencing; and double jeopardy. We will also learn about appellate and habeas corpus review of criminal cases. We will give special attention to the right to counsel, as well as the meaning of the phrase, “due process of law.” We will emphasize the role of the U.S. Constitution, as interpreted by the Supreme Court, in regulating criminal procedures. This course is one of three Bill of Rights courses offered by the law school (along with Constitutional Law II and Criminal Process: Investigation). As such, it is fundamental to a sound legal education, and covers topics that are frequently on the bar exam. This course is vital for anyone contemplating a career in criminal law or a judicial clerkship. The only prerequisite is the first-year Criminal Law course. Students will be evaluated primarily on the basis of a three-hour, closed-book final examination, which will include both multiple-choice and essay questions.

PLEASE NOTE that this course may be taken independently of Criminal Process: Investigation – neither course is a prerequisite for the other.

Updated 5/21

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

Updated 4/21

**B608 Family Law (3) – Sanders, S.**

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

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

Grades will be based primarily on an open-book take-home final exam, though in-class participation will be taken into consideration as well. Updated 3/19

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

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

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

We will be using *Getting to Yes* (3rd Edition) by Roger Fisher and William Ury. Excerpts from texts other than the main book will also be used.

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

Grades determined as follows:
60% attendance and class participation;
15% final paper;
25% final negotiation.
Note: 3Ls have priority for this course. Updated 5/21

**B620 International Business Negotiations ^^ (1) – Finkelstein, J.**

This one-credit course is structured around a simulated negotiation exercise in which students from Indiana University Maurer Law School (IND) and the Baltic Federal University Summer Law School Program (BFU) will represent either an African agricultural production company (Malundian Cassava Corporation) or a multinational (US) pharmaceutical company (KJH Pharmaceutical Corporation). The two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical that uses the cassava produced by Malundian Cassava Corporation. The form of their collaboration could be a joint venture, a licensing agreement or a long-term supply contract. The negotiations will take place through written exchanges and live 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.

The course will begin with three introductory classes focused on understanding and analyzing the facts, identifying substantive legal issues, and developing negotiation objectives and strategy in preparation for the negotiation exercise with BFU. The thrust of this course is class participation and active involvement in the negotiations process. Students are expected to spend time outside of class, often working in teams of two or more, to prepare for class discussions involving the written exchanges as well as preparing for the live negotiations. Class discussions will focus on the strategy for, and progress of, the negotiations, as well as the substantive legal, business and policy matters that impact on the negotiations.

M, Aug. 16: 6:30-9:30 pm
T, Aug. 17: 6:30-9:30 pm
W, Aug. 18: 6:30-9:30 pm
F, Aug. 20: 8:00-9:40 am (negotiation session)
S, Aug. 21: 8:00-10:00 am (negotiation session)
M, Aug. 24: 8:00-9:40 pm (negotiation session)
T, Aug. 25: 8:00-9:40 am (negotiation session)

Updated 5/21

B634 Adv Con Law: The Press & the Constitution (3) – Fargo, A.
An examination of the theory and practice behind the development of free speech and free press law in the United States. Topics discussed will include the history of the First Amendment, First Amendment theory, censorship, libel, right of privacy, government regulations, access to information, and confidential news sources. Student research required.
Note: This course meets according to the Media School regulations and calendar.
Updated 5/21

B639 Advanced Legal Research ^^ (2) – Ahlbrand, A. / Kiel-Morse, M.
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, diving deeper to cover topics critical to practical legal research, such as how to work with court dockets and how to track down superseded statutes; in addition, we’ll introduce two other critical areas of legal research, legislative history and administrative materials; finally, we will survey all major secondary resources and practice aids for efficient and effective research. In tackling each of these areas, students will become expert in the use of Lexis and Westlaw, but will also be introduced to a number of other subscription-based and free resources for conducting quality legal research. 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 project in an area selected by the instructors. The process of researching this hypothetical 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, topical research quizzes, (2) research exercises distributed at the end of each subject or module, (3) a capstone research project on a topic of the instructors’ choice, and (4) class participation.

Updated 4/21

B639 ALR: Intellectual Property ^^ (1) – Mattioli, K.
Online (asynchronous) course; graded; no prerequisite (Advanced Legal Research recommended)

In this 1-credit specialized research course, students will learn how to conduct research on all types of intellectual property: patents, trademarks, copyright, and trade secrets. Topics will also include areas of law that involve intellectual property rights, including the right to publicity, antitrust, and international trade. By the end of the course, students will know how to locate resources such as cases, statutes, guidance documents, administrative materials, registrations, secondary sources, and more.

This course will be delivered asynchronously online and in a condensed timeframe during the first 6 weeks of the semester. Students will have access to a variety of instructional content including video demonstrations, readings, and tutorials. There will be no final exam for this course. Grades will be determined based on a combination of research exercises, discussions, and quizzes.

Updated 5/21

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, the final course grade will be calculated from a combination of research exercises, quizzes, and discussions.

Updated 5/21

**B642 Appellate Advocacy ^^ (1) – Lahn, S.**
This Skills class is designed as a companion course to—and to help participants excel in—the 2021 Sherman Minton Moot Court competition.

The classroom portion of the course will primarily be asynchronous, with a series of 20-minute videos available for students to watch at their own pace. These on-line videos will be supplemented by three live lectures (during the weeks of August 23, September 6, and September 27), which students may attend during either lunch or evening hours. (If the law school permits remote attendance this fall, then eligible students will be able to attend these live lectures remotely too.) Students can complete the coursework by early October.

Appellate argument provides our frame, but the skills that this course teaches—in presenting complex facts and ideas to an audience confidently and concisely—are those used daily by lawyers in many types of practice: jury trials; motion hearings; city-council debates; presentations to boards of directors. The tools we’ll use to develop these skills include videos of real oral arguments; empirical data on the science of persuasion; and lessons on public speaking and professional performance from fields such as theatre and sports psychology.

While the focus of the course is on oral advocacy, we will also examine the essential components of the appellate brief. Learning about the distinct structure and strategies of an appellate brief is vital not only to preparing for the writing phase of the moot court competition, but also to understanding key concepts such as appellate standards of review.

Course requirements are, in addition to attending lectures and participating in the 2021 Sherman Minton Competition: a practice round of oral argument before a panel of student judges, in order to gain experience and hear advice from last year’s moot court competitors; a short written exercise to prepare for the practice argument; a bullet-pointed self-assessment; and a meeting to review the video of your argument and identify strengths and weaknesses from a practice perspective. There is no final exam.

Feel free to contact Prof. Seth Lahn ([slahn@indiana.edu](mailto:slahn@indiana.edu)) with any questions. (Pass/Fail)

Updated 5/21

**B645 Trusts & Estates (3) – Stake, J.**
Wills & Trusts will cover functions and purposes of wills and trusts; intestate succession; limitations on testament; execution, revocation, and revalidation of wills; creation, modification, and termination of trusts; construction of wills and trusts; and the law relating to future interests, including the Rule against Perpetuities. The intricate rules and extensive doctrinal material covered will require a fast pace of presentation. Nonetheless, policy issues involving both fairness and efficiency will be considered.

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

Extensive use of power point slides is anticipated. Class preparation is required. The readings will be primarily, if not entirely, from the “Trusts and Estates” casebook written by Prof. Stake.

Updated 5/21
**B650 Introduction to Income Taxation (4) – Lederman, L.**

The principal subject matter of this course is federal income tax law as it applies to individuals. Topics covered in this course include what constitutes income subject to tax and what is excludible; what is deductible; the tax treatment of gains and losses; and which income items are taxed at preferential rates. Learning to read and apply the Internal Revenue Code and Treasury Regulations is an important focus of this course. The course uses the "problem method"; although some court cases will be discussed at length, class discussion often will focus on the application of the Internal Revenue Code, Treasury Regulations, cases, and other sources of tax law to the factual situations in the problems in the casebook. Policies underlying the tax law will also be discussed. This course is offered synchronously via Zoom for Fall 2021, augmented by asynchronous materials. (5 hours of class time will be replaced with asynchronous materials.) This is an introductory course with no prerequisites. This course is a prerequisite for most other tax courses.

Updated 5/21

**B653 Corporations (3) – Henderson, B.**

This course is an introduction to business entities. The basic subject matter includes agency, partnership, limited liability companies (LLCs), and closely and publicly held corporations. Many people take this class because the material is tested on the bar exam. However, the content of Corporations (perhaps more accurately referred to as Business Associations) is eminently practical. This class is organized so that students with absolutely no business training will eventually be able to put themselves into a "business" mindset. This is important because over 60 percent of all lawyers serve business clients, either in a transactional or litigation context. This course places high expectations on enrolled students. Attendance and daily preparation, within certain parameters, are mandatory. The final grade is based on a combination of attendance/preparation, weekly quizzes, a written assignment and an eight-hour take-home exam.

Updated 4/21

**B658 Higher Education & the Law ^^## (2) – Gaines, J.**

Colleges and universities are like micro-cities. Many have their own police force, transportation, facilities, housing, dining and health care systems. Institutions of higher learning are governed by an overlapping, broad system of internal rules and policies as well as federal, state, local law, and administrative law. A wide variety of practice areas and subjects are applicable in the higher education setting such as: alternative dispute resolution; labor and employment law; contract law; constitutional law; civil rights law; risk management; and agency law. The Legal Aspects of Higher Education Course will introduce students to the legal and ethical issues American colleges and universities face.

By engaging in interactive exercises, readings, and class discussions, students will learn to: (1) identify legal issues and formulate solutions to the same orally and in writing; (2) describe key principles of higher education policy and apply the same to legal issues; (3) access and apply applicable federal and state law to solve legal problems; and (4) help university faculty and staff reduce legal exposure for themselves, their departments, and the university. A central theme of the course is how to navigate the tension between the competing rights and responsibilities of the institution, its employees, and its students. Students will complete three short writing assignments throughout the semester that are practical in nature (i.e., demand letter; memorandum in support of a motion; and interoffice memorandum).
This course helps fulfill the requirements for the JD Minor in Education Policy but is also open to all upper-level JD students. The class will meet virtually on Wednesdays from 5:35-7:35 pm.

Updated 5/21

**B658 Law & Education: Legal Perspectives (3) – Rippner, J.**
This course will prepare students to 1) identify legal issues occurring in public PK-12 schools; 2) appreciate the importance of legal literacy for administrators, educators, policymakers, and others; 3) understand legal principles and apply them to real life scenarios; 4) describe and analyze key principles of school/district policy as well as federal and state law; 5) conduct legal research to stay abreast of evolving law; 6) collaborate with others to solve complex legal issues, and 7) legally advocate for parents, students, schools, and districts. This is a School of Education course (EDUC-A608) which will be taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses that is required for the J.D. Minor in Education Policy (see https://law.indiana.edu/academics/jd-degrees/joint-degrees/outside.html). Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy and Dr. Janet Decker (deckerjr@indiana.edu) for further information about the course or the Education Policy minor.
Note: This course meets according to School of Education regulations and calendar.
Updated 6/21

**B658 Law & Education: Higher Education Law (3) – Rippner, J.**
The purpose of this course is to introduce 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 6/21

**B658 Law & Education: Leadership in Special Education (3) – Decker, J.**
Special education is the most commonly litigated area in public schools today. Students will analyze legal, political, cultural, and leadership issues surrounding these disputes, as well as
federal and state legislation and case law. Topics will include: student harassment based on disability; litigation surrounding discipline of students with disabilities; the evolution of the U.S. special education system; special education and school choice; alternative dispute resolution in special education; the Individuals with Disabilities Education Act’s due process procedures; eligibility of students with disabilities; school-family relationships in special education; and other special student populations (e.g., LGBT, gifted and talented, homeless students). This course is a School of Education course (EDUC-A675) taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses required for the Minor in Education Policy (see https://law.indiana.edu/academics/jd-degrees/joint-degrees/outside.html). 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 6/21

B659 American Legal History: Perspectives on Policing, Historical and Cosmopolitan ## (3) – Conrad

This fall the course will focus on policing, but with special consideration of policing other than in the United States today. The principal course textbook will do much to shape this historical and cosmopolitan approach: A Short History of Police & Policing, by Clive Emsley (Oxford University Press, 2021). Students interested in enrolling would do well to scout out that new book, in that it will do so much to shape the agenda of the course. But there will be room on the agenda for taking students’ suggestions for course readings in addition to those readings on the original course syllabus. The writing assignments will require analysis and evaluation of the strategies of argumentation in some of the readings. And those writing assignments will be blindly graded. Moreover, students will be required to revise some of the writing assignments in accord with feedback given in the initial blind grading. Roundtable discussion is very important in the final grading in this course.

Updated 4/21

B662 Copyright Law (3) – Leaffer, M.

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

Updated 5/21

B668 Con Law II (3) – Williams, S.

This course will focus on the First Amendment. We will spend the majority of the semester examining freedom of expression. We will begin with an overview of free speech theory and then turn to the issues that arise when government action interferes with various types of speech, including politically subversive speech, libel and defamation, pornography, hate speech, and commercial speech. We will also discuss the problems posed by regulation of symbolic acts of expression (like flag burning), limitations on the use of public areas such as parks and streets, and campaign finance reform. The remainder of the course will focus on the religion clauses of the First Amendment. We will examine cases concerning the meaning of religion and the protection afforded to religious practice, particularly when it violates general laws. We will also explore the interpretation of the establishment clause, in cases involving school prayer and school vouchers, the teaching of evolution, and public
sponsorship of Christmas displays. The course will meet in person for class sessions, which will include both lecture and discussion. There will be one final examination which will be a take-home exam.
Updated 4/21

**B669 Immigration Law (3) – Krishnan, J.**
This course will focus on immigration law from, respectively, a legal, political, international, public policy, social, and ultimately, moral and ethical perspective. We will address issues such as citizenship, migration, marriage, asylum, and many more areas that relate to immigration law. We will begin the process of trying to unpack the various layers of this debate.

There are different learning outcomes that this course will seek to pursue. To begin, in light of the current debate on immigration, we will explore how this discussion relates to issues such as class, inequalities, employment opportunities, and the history of who has been able to migrate to the U.S. and during what time periods – and who has not. We will also study the implications of the rhetoric that has been used by the various sides during the course of this debate and, in particular, how civil society has responded. Additionally, we will analyze how international law, international treaties, and international institutions have contributed to both the public discourse and to public policy as it relates to immigration. And thereafter, we will look at the empirical research and data on what is actually occurring in terms of immigration trends within and into the U.S.

In sum, the course will offer lessons so that the class will be familiar with:

a) the historical context under which immigration policy in the U.S. has developed, and
b) current events and policy trends as they relate to the main immigration issues of today.

At the end of the semester, my hope is that we will each have a more detailed understanding of the complex nature surrounding immigration law and policy in the United States.

**Required Texts:**
- Statutory Supplement (2018) – available on line and in hard-copy
- Please also go to [www.ssrn.com](http://www.ssrn.com) and sign up. It is free. This is a scholarly website where I will, on occasion, ask you to download articles to read.

**Grading:**
- There is one final 3 hour exam that will be open book, open notes (80%). (There will be 3 separate, 1 hour questions, with multiple sub-parts)
- Attendance and participation are worth 20% of the final grade. On participation, everyone starts with a 3.3., or B+, and the grade will go up, down, or stay the same depending upon your attendance and participation.
- Please note, because of the expected size of the class, the targeted mean for the course will aim to be 3.3.
Updated 5/21

**B679 Student Legal Services Practicum ^^ (3) – Williams, St.**
The Student Legal Services Practicum course provides 3 units of academic credit to students who have completed the application process and been selected as a Student Legal Services intern.
Description: Student Legal Services (IUSLS) is a busy, fast-paced law office conveniently located in the heart of the IU-Bloomington campus. Unlike most law offices, IUSLS is structured around our legal interns, meaning we make our interns’ learning experience a priority. IUSLS legal interns develop their legal skills by practicing law on behalf of real clients under the supervision of licensed attorneys. IUSLS legal interns meet with clients directly, research relevant law, and work with licensed supervising attorneys to formulate case strategy. As legal interns gain more experience, they are encouraged to formulate case direction and strategy on their own, with supervisor approval. Students are asked to make a three-semester commitment to the IUSLS internship, with the summer counting as one semester. The Practicum course is offered only during the fall semester.

Course Format and Instruction: The class will be taught every other Thursday during the semester, 3:35pm -5:35pm, for a total of 7 classes and 14 hours of classroom instruction. Students will work an additional 10 hours per week on client intakes and cases, for a total of 150 hours of paid internship time over the course of the full semester.

Each class session will be taught by a team of IUSLS attorneys who will lead students in a discussion of readings and exercises based on hypothetical case scenarios. As the semester progresses, and students become more involved in substantive client case work, class discussions and exercises will become more vibrant and impactful as the course shifts from a focus on hypotheticals to actual client cases. The final class will consist of a case presentation by each student which demonstrates an understanding of the practice fundamentals introduced during the semester.

Students will receive a standard letter grade at the end of the semester based on their participation during classroom sessions and their overall performance in connection with work assigned during their fall semester internship.

Paid internship work: The work students perform as paid interns will be supervised by IUSLS attorneys throughout the semester. Each student is assigned a supervising attorney for the semester, and the student’s work on client intakes and new client cases will be overseen by their attorney supervisor for that semester. The individual instruction students receive during their internship work is separate from, but is structured to coordinate with, the classroom instruction.

Goal: By the end of the semester, you will be able to conduct client interviews using recognized techniques to develop mutual trust and empathy between you and your clients. You will learn how to analyze client case descriptions, and from there how to develop questions to illicit the factual information crucial to beginning the work of case analysis and strategy. You will learn negotiation technique and strategy, and develop the tools necessary to reach a resolution with adverse parties without resorting to litigation. You will learn the fundamentals of litigation practice, including analysis and preparation of pleadings, various motions, and discovery requests and responses. You will learn the steps to solving real-life client problems while developing your own style as a practitioner.

The learning outcomes for the SLS Practicum are for you to

- Apply recognized techniques for communicating effectively with clients, adverse parties, co-workers and others while maintaining an attitude of empathy and respect
- Develop an understanding of yourself as a professional, as a counselor, and as a colleague to the SLS staff and your intern peers
- Understand the real-world application of the rules of professional conduct
for attorneys

- Continue to grow your skills in case management, case resolution, and problem solving to achieve client goals
- Understand the fundamentals of civil litigation practice from initial client interview to trial or alternate resolution

Resources:
Indiana Rules of Professional Conduct
Indiana Code
Indiana Rules of Trial Procedure
Monroe County Local Rules
Indiana Rules of Evidence
Indiana Rules for Small Claims
Indiana Practice Series
Binder, Bergman, Treblay & Weinstein, Lawyers as Counselors: A Client-Centered Approach, (3rd ed.)
Krieger & Neumann, Essential Lawyering Skills (ELS) (5th ed.)
Materials posted on Canvas, under “Modules”
Updated 5/21

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

B691 Family & Children Mediation Clinic ^^ (3 or 4) – Applegate, A.
The Family and Children Mediation Clinic (“mediation clinic”) provides substantial hands-on mediation experience with real clients who have real disputes in the family law context. This clinic, offered for three to four (3-4) credit hours in the fall 2021 semester, meets for class on Thursday mornings in addition to preparation for mediation practice and actual mediation fieldwork on other agreed days and times. In the fall 2021 semester, the clinic is available to up to six (6) students. Through this program, 2L and 3L students (and master’s level clinical psychology and social work students) serve as registered domestic relations mediators in Indiana, mediating family law cases that are primarily referred to the clinic from local courts. Only students who have successfully completed B563 and registered as mediators in Indiana may participate in the clinic. Students need advance approval from Professor Applegate to enroll in the clinic.

Credits:
- Advanced clinic students (i.e., students who have previously taken the mediation clinic) will receive 3 credits, unless otherwise arranged.
- First-time clinic students will receive 4 credits.
Mediation clinic: Students in the mediation clinic will co-mediate cases referred primarily by judges in local and nearby counties. Students will mediate custody, parenting time, child support, asset and debt division, and other disputes between parents and others in family law cases. During the semester, the students will co-mediate in teams of two. Two hours of class training in the clinic will focus on various mediation and related issues. Typically, one hour of class time will be devoted to case rounds in which students share and reflect collectively on the students’ field work experiences.

For the fall 2021 semester, and barring further COVID restrictions, classes will meet in person. The clinic will be taught and supervised by Professor Applegate.

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

Scheduling:

1. Class meeting times:
   - All clinic students (first-time and advanced) will meet Thursday mornings from 8:30 to 9:30 a.m. for case rounds.
   - First-time students will also meet Thursday mornings from 9:45 to 11:45 a.m. for mediation and related issues; advanced students will occasionally attend part of these classes.
   - There will also be a “clinic boot camp” for all clinic students at a time to be arranged early in the semester.

2. Field work: Each student team must also be available for field work during at least one of the three time periods set forth below, specifically (a) Tuesday from 1:00 to 6:00 p.m., (b) Wednesday from 8:30 a.m. to 1:30 p.m., or (c) Thursday from 1:00 to 6:00 p.m. It is possible, however, to arrange an alternate field work time depending on the schedule of the two co-mediators and the clinic director. In some weeks, the field work may extend beyond the hours planned for it, although in other weeks the field work will not take the entire five hour block of time scheduled. During the semester, students are typically scheduled each week to attend an intake session or a mediation (negotiation) session at their regularly scheduled time. For the fall 2021 semester, mediations will be conducted remotely over Zoom, although clinic mediators may participate together in person from the clinic.

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

4. Supervision meeting: Students will attend a regularly scheduled supervision meeting with Professor Applegate (typically a day or two before the intake or mediation of their cases) each week. At least 24 hours in advance of the meeting, students will submit any necessary documents for field work, a reflective journal of their mediation experiences, and a time log. Supervision meetings will be either in person or over Zoom, depending on student preferences and availability.

Prerequisites: The prerequisite to the clinic is the successful completion of B563 – Mediation in the Domestic Relations Context, which was last offered in the fall 2020 semester.
Additional requirement: All students who enroll in the mediation clinical program must consent to a criminal background check and sex offender registry check required by the Indiana University Policy for Programs Involving Children. More information about the policy and use of information obtained through these checks is at: http://policies.iu.edu/policies/categories/administration-operations/public-safety-institutional-assurance/PS-01.shtml

Approval to Enroll: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) in advance of 3L registration. Students may only enroll in the clinic after receiving advance approval from Professor Applegate to enroll.

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

Updated 5/21

B698 Judicial Field Placement ^^ (1-3) – Violi, L.
COURSE GOALS: The student will gain 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 what written and oral advocacy techniques are effective (and ineffective) from the judicial perspective.

COURSE COMPETENCIES: The student will typically develop legal research, writing, and oral briefing skills; receive feedback on assignments; and learn judicial ethics rules.

STUDENT ROLE: Students will observe hearings, conduct legal research, and draft bench memos/oral briefings, court orders, and parts of draft opinions. The course is graded on a pass/fail basis. In order to “pass”, a student must:

1) Perform 52 hours of work per credit hour (i.e. 52, 104, or 156 hours for 1, 2, or 3 credits, respectively);
2) Maintain a time/activity log tracking hours worked and work activities;
3) Submit short reflective essays on a scheduled basis regarding their externship experience; and
4) Participate in one-on-one meetings with the instructor during the semester.

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

APPLICATION METHOD: Students secure judicial externships by applying to positions posted through CareerNet. If a student wishes to work for a judge who has not posted through CareerNet, they should reach out to their CSO Advisor for assistance. Enrollment is limited and participation may be restricted to one semester. Students must obtain faculty permission to register for the class, the first step of which is completing the Externship Permission Form on CareerNet.

Further Information & Guidelines: Before signing up for an externship course, please be sure review the Faculty Policy on Field Placements, which can be found as Appendix K to the Student Handbook.

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

Updated 5/21
**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. This class will have a take-home essay exam that is distributed the last day of class and will be due before the exam period starts.

Updated 5/21

**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.

Updated 5/21

**B710 Cybersecurity Clinic ^^ (3) – Bose, S.**
The IU Cybersecurity Clinic is a first-of-its-kind initiative driven to enhance the cybersecurity of under-resourced stakeholders, including local municipalities, counties, school corporations, non-profits, and small businesses. The Clinic has dual goals of improving local and state cyber preparedness while training the next generation of cybersecurity professionals and leaders. The Clinic leverages Indiana University's strong tradition of applied, interdisciplinary cybersecurity leadership to provide a much-needed service across the Hoosier state, and beyond. Students participating in the Clinic will work directly with clients to provide on-the-ground cybersecurity expertise to address pressing concerns and help instill legal, technical, governance, and managerial best practices. Alongside the project, students will take a 3-credit substantive course providing an overview of cybersecurity risk management frameworks, cybersecurity and privacy law, incident response management, and best practices for addressing common cybersecurity challenges for organizations. For Cybersecurity MS Students, the Clinic can fulfill any concentration requirement. For JD Students, the Clinic fulfills the skills requirement.

Updated 5/21

**B713 Administrative Law (3) – Almendares, N.**
“Bureaucratic policymaking is the hallmark of modern American government.” This course studies the law related to that policymaking, that is, the actions of government agencies like the Environmental Protection Agency (EPA) and the Federal Trade Commission (FTC). Since there are a variety of administrative agencies the legal and constitutional rules focus on what is permissible; administrative law sets the boundaries. Key issues in the course are the separation of powers, due process, judicial review of agency action, and standing. Assessment will be through an exam.

Updated 5/21

**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.

Updated 5/21

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

Students enrolled in the class are encouraged to participate in trial advocacy competition.

Updated 5/21

**B722 Trial Advocacy ^^ (3) – Kellams, M., Diekhoff, M., and Brown, E.**
Trial Advocacy is one of the core courses in the litigation curriculum. It covers the techniques, tactics and performance aspects of the trial; including opening statements, direct and cross-examination, exhibits, and closing arguments. There is also discussion of courtroom demeanor, relationships with judges and court officials, and ethical guidelines for courtroom practice. Students learn by doing, with every student performing in smaller practical sections most weeks. In lieu of a final exam, students conduct a full trial. Trial Advocacy is the second course in the trial practice sequence. Evidence is taken first, and is a prerequisite to Trial Advocacy. Trial Advocacy is taken second, and is a prerequisite to Advanced Trial Practice and Trial Competition. Trial Advocacy is also useful as preparation for clinical courses that involve litigation, such as Community Legal Clinic. Trial advocacy is taught by experienced trial lawyers and judges.

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

Updated 5/21
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 class is taught with a coursebook and case supplements on Canvas but will emphasize problems and a close reading of the rules. Students will be expected to submit written answers to problems in advance of class.
Updated 4/21

B725 Bankruptcy (2) – Carr, J.
This course will be taught by James M. Carr, JD 1975, judge of the US Bankruptcy Court of the Southern District of Indiana. It examines the nature of the legal relationship between debtors and creditors under the Bankruptcy Code as well as under non-bankruptcy 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 and bankruptcy procedure. 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, recovery of fraudulent transfers and preferential transfers, and the jurisdiction of the bankruptcy courts.

Bankruptcy is an extraordinarily rewarding area of practice. Even in large cities, the bankruptcy bar is a small subset of the legal community with a strong sense of collegiality, shared expertise, and their own specialized courts. Bankruptcy practitioners enjoy a pleasant mix of litigation and transactional practice centered around a unified code, which takes years of effort to fully master.

The course is taught through consideration of case opinions and solution of client-focused problems. The course grade is based primarily on a scheduled final examination.

There are no prerequisites for this course.
Updated 5/21

B726 IP Antitrust (3) – Knebel, D.
This course will focus on the interplay between the antitrust laws and laws protecting intellectual property such as inventions, works of authorship and trademarks. Although both sets of laws are ultimately intended to make our economy more innovative and productive, their distinct ways of accomplishing that objective often seem to put them at odds with each other and courts are routinely called upon to resolve those conflicts. In the process of looking at these conflicts and their resolution, the course will provide an understanding of basic antitrust principles that may be sufficient for students not intending to concentrate in that area.
No previous exposure to antitrust is expected or required. It is recommended that students have taken at least one intellectual property course, or be concurrently enrolled in one.
Updated 5/21

B729 Antitrust (3) – Wallace, S.
“Antitrust laws ... are the Magna Carta of free enterprise,” and are “as important to the preservation of economic freedom and our free-enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms.” Justice Thurgood Marshall, United States v. Topco Associates (U.S. 1972).

Rising levels of wealth inequality and increased corporate concentration—are these antitrust problems? Politicians seem to think so and have in recent years held numerous Congressional hearings, called for the break-up of big tech companies like Google and Facebook, and have advanced a number of antitrust legislative proposals. Antitrust policy makers and enforcers have spent the last few years debating whether antitrust legislative proposals have lost the thread of Congress’ original intent for antitrust statutes, or whether such criticism is merely #HipsterAntitrust—cool to talk about, useless as a legal approach. The U.S. seems poised to take a step in a new antitrust direction, but despite a lot of political noise, it isn’t clear that it will be in the E.U.’s direction of more active enforcement (with their billion-dollar fines on Google and Amazon).

Gaining some basic knowledge of antitrust is not just important for being an informed citizen. As our law school’s “general practice” web page advises: “no matter how specialized a lawyer’s practice, there are certain subjects with which every professional should be familiar” and you “should know enough about antitrust to be able to recognize a potential issue and help [your] client avoid running afoul of the law.” Or as a plaintiff’s lawyer, you should know enough about antitrust law so that you don’t miss a chance to sue for treble damages. Or if you are interested in government practice, you should know enough about antitrust law to consider careers with multiple federal agencies (e.g., Federal Trade Commission, DOJ Antitrust Division) and state Attorneys General offices.

It is also just plain fun: it is judges and lawyers who have “made antitrust law out of the cryptic antiquated language of the Sherman Act, as later supplemented by the equally cryptic Clayton Act.” (Judge Posner) That is because all of antitrust law, which has both civil and criminal components, has grown out of a small handful of statutory sentences. (The corollary of that, however, is that if you prefer bright line rules with clear statutory direction, this course might not be for you.) Our semester will chart antitrust law’s development and basic concepts (from criminal price-fixing to civil monopoly claims to the analysis of whether proposed mergers are anti- or pro-competitive), which will allow us to make some informed predictions about what value antitrust law may have to offer in the future.

Updated 5/21

**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.

Updated 10/17
B734 Advocacy: Moot Court Board ^^ (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 2021 Advocacy Board solicitation. Feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)
Updated 5/21

B734 Advocacy (Trial Teams) ^^ (1) – Lahn
This course is the for-credit component of students’ participation on one of the Law School’s fall external (interscholastic) trial competition teams, such as the ABA Labor & Employment Trial Competition. Feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)
Updated 5/21

B734 Advocacy: External Teams ^^ (1) – McFadden, L.
This course is the for-credit component of students’ participation on one of the Law School’s external (interscholastic) appellate moot court competition teams, except for teams such as the IP moot court teams that have a separate course number. Registration for this course is limited to students whose participation in an appellate moot court competition has already been approved by the faculty advisor for that competition or by the Office of Student Affairs. Credit is awarded on a pass/no-pass basis. For more information, please see the law school’s Policy on Participating on Maurer’s External Moot Court, Trial, Transactional, Drafting, Negotiation, and other Competition Teams, available online or at Student Affairs. Please contact Prof. Lane McFadden (lanemcf@iu.edu) with any questions.
Updated 5/21

B734 Advocacy: IP Moot Court ^^ (1) – Janis, M.
This course is the for-credit component of students’ participation on the AIPLA, INTA, or Oxford International IP Moot teams. Enrollment is by permission of the instructor only. Before enrolling under this course number, please confirm your participation on the IP Moot Court Team with the CIPR Administrative Director, Casey Nemecek (cnemecek@indiana.edu).
Updated 4/21

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.
Updated 5/21

B736 Strategic Business & Tax Planning (2) – Rego, S.
Description to be provided
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.

Updated 3/16

B745 Conflict of Laws (3) – Buxbaum, H.
Transactions, relationships, and conduct of various kinds often have contacts with more than one state. For instance, a contract may involve a buyer and a seller in two different states; a couple may get married in one state and then move to another; a product manufactured in one state may cause injury in another. (Similarly, transactions, relationships, and conduct may have contacts with more than one country.) This reality generates a number of legal questions that are relevant both to transaction planning and to dispute resolution. To start with, what are the limits of a state’s (or a country’s) power to regulate a relationship or a dispute that is not purely local? If two states have that power, and both seek to apply their law (which may differ in substance) to the same relationship or dispute, how should we choose between them? Can the parties to a transaction avoid potential problems by simply choosing the applicable law themselves, and, if so, are there any limits to that form of party autonomy? Given the realities of interstate and international commerce, these issues are of obvious relevance to lawyers in many different fields of law practice. They also raise fascinating and complex questions about the limits of sovereignty and the policy considerations underlying the exercise of sovereign authority.

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

There are no prerequisites for this course, and it is equally useful for 2Ls and 3Ls.
Updated 4/21

B770 Native American Law (2) – Fletcher, E.
This course provides an overview of federal Native American/Indian law through a study of cases and historical and contemporary materials. The course covers the basic conflicts among sovereign governments which dominate this area of law, especially conflicts over criminal, civil adjudicative, and regulatory jurisdiction. Special attention is given to the status and sovereign powers of tribal nations as recognized under the laws of the United States, the federal trust responsibility stemming from tribal/U.S. treaties, and interactions between state/local governments and tribal nations. Federal statutory regimes will be included. In examining these topics, we will also discuss tribal recognition, gambling, taxation, natural resources in Indian country, and the Indian Child Welfare Act. Students should gain a critical understanding of the basic tenets of Native American/Indian law, the basis of tribal sovereignty, the structure of the federal-tribal relationship and its history, and
a sense of the future directions the courts, tribes, and Congress may take in addressing current legal issues in Indian country.


Elements used in grading: Class Participation, Final Exam.

Adjunct Professor Ezekiel “Zeke” Fletcher is an enrolled citizen of the Match-e-be-nash-she-wish Band of Pottawatomi Indians (a/k/a Gun Lake Tribe) located in West Michigan. He is a graduate of the University of Michigan, and the University of Wisconsin Law School, and founded Fletcher Law, PLLC in 2012. He represents tribes and other tribal entities in all forums, such as federal, state, and tribal court in litigation and in administrative proceedings.

Updated 5/21

B771 Mediation ^^ (2) – Stafford, C.
This course explores mediation as a method of dispute resolution and lays a foundation for the development of advocacy skills in the mediation environment. Class sessions will explore real world mediation in many civil practice areas from the perspective of the client, the advocacy attorney, and the mediator. We will work on negotiation strategies in the mediation context. This course will cover relevant authority and rules governing mediation and will include frequent discussions on legal ethics in the mediation setting.

Written work will consist of three assignments: a Confidential Mediation Statement, and two detailed mediation agreements. These written assignments will count for 70% of the course grade, with the remaining 30% of the course grade based on role playing exercises. There will be no end of the semester course examination. Frequent role-playing will explore and reinforce mediation skills.

This course will be limited to 20 participants. Satisfactory completion of this course will enable the new lawyer to understand the role of mediation in the justice system and prepare the lawyer to represent a client in a mediation session.
Note: 3Ls have priority for this course.
Updated 5/21

B771 Mediation ^^ (2) – O’Connor, J.
This course explores mediation as the most frequently used alternative method of dispute resolution and lays a foundation for the development of advocacy skills in the mediation environment. Class sessions will explore the text materials and theories discussed therein about mediation, as well as negotiation strategies in the mediation context. In addition the class will participate in mediation role playing exercises. This course will cover relevant authority and rules governing mediation and will include discussions on legal ethics in the mediation setting.
Role play exercises in various areas of practice (e.g. family law, personal injury, business dispute) will be used to reinforce mediation theory that is discussed in class. The class members will be assigned various roles in the mediation. The exercises will be conducted on days that the class would otherwise meet for a general class session, and may be held off campus in a local law office setting.
Written work will consist of four assignments: a Confidential Mediation Statement; a brief short answer paper about a reading; a research paper about mediation, confidentiality and enforcement of agreements; and preparation of a detailed mediation agreement. These written assignments will count for 60% of the course grade, with the remaining 40% of the
course grade based on participation in class discussions and role playing exercises. There will be no end of the semester course examination.
This course will be limited to 20 participants. Satisfactory completion of this course will enable the new lawyer to understand the ubiquitous role of mediation in the justice system and prepare the lawyer to represent a client in a mediation session.
Note: 3Ls have priority for this course.
Updated 6/21

L690 Seminar in Corporate Law ** (3) – Nagy, D.
Insider trading cases, which are typically prosecuted as federal securities fraud, carry a mystique rarely present in other areas of corporate law. As a former U.S. Attorney for the Southern District of New York once observed, the cases involve “basically cops and robbers. . . [d]id you get the information and did you trade on it?” Yet, while it is impossible to ignore the intrigue, it is also important to recognize that the federal prohibition of insider trading raises difficult issues of law and policy. Investigations and prosecutions by the Securities and Exchange Commission and Department of Justice for other civil or criminal offenses involving securities trading, such as market manipulation, involve issues that are similarly complex.
This seminar will first examine common law limitations on securities trading by corporate insiders, and then turn to the development by the U.S. Supreme Court and lower courts as to what, under federal antifraud laws, constitutes unlawful securities trading and tipping based on material nonpublic information, and illegal market manipulation. The course will then delve into the policy debates surrounding the regulation of insider trading and market manipulation, and will explore legislative reforms pending in Congress. Attention will also be given to recent scandals, including those involving insider trading allegations against government officials, the trading frenzy in GameStop’s stock, and the strategic use by corporate executives of Rule 10b5-1 trading plans. Grading will be based on a seminar paper, an oral presentation to the class, and weekly participation.
Pre-requisite or co-requisite: Corporations, or special permission by the instructor
Updated 5/21

L710 Seminar in Law & Society: Immigration Law ** (3) – Fuentes-Rohwer, L.
This seminar surveys the history and practice of immigration law and policy in the United States. We will divide the semester along three dimensions. First is the citizen: who are they, what makes them so, and what hinges on the distinction? Second is structural: how does federal law structure who is admitted or inadmissible into the United States? This is a question both about immigrants and the visa system, but also about refugees and asylum seekers. Third is historical: how have debates and conversations in the United States shifted and evolved across time? The seminar will examine old and new questions, such as the boundaries of citizenship, the plenary powers doctrine, debates over the Dream Act, the recent travel ban, the allotment of visas, and the role of the federal government in immigration.
Updated 5/21

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.
Updated 5/21

**L714 Seminar in Judicial Conduct (3) – Geyh, C.**
This seminar explores judicial conduct with references to the law that regulates judicial behavior and the influences on judicial decision-making. The first part of the seminar concerns how courts and judges are regulated, and include sessions on judicial ethics and discipline, judicial elections, judicial impeachment, and the roles of Congress and the President in promoting judicial independence and accountability. The second part of the seminar explores the influences on judicial decision-making. It will focus on perspectives from political science, psychology, and history, and explore the extent to which judges are subject to extrajudicial influences such as ideology, race, and threats to their reelection. The seminar seeks to synthesize the two parts by exploring whether and how the mechanisms discussed in the first part of the course can or should be employed to manage the influences on judicial decision-making that the second part of the course documents.
Updated 5/21

**L730 Seminar in Intellectual Property: Data Law & Policy (3) – Mattioli, M.**
Description to be provided

**L730 Seminar in International Intellectual Property (3) – Leaffer, M.**
This Seminar has two goals. The first is provide students the opportunity to write a substantial paper relating to their interest in IP. The second goal is expose students to current developments in IP (with a pronounced international theme) and cutting-edge legal scholarship. In this regard, our class sessions will feature invited intellectual property law scholars who will deliver works-in-progress to the class for discussion and review.
Updated 5/21

**L750 Seminar in Law & Development (3) – Ochoa, C.**
What factors contribute to a country’s financial stability? Is financial stability and the project of development consistent with sustainability? What is the role of law and legal institutions in securing the economic well-being of a country’s people and the and long-term viability of people and nature? This course will investigate these questions and many others as it explores the historical and contemporary contributions of law, legal institutions, and private actors to economic development and ecological sustainability. In so doing, we will map the roles of i) domestic and international law, ii) international organizations and domestic institutions, and iii) private actors, including business entities, NGOs, etc. We will focus on international development, though the course will also discuss the applicability of these concepts to the United States. Course materials from around the world, drawn from law as well as other disciplines, will illuminate challenges and successes in development. The goal of the course is to improve our understanding of the connection between law, development and the attainment of human and ecological well-being. There are no prerequisites for this course, though some exposure to corporate law, international law, human rights, or environmental law will be beneficial. This course satisfies the upper level writing requirement.
Updated 6/21

**L756 Seminar in Critical Race Theory (3) – Thusi, I.**
This course will examine critical race theory, a theoretical framework developed in the 1980s that questions law and society at its juncture with race, power, and the law.
Critical race theory is critical of the traditional legal doctrine’s assumptions about the law’s race neutrality and colorblindness and openly discusses the role of law in (re)producing racial and ethnic subordination. The course starts by exploring the leading articles and arguments that are the foundation of critical race theory and ends by applying its analytical and methodological approaches to current issues, including mass incarceration and affirmative action. The course explores interdisciplinary approaches, including social science research, narrative, legal scholarship, and philosophy to provide students with an overview of this theory and enable them to apply it to contemporary issues. The primary objective of this course is for students to understand and apply general concepts developed within the critical race theory scholarship and to be able to apply these concepts in varied legal contexts and settings.

Our discussions will explore topics such as interest convergence and the connection between Brown v. Board of Education and the Cold War; intersectionality and the sexual harassment of Asian American women in the workforce; the social construction of race through the whitening of Mexican social identity in the Southwest; the New Jim Crow and mass incarceration; and implicit bias in the legal profession.

Updated 5/21

**L766 Seminar in Children & the Law** (3) – Levesque, R.
This course examines the law’s response to the developmental understanding of childhood, with particular focus on distinguishing the rights of youth from those of adults. Much of our efforts center on understanding the myths and realities of legal doctrine governing childhood, particularly the transition to adulthood. To do so, students explore how the legal system responds to youth’s needs in a variety of social contexts and institutions (e.g., families, media, intimate relationships, schools, and religious institutions) and sociolegal systems (juvenile, child welfare, medical, mental health, and criminal justice systems). Supreme Court cases serve as our main texts, although students do consult empirical research and substantive areas of law in their writing projects. Students’ grades are based on class participation relating to assigned readings as well as oral and written presentations describing the results of independent research projects.

Updated 5/21

**L770 Comparative Inequality** (3) – Brown, K.
This Seminar will focus on forms of inequality based on immutable and unchosen characteristics throughout the world. However, due to the limitations of time, the Seminar will primarily focus on English speaking countries and will compare various forms of inequality based on concepts of race/ethnicity/caste/religion that exist the United Kingdom, India, and South Africa with those of the United States. In addition, it will look at the legal policies and practices instituted in these societies to attenuate the continuing effects of these forms of oppression. Students will be expected to write and present a 25 to 30 page research paper that discusses a particular oppressed group in a country. The paper must include the history of oppression, the basic rationale for the oppression, and the legal framework currently in place to address it. However, about half of the students will write papers on selected subjects that the Professor assigns.

For the past 70 years, the United States has struggled to address various forms of inequality based on race or ethnicity that are deeply rooted in our nation’s history. This history can be traced back to the Trans-Atlantic Slave Trade, which ended in 1807, and the Mexican-American War (1846-8). The general solution applied to these various forms of inequality is also deeply rooted in the history and traditions of American society. As stated in the Declaration of Independence, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights,
that among these are Life, Liberty and the pursuit of Happiness.” More than any other country, America is dedicated to creating a society where individuals have the maximum liberty to choose how to live their lives unconstrained by the beliefs of others, but within the boundaries of recognizing the right of their fellow individuals to do the same. Thus, solutions to historic forms of inequality based upon immutable and unchosen characteristics like race or ethnicity in the United States tend to follow a path of either attempting to transcend (i.e. ignoring) such characteristics in favor of treating people with these characteristics as individuals or convert the identification with such characteristics into matters of choice or personal preference. In the context of discrimination based on race/ethnicity, for example, this means being colorblindness and treating everyone as if race/ethnicity does not matter or providing the space for individuals to self-identify their racial/ethnic group. However, among the negative consequences of this solution is that it limits the type of programs that can be instituted to overcome racial/ethnic oppression and works to dissolve the necessary cultural feelings of duties and obligations that bind these minority racial/ethnic group members to each other.

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

When modern India became an independent nation in 1950, it had a legacy of oppression based upon the Hindu religion to address. Since independence, however, India has adopted several measures to try to attenuate the continued caste oppression based on untouchability that Dalits have experienced. In addition, Dalit activists have drawn heavily upon policies and programs employed by African-Americans during the Dalit struggle against oppression.

In contrast to the two above societies is the way that the discrimination based on race developed and has been treated in the United Kingdom. Unlike the other countries, blacks first from the Caribbean, then later from Africa, and Asians from the Indian subcontinent did not arrive in the UK in significant numbers until the 1950s. Thus, racial oppression in Britain is of voluntary immigrant groups who, comparatively speaking, are recent arrivals. Britain, which adopted a new comprehensive Equality Act in 2010, has rejected any positive considerations of race is attacking its forms of racial oppression and tends to follow a strict non-discrimination regime as a way to combat racial inequality.

South Africa presents another interesting view of oppression. There it is the majority black population that was oppressed by a white colonial settlor minority. And now, some 27 years after the commencement of majority rule, we can see little improvement in the relative racial economic gaps between the black and white communities. Thus, a generation of black control of the political process has not produced substantial closing of the racial economic gaps. Also, where in the US we tended to treat mixed-race blacks as black (until the year 2000), in South Africa, their mixed-race population occupied a space between the two racial groups. Thus, it presents a different way to understand the products of interracial marriage.
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 course may make use of a computer chatroom program to facilitate specified class discussions, and, if so, students will be expected to bring a laptop or equivalent device to relevant class sessions. 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.

Updated 5/21

L776 Seminar in Criminal Law: Punishment in Theory & Practice ** (3) – Eaglin, J.

This seminar will examine cutting-edge issues in criminal administration through a historical and philosophical lens. Subtopics considered over the course of the semester include the various theories of punishment; the expansion of carceral technologies; the privatization of various services in criminal administration; and the rise of mass incarceration. This course offers students the opportunity to consider how the administration of criminal law intersects with issues of racial justice, social justice, politics, and efficiency in the United States. Students prepare a final research paper on a topic related to issues of punishment in the United States.

Updated 5/21

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

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

Updated 4/21

L799 Seminar in Con Law: Special Topics on First Amendment Law ** (3) – Bell, J.

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

Updated 4/21
This seminar is designed for those who have already taken a course that examines First Amendment doctrine. It can be taken concurrently with Con Law II. It may also be taken with special permission, by those who have taken a course on the First Amendment outside the law school. Though there is no formal prerequisite, students who have taken Constitutional Law II may find the course concepts about which we engage easier to discuss and write.

Updated 5/21

L799 Seminar in Con Law: Law & Democracy ** (3) – Almendares, N.
Through judicial review, unelected judges can overrule choices made by the elected branches of the government. This “countermajoritarian difficulty,” has been a key issue in constitutional jurisprudence. This seminar examines the role of courts in a democracy. We will also look at the way law affects democracy and participation in government through things like campaign financing and political protest. Readings will consist of articles, book selections, and cases. Course requirements include active class participation and a writing assignment.

Updated 5/21