

Fall 2022 Course Descriptions

8/8/2022

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

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

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

B514 Private Practice Externship ^^ (1-3) – TBA

The Private Practice Externship provides an opportunity for second- and third-year students to receive academic credit for their work in a law firm, corporate, or other private practice setting.

- COURSE GOALS

The student will work with attorneys in a law firm, corporate, or other private practice setting, and gain insight into 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.

- PREREQUISITE(S)

Successful completion of the 1L curriculum.

- STUDENT ROLE

The student's 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 academic credit earned (*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.

- APPLICATION METHOD

For assistance with finding an externship, please work with your CSO Advisor. Faculty approval prior to registration is required. Students interested in this externship course are encouraged to contact Dean McFadden (anmcfadd@iu.edu).

Once you have secured a position, getting set to work for credit is a fairly simple process: You need to complete the Externship Permission Form on CareerNet, which can be found under the Externships tab on the left side of your homepage. We'll review and approve the externship, and then you'll enroll in the relevant course for the semester during Registration or during the Drop/Add period.

- MATERIALS

The Syllabus and any additional reading materials and assignments will be posted on this course's Canvas page.

- **ADDITIONAL INFORMATION**

Before signing up for an externship course, please be sure review the [Faculty Policy on Field Placements](#).

For additional questions, contact Dean McFadden (anmcfadd@iu.edu)

NOTE: 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.

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 3/22

B515 Access to Justice: Project Management: Designing Justice in Online Courtrooms ## (2) – Quintanilla, V.

This Access-to-Justice Project Management course will harness the theory and practice of project management, psychological and behavioral science, and human-centered design to enhance the procedural fairness and justice of interactions in online (and in-person) courtrooms. In this course, students will learn concepts from project management, psychological and behavioral science, and human-centered design and apply them to an ongoing research study and writing projects.

The ongoing research relates to an access-to-justice research study that the Center for Law, Society & Culture is advancing, which Pew Charitable Trusts has recently funded a study involving a collaboration between the Indiana Supreme Court, the Indiana Office of Court Services, the Coalition for Court Access, and the law school's Center for Law, Society & Culture.

Indiana is at the forefront of using remote video technologies for court appearances post-pandemic. By way of background, the pandemic required courts across the country to move many hearings and services to online platforms (such as Zoom). Court observers, however, increasingly believe that online technologies and remote virtual hearings are likely here to stay and will continue post-pandemic. Some are hopeful that virtual proceedings will improve access to justice and have been encouraging courts to make greater use of remote technologies. But many are increasingly worried that virtual hearings are proving difficult for unrepresented persons, particularly those from vulnerable groups and the "have not" side of the digital divide.

Preliminary data from those conducting the Indiana study suggests that various challenges (technological, structural, and social/psychological) are likely to impose additional disadvantages for some unrepresented persons in online hearings. Yet virtual hearings may be beneficial for lawyers (e.g., the reduction of travel burdens, and the ability of lawyers to attend court from the comfort of their law or home office). A short article providing an overview of the study can be found

here: <https://www.theindianalawyer.com/articles/through-pro-se-eyes-iu-maurer-led-study-looks-at-impact-of-virtual-hearings-on-self-represented-litigants>

In this class, students will learn concepts in project management, psychological and behavioral science, and human-centered design to propose best practices for judges and courts when interacting with unrepresented persons in these online proceedings. Students

will review archived online proceedings, and listen to audio transcripts of in-person hearings, and will qualitatively assess best practices, bright spots, and hot spots, which will in turn, inform their recommendations in the course. They will also speak with unrepresented persons who have recently experienced these online hearings (and/or in-person hearings). Student recommendations will be prepared in the form of reports / seminar papers relating to these themes. The papers will, in turn, be synthesized by the researchers and provided to the Coalition for Court Access and the Indiana Supreme Court.

For purposes of this course, a project is defined as a multi-task/multi-skill job that must be completed according to the fixed constraints of time, cost, scope and minimum performance standards. Although a project will typically have someone assigned as a manager, the most successful projects—as measured by efficiency, creativity, or timeliness—inevitably require team members to participate in all phases of the project. This course will fulfill the writing component of their credit requirements. Student reports / seminar papers will form the basis of actual access-to-justice interventions to be uptaken by courts across Indiana.

The course satisfies the writing requirement.

Because the students enrolled in this course will be designated Civil Justice Design Fellows of the Center for Law, Society & Culture, instructor approval will be required to enroll and enrollment will be limited. If you are interested in enrolling, please contact Professor Victor Quintanilla at vdq@indiana.edu. In your request, please indicate why you are interested in this course.

Updated 3/22

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 3/22

B528 Adv Appellate Advocacy: Moot Court Board ^^ (2) – McFadden, L.

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 2022 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. McFadden with any questions. (Pass/Fail.)

Updated 3/22

B534 Civil Procedure II (3) – Geyh, C.

This course explores personal jurisdiction, subject matter jurisdiction, venue, removal, the Erie doctrine, service of process and appeals, among other topics. Civil Procedure II is a bar

course that may fairly be 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.

Note: 3Ls have priority for this class

Updated 3/22

B536 Health Law ## (2) – Gamage, D.

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

Note: 3Ls have priority for this class

Updated 3/22

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 work out their start-and-finish dates for these placements with their supervisors, not with Maurer faculty. We do recommend that students plan to be in DC from Labor Day to the end of the week before Thanksgiving. Many students continue to work into December if they want.

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 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 express interest. Admission to the program requires special permission from Executive Associate Dean 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 specifically admitted to 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 3/22

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 as well as the Instructor. 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. 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. As of March 7, 2022, we are still taking applications for Fall 2022.

This course runs from the first Friday of the Fall semester until (roughly) the Friday before Thanksgiving.

- The first one or two meetings of B 539 may be conducted on Zoom because not every student will need to be in DC to start their B 538 placements until September 1.
- The in-person classes usually begin on the Friday after Labor Day and are held in a location convenient to Metro stops in downtown Washington, D.C. Class sessions tend to run four hours on Fridays every other week. Fridays are often telecommuting days for students' supervisors so this maximizes students' exposure to supervisors and allows the course to meet the ABA and Maurer requirements for three credits.

Students will have the opportunity to meet with Maurer graduates for instructional purposes across the semester. Lunch will be provided for all in-person class sessions. Students also will get at least one Maurer alum specially recruited to match students' needs with alumni(ae) expertise; this matching happens as the Fall semester begins.

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. 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 Professor Hughes, 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 select the type of legislation or regulation and its subject matter. The written work needs to match the instructions given for each assignment.

Students will need to arrange their schedules with their host agencies and organizations to be free from meetings and deadlines during these bi-weekly class sessions.

Please advise Professor Hughes in advance if you have a schedule conflict – a hearing or deposition to cover, for example.

Students should expect that the six regular written assignments will be due by noon on the Thursday 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). Professor Hughes also recommends reading 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). She 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 (jlryan@indiana.edu) on weekdays by email and Zoom.

Students should register for the Fall semester courses that they would like to take if they do not participate in the DC Program. This includes students admitted prior to the registration period. The reason is that plans change – and they have changed over the past few years. The Recorder will be in touch as the Fall semester drop-and-add periods begins to check whether admitted students still plan to be in the DC Program and will help manage drop-and-add for enrolled students.

Updated 3/22

B545 Criminal Law Externship ^^ (1-3) – TBA

The Private Practice Externship provides an opportunity for second- and third-year students to receive academic credit for their work at a prosecutor's or public defender's office.

- COURSE GOALS

The student will work with attorneys in a prosecutor's office, public defender's office, or other criminal law setting, and gain insight into how the organization runs 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.

- PREREQUISITE(S)

Successful completion of the 1L curriculum.

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, which requires 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. (Note: Other states have different requirements – e.g. Illinois Supreme Court Rule 711 allowing similar certification – so please make sure to look into whatever may be relevant for your externship depending on its location.)

- PARTICIPATING OFFICES

While a criminal law externship 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 – but not all – of these offices post regularly on CareerNet. Please reach out to CSO if you are interested in or have questions about other employers.

- STUDENT ROLE

The student's 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 hearings, trials, and conferences.

Students are required to work 52 hours for each academic credit earned (*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.

- APPLICATION METHOD

For assistance with finding an externship, please work with your CSO Advisor. Faculty approval prior to registration is required. Students interested in this externship course are encouraged to contact Dean McFadden (anmcfadd@iu.edu).

Once you have secured a position, getting set to work for credit is a fairly simple process: You need to complete the Externship Permission Form on CareerNet, which can be found under the Externships tab on the left side of your homepage. We'll review and approve the externship, and then you'll enroll in the relevant course for the semester during Registration or during the Drop/Add period.

- MATERIALS
The Syllabus and any additional reading materials and assignments will be posted on this course's Canvas page.
- ADDITIONAL INFORMATION
Before signing up for an externship course, please be sure review the [Faculty Policy on Field Placements](#).

For additional questions, contact Dean McFadden (anmcfadd@iu.edu)

NOTE: 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.

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 3/22

B547 Public Interest Externship ^^ (1-3) – TBA

The Public Interest Externship provides an opportunity for second- and third-year students to receive academic credit for their work in a non-profit, legal service, local/state/federal government, or other public interest setting.

- COURSE GOALS
The student will work with attorneys in a non-profit, legal service, local/state/federal government, or other public interest setting, and gain insight into how the organization runs 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.
- PREREQUISITE(S)
Successful completion of the 1L curriculum.
- STUDENT ROLE
The student's 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 academic credit earned (*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.

- **APPLICATION METHOD**

For assistance with finding an externship, please work with your CSO Advisor. Faculty approval prior to registration is required. Students interested in this externship course are encouraged to contact Dean McFadden (anmcfadd@iu.edu).

Once you have secured a position, getting set to work for credit is a fairly simple process: You need to complete the Externship Permission Form on CareerNet, which can be found under the Externships tab on the left side of your homepage. We'll review and approve the externship, and then you'll enroll in the relevant course for the semester during Registration or during the Drop/Add period.

- **MATERIALS**

The Syllabus and any additional reading materials and assignments will be posted on this course's Canvas page.

- **ADDITIONAL INFORMATION**

Before signing up for an externship course, please be sure review the [Faculty Policy on Field Placements](#).

For additional questions, contact Dean McFadden (anmcfadd@iu.edu)

NOTE: 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.

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Updated 3/22

B548 Financial Institutions (3) – Hughes, S.

This course surveys U.S. laws pertaining to the regulation of financial services providers – commercial banks, broker-dealers, commodities brokers and exchanges, investment banks (also known as securities firms), hedge funds, investment advisors, and foreign providers and U.S. entities providing services abroad.

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 discuss "hot topics" occurring during the semester. These are likely to include economic sanctions, the regulation of "fintech" companies, industrial loan companies, digital assets including cryptocurrencies and others, crowdfunding, and neo-banks, open banking and "challenger banks."

This is an ever-changing field. 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 the United States and its partners and allies plan 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 depending on students’ interests.

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 for a much lower price or find a used copy online. 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. That means we will not be reading every chapter or all of some chapters. But we will be reading lots of statutes and some regulations.

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 plan to revise the slide decks I prepared for Fall 2020 and Fall 2021 to focus on the statutory provisions with which I hope you will become familiar. 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 Fall 2022 exam period after Thanksgiving. It will not be a take-home examination. The exam will be open note, open textbook, and open statute in format. Although I expect to administer this examination in-person at the law school, after the past two years, we all know that it may be necessary to switch to a remotely administered examination that will be via Canvas insofar as I can predict in early March. Stay tuned for additional information about the final examination.

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

Note: the final exam for this course will be administered either in-person or remotely (if needed) during the regular Fall semester examination period. I will use your personal statements to shape some aspects of the course before the semester begins.

Updated 3/22

B551 Intellectual Property Externship ^^ (1-3) – TBA

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](#).

- APPLICATION METHOD

For assistance with finding an externship, please work with your CSO Advisor. Faculty approval prior to registration is required.

Once you have secured a position, getting set to work for credit is a fairly simple process: You need to complete the Externship Permission Form on CareerNet, which can be found under the Externships tab on the left side of your homepage. We'll review and approve the externship, and then you'll enroll in the relevant course for the semester during Registration or during the Drop/Add period.

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Updated 3/22

B554 Legislation ## (2) – Popkin, W.

Most law today is found in statutes and it is therefore important to understand how courts deal with statutory law. The major emphasis in this course is statutory interpretation.

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

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

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

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

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

Updated 3/22

B558 Conservation Law Clinic ^^ (3) – Freitag, C.

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 and government 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 2022, 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 3/22

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 like a small law firm extending its services into business advice, 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 often have opportunities to review and provide feedback on the business plans of actual startups.

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

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

Updated 3/22

B563 Mediation in the Domestic Relations Context ^^ (3) – Applegate, A.

This skills-based course is offered for three (3) credit hours and is available to up to sixteen (16) students. 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).

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 Meetings: The class will be taught in person. 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). Although the class will be in person, students will participate at times by Zoom in role plays to learn how to conduct mediation remotely.

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 about 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 during the videotaped simulated mediation, and 1/4 on performance on the proficiency examination.

Advance Approval to Enroll Required: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) in advance of 2L/3L registration briefly 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 schedule short meetings over Zoom with students who are interested in taking the course shortly before registration. 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.

Mediating after successfully completing the course: The mediation clinic will not be offered in the spring 2023 semester, although it may be possible for students who register as DR mediators to mediate pro bono with the Community Justice & Mediation Center in Bloomington ("CJAM"). 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. Thus, the School of Law strongly recommends that they not conduct individual (unsupervised) mediations until they have at least (a) conducted pro bono mediations at CJAM, (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, although having taken or taking a family law course may be helpful.

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

Updated 3/22

B564 Protection Order Litigation ^^ (2) – Lahn

This experiential course, designed to complement the work of the Law School's pro bono Protective Order Project ("POP"), uses a combination of classroom and case work to examine the civil legal system's response to sexual assault, stalking, and relationship violence. It will also provide the chance to develop key professional skills such as interviewing clients; conducting fact investigations; drafting pleadings and motions; and preparing clients and witnesses for actual court hearings.

The course is open to all second- or third-year students; students who have not previously completed POP volunteer training will need to do so before starting live case work. Class is currently scheduled to meet on Tuesdays, 5:35-7:35 p.m.; that meeting time is open to discussion and adjustment if needed to fit interested class members' schedules.

There is no final exam; grading will be based on an evaluation of case work; class participation; a short in-class presentation on a course-related topic of your choice; and four reflective essays. For more information, and permission to enroll, please contact Prof. Seth Lahn, slahn@indiana.edu or 855-0905.

Updated 8/22

B564 Virtual Courtroom Procedure ^^ (2) - Rodriguez, J.

Future litigators must be prepared to, present arguments, evidence, and navigate the technology in a virtual courtroom. Since the pandemic the law profession has experienced a new shift and has moved away from what a traditional court should be. All courts around the country have transformed their courtrooms to virtual totally or a hybrid modality, holding motion calendars, special set hearings, evidentiary hearings, and even non-jury trials virtually, via Zoom. Although many courtrooms have reopened in-person activities, the virtual legal practice is here to stay in one capacity or another. In this course, students will learn and practice litigation skills in the context of today's virtual trial practice. Students will work in teams to draft complaints and practice all aspects of a simulated trial, including all aspects of motion practice, voir dire, opening and closing statements, witness (direct and cross) examination, the student will also learn how to navigate the technology in the presentation of documents and other physical evidence. All this will be done VIRTUALLY. The benefits students derive from this course will be strongly correlated to their level of investment. Each course session will include classroom discussions and student-run simulations of typical courtroom scenarios. Upon completion of this course, students will have confidence in their ability to prepare, present, and argue their cases, effectively in a virtual courtroom. This course is taught by a practicing judge who presides daily over a comprehensive virtual courtroom.

Updated 4/22

B571 Federal Habeas Litigation ^^ (2) – Ausbrook, M.

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 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 the necessary facts and then how to accurately calculate the filing deadline for a habeas petition; 2) how to construct a habeas petition; and 3) a considerably deepened understanding of how the criminal justice system in the United States works—and not infrequently doesn't.

Continuing students will probably have worked on some pretty mind-bending cases and will maybe even have achieved a win.

Updated 3/22

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

The IP Clinic provides students the opportunity to work directly with clients on actual intellectual property law matters (e.g. patent, trademark, and copyright applications, interaction with the United States Patent & Trademark Office (USPTO), licenses, due diligence, and non-infringement and/or invalidity opinions). Students interested in IP law and advising individuals, start-ups, and small business are candidates for the Clinic. Because the Clinic is certified by the USPTO, students are eligible to receive temporary registration to practice before the USPTO. The Clinic is organized much like a law firm, with students working with other students and adjunct professors under the supervision of the Clinic Director. Students meet with the Director to review project status and to discuss experiences and concerns and attend one to three hours of class each week.

NEW IP CLINIC STUDENTS elect to participate in either (1) the patent section of the Clinic (3 credits); (2) the non-patent section of the Clinic (trademark and other non-patent IP matters) (3 credits); or (3) both sections (4 credits). Class sessions survey practical IP legal issues, including ethics, ownership, protection strategies, infringement avoidance, and client counseling.

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

RETURNING/ADVANCED IP CLINIC STUDENTS elect to participate in either (1) the patent section of the Clinic; (2) the non-patent section of the Clinic (trademark and other non-

patent IP matters); or (3) both sections. Advanced IP Clinic class sessions survey materials requested by Advanced IP Students at the beginning of the semester and/or supervision, advanced client counselling, and advanced project management. Advanced IP Clinic students elect 1-4 credits.

Enrollment in the Clinic for RETURNING/ADVANCED students is limited, so students must contact the Director to obtain permission to enroll. Students must have participated in IP Clinic in a prior semester to enroll in Advanced IP Clinic. 1-4 credits, professional skills. Students may enroll in multiple semesters of Advanced IP Clinic. However, total credits for the Advanced IP Clinic will be limited to 8 total credits, not including any credits obtained in their first semester of IP Clinic.

Updated 3/22

B573 The Law Firm as a Business Organization ## (2) – Henderson, B.

Law firm partners occasionally get frustrated that their associates are academically brilliant but do not understand how the firm makes money. Likewise, clients perennially complain that very few lawyers understand their business, thus limiting the value of legal advice and legal services. In part, this is because the business of law is seldom a topic that is discussed during law school. This course fills this knowledge vacuum by taking students on a guided tour of how the modern legal industry operates. Topics include: (a) traditional law firms and why some are more successful than ever; (b) new entrants back by venture capital and private equity the combine law with data, process, technology, design, and business operations know-how; (c) the special challenges and innovations in the PeopleLaw market; (d) the structure and economics of the plaintiffs' bar, (e) how and why in-house legal departments have become leaders in practice management innovation; and (f) the gig economy for lawyers. This course relies upon a combination of lectures, class discussion, and guest speakers. Students who complete this class will have a sophisticated knowledge of the modern legal landscape, including emerging opportunities and strategies for accessing them. This class fulfills the Law School's writing course requirement. Enrollment is capped at 20 students.

Updated 3/22

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

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

Updated 3/22

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

Cybersecurity law and policy is one of the most rapidly changing and important fields of law today. It responds to the need in our increasingly data-dependent society to secure information and information systems from unauthorized access, destruction, alteration, and misuse. The field has grown so much that we cover it in two courses, Cybersecurity Law I and II. The courses don't have to be taken in sequence and no technical knowledge or prior

experience is required prior for either course. Cybersecurity Law I will provide an introduction to digital technologies and networks and the most pressing threats to data and systems. It will survey major domestic legal and practical tools for enhancing cyber resilience, and the policy issues they raise, in the context of individuals, corporations, not for profit organizations, and civilian government agencies.
Updated 3/22

B591 Child Representation Practicum ^^ (3) – Roman-Lagunas, R./ Marsh, A.

The Child Representation Practicum provides law students an opportunity to represent youth aged 10 and older in the Indiana child welfare system. Supervising attorneys from Child Advocates, Inc. will work with law students to explain court proceedings, client rights, and case options to youth clients. Law students will gain experience researching issues regarding the CHINS (Child in Need of Services) or TPR (Termination of Parental Rights) case, investigating placement options at the client's direction, and advocating for the youth's wishes in case meetings. Alongside the supervising attorney, law students will prepare for hearings and zealously advocate in court for the wishes of the youth.

During the first 6 weeks of the semester, students will meet with adjunct faculty twice a week for 90 minute classes reviewing Indiana's child welfare system and best practices for representing youth. For the rest of the semester, the focus will be on cases and clients and the class will only meet one time a week for 90 minutes. There will be a couple weeks with no class.

Students must be certified legal interns or able to become certified at the beginning of the semester. Students must apply for the course by emailing rachel@childadvocates.net with their interest.

Updated 8/22

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

No description available

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

This course will introduce students to a wide range of legal and equitable remedies. There will be two required textbooks: (1) the classic hornbook Law of Remedies: Damages-Equity- Restitution (THIRD EDITION, 2018), by Dan B. Dobbs and Caprice L. Roberts (in hardback); and (2) the classic from 1985 Line by Line: How to Edit Your Own Writing, by Claire Kehrwald Cook. 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 3/22

B606 Constitutional Litigation (3) – Sanders, S.

Suits aimed at vindicating constitutional rights through money damages -- for example, litigation against the police, prisons, schools, or other government agencies -- are sometimes called "constitutional torts" or "Section 1983 actions" (named for the federal statute that creates the cause of action). These actions account for a substantial share of

the docket of almost all federal courts, and they are critical to vindicating constitutional rights and making government officers accountable for their actions.

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

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

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

Grading will be based primarily on a final exam likely consisting of both essay and multiple-choice questions. Class preparation and participation also will be taken into account.

Updated 3/22

B608 Family Law (3) – Madeira, J.

No description available

B609 Reentry Clinic ^^ (3 or 4) – Waite-Jones, A.

The Reentry Clinic is an innovative collaboration between the Maurer School of Law and Indiana Legal Services' Bloomington Office's Expungement Help Desk. With the assistance of Maurer Law School students, the Reentry Clinic provides post-conviction legal services to low-income Hoosiers across the state – in obtaining post-conviction expungements, eliminating court-ordered debt, and mitigating the collateral consequences of criminal convictions in Indiana.

Enrollment in the Clinic is limited to 6-10 students. Students must submit a Resume and a brief Statement of Interest to the instructor (asher.waite-jones@ilsa.net) to obtain permission to enroll. There are no prerequisites to enroll.

Students in the clinic will earn either 3 or 4 academic credits. The classroom component involves weekly meetings at the law school on Thursdays from 1:15-3:15pm, and students will be expected to read at least one article per week in preparation for class and to complete several written assignments during the semester. Students enrolled in the 3-credit course will be expected to work on clinical matters for approximately 8 hours per week, whereas students receiving 4 credits will work for approximately 12 hours per week. Case work includes attending at least one expungement hearing. Students will work at the ILS office pursuant to a regular set schedule and will submit weekly timesheets.

The Reentry Clinic course will be offered again in the spring semester. Students who took the fall clinic course may continue working in the spring on clinic matters for 1 or 2 additional academic credits, depending on their time commitment.
Updated 8/22

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

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

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

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

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

Grades determined as follows:

60% attendance and class participation;

15% final paper;

25% final negotiation.

Note: 3Ls have priority for this course

Updated 3/22

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 globally, with an emphasis on U.S. law. Topics discussed will include history of the First Amendment, First Amendment theory, freedom of expression in global human-rights contexts, limits on government regulation of media, including internet intermediaries, defamation, privacy, and access to information. Student research required.

Note: This class meets according to Media School regulations and calendar

Updated 3/22

B639 Advanced Legal Research ^^ (2) – Mattioli, K./Ahlbrand, A.

Advanced Legal Research offers students an opportunity to gain in-depth working knowledge of legal research methods and resources. The course will emphasize use and comparison of a broad range of legal research tools, with a focus on electronic materials. The course will review the complete range of federal and state primary sources, 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. The process of researching these hypotheticals will provide students with an opportunity to review all the studied resources within the context of discreet substantive questions, 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, and (3) class participation. This course will meet for the first nine weeks of the semester.
Updated 3/22

B639 ALR: IN & IL Government Research ^^ (1) – Kiel-Morse, M.

Online (asynchronous) course; graded; no prerequisite (2-credit Advanced Legal Research recommended)

Planning to practice in Indiana or Illinois after graduation? In this 1-credit course, students will take a deep dive into Indiana and Illinois legal research. Topics will include a review of state legal research skills, with additional focus on state and local government research, legislative and administrative materials, practice materials, current awareness tools, and municipal research.

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 recorded lectures, readings, and tutorials. Students will be assessed through discussions, research exercises, and other material as assigned.
Updated 3/22

B639 ALR: Legislative & Regulatory Research ^^ (1) – Morgan, J.

Online (asynchronous) course; Graded; no prerequisite

Upon successful completion of this course, students will be able to . . .

1. U.S. Congressional Documents and Legislative History
 - a. Understand the federal legislative process
 - b. Describe U.S. Congressional documents and publications
 - c. Utilize the major sources of federal legislative history
 - d. Discern the relative hierarchical values of different sources of legislative history
2. Federal Administrative Regulations and Regulatory History
 - a. Understand the federal rulemaking process
 - b. Describe the construction and publication of federal regulations in all forms: proposed rules and final rules in the *Federal Register* and the codification of final rules in the *Code of Federal Regulations*
 - c. Utilize preambles and dockets for regulatory history research
3. Research Methods and Databases
 - a. Track and maintain awareness of federal legislative and regulatory planning and action, utilizing a variety of electronic and print tools

- b. Employ appropriate and effective research strategies and evaluation of sources, both print and electronic

Evaluation: Student performance in the course will be assessed using various types of written assignments (online discussions, research exercises, citation exercises, and quizzes).

Updated 3/22

B639 ALR: Research for Advocacy ^^ (1) – Ahlbrand, A.

While the heart of legal research consists of finding the law itself, there is much more research an attorney may conduct to prove her case before a finder-of-fact. In this 1-credit specialized legal research course, students will have the opportunity to explore some of these additional research tools that can be powerful evidentiary devices in advocating on your client's behalf. Topics may include such resources as how to garner demographic data in particular populations, how to locate and interpret crime statistics by jurisdiction, and how to conduct historical and multidisciplinary research to establish a pattern of treatment or behavior. Students will become familiar with a variety of databases beyond Lexis and Westlaw, as well as a number of free sources and research tools from organizations such as the Brookings Institution, the Urban Institute, and the Southern Poverty Law Center. By the end of the course, students will have a greater understanding of the broader scope of legal research, beyond the initial case assessment.

This course will be offered asynchronously over six weeks. Each week, students will have a variety of instructional content to digest on their own schedule, consisting of a combination of readings, recorded lectures, and other material, as assigned. You will be assessed through weekly quizzes and discussion boards, and a capstone assignment to be submitted in the final week on a social justice topic of your choosing. In addition to the practical implications of the sources and topics covered in this course, students working on a note for journal or taking a seminar that ends with the writing of a research paper in the fall semester may find this course a helpful complement to that scholarly work.

Updated 3/22

B642 Appellate Advocacy ^^ (1) – McFadden, L.

This Skills class is designed to prepare you for—and help you excel in—the 2022 Sherman Minton Moot Court competition. If you register for this course, you must also participate in the Competition. However, you are permitted to participate in the Competition without also registering for this course.

The course will be taught through a combination of asynchronous video lectures and live lectures. Multiple sections of the live lectures may be available to accommodate different 2L course schedules, and will likely occur in early evening or during the noon hour. The schedule is compressed so that students can complete the coursework before the end of October. The course will require practice rounds of oral argument before a panel of student judges, a short written briefing exercise, and both in-person and written self-assessments. There is no final exam.

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. 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.

Feel free to contact Prof. Lane McFadden (lanemcfa@indiana.edu) with any questions.
(Pass/Fail)

Updated 3/22

B643 Poverty Law ## (2) – Boys, S.

We are experiencing a time of extreme political divide in the United States. One of the most intense areas of debate surrounds entitlement programs. In this course, we will follow current political events closely and discuss the potential impact of various policy initiatives and the pandemic.

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

Readings will include pertinent cases, as well as social science literature assessing how legislation is being implemented and the consequences for low-income Americans. The course will conclude with a one-hour exam. An understanding of poverty cannot be attained in a classroom environment alone, so the course will also involve an investigatory research project.

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

Note: 3Ls have priority for this class

Updated 3/22

B645 Trusts & Estates (3) – Stake, J.

Trusts & Estates will cover functions and purposes of the law relating to donative transfers of assets, mostly across generations. Included will be purposes of donor control; intestate succession; execution, revocation, and revalidation of wills; creation, modification, and termination of trusts; construction of wills and trusts; the law relating to future interests, including the Rule against Perpetuities, and limitations on donative intent. 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 3/22

B649 State & Local Tax (2) – Blair, B.

State and local taxation provides a practical application of the Commerce Clause and Fourteenth Amendment to the modern business and regulatory environment. This course addresses the basic principles of state and local taxation, beginning with an overview of the three primary types of tax (state income taxes, sales and use taxes, and real property taxes) and exploring the restrictions on state taxation provided by the federal and state constitutions and select federal statutes. Several cutting-edge legal and policy controversies will be examined in depth, including the rise of e-commerce and its effect on the state and

local tax base. The second half of the course then delves deeper into the application of state income tax, covering how a taxpayer's income is allocated to and apportioned among states. The Hellerstein casebook will form the basis of the readings for the course, with select additional cases and materials provided over the course of the semester. Students may find it helpful to have taken Federal Income Tax, but that course is not a prerequisite for participation in this class.

Updated 3/22

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 2022, augmented by asynchronous materials. This is an introductory course with no prerequisites. This course is a prerequisite for most other tax courses.

Updated 3/22

B653 Corporations (3) – Kovvali, A.

This course surveys the legal rules governing modern American corporations, with a focus on the publicly traded corporations that dominate much of the U.S. business environment. Topics include agency law, business formation, limited liability, corporate governance, fiduciary duties, shareholder voting, derivative suits, corporate control transactions, and the purpose of the firm. A key theme will be the role of mandatory and voluntary arrangements in regulating the relationships of a firm's shareholders, directors, managers, employees, creditors, customers, and suppliers. There are no prerequisites or assumed business background for the course. Major aims for the course will include preparing students to undertake more detailed study in specialized business law courses, and to assist business clients in practice.

Updated 3/22

B655 Information Security & Data Governance Practicum ^^ (3) – Heck, Z.

Organizations of every size, industry, sophistication, and footprint traffic in data. Whether that data includes personally identifiable information, protected health information, trade secrets, intellectual property, or otherwise regulated data, legal and market demands require that all organizations develop and maintain governance over data. This course takes an interdisciplinary, interactive, global, and practical approach to introduce students to the practice of privacy and security within organizations. Rather than merely lecture on the importance of data mapping, policy development, and incident response planning, this course aims to teach you how to strategically approach these challenges while balancing both legal and business considerations.

Although it includes nascent legal issues in these fields including United States and international cybersecurity law and policy, the course is primarily concerned with the challenges of addressing those issues strategically within public- and private-sector institutions. Such challenges include managing regulatory governance across multi-national and multi-industrial organizations; best practices for mitigating security risks through administrative, technical, and physical safeguards; communicating effectively with executive

leadership; motivating employees while managing insider threats; identifying and responding to security incidents and government investigations; navigating due diligence concerns relating to cybersecurity in a given transaction or venture.

This class will explore these issues through hands-on experiential learning. Over the course of the semester, students will participate in interviewing client representatives relating to issues surrounding policy development, data mapping and classification, insurance negotiations, and incident response. In other situations, students will be assigned roles (such as Chief Financial Officer, Director of IT, Chief Operational Officer, in-house counsel, etc) in a fictional organization, to navigate the trials and tribulations of the decision-making process through those roles.

One prior course in Information Privacy Law I or II, or Cybersecurity Law I or II, is desirable, but not required.

Grading

Substantive grades will be based on performance through practical exercises as well as successful completion of a take-home exam comprised of essay prompts to be presented to the class by November 23, 2022.

The grade distribution for each assignment will be as follow:

- Privacy Policy: 50 points
- Mapping and Classification: 125 points
- Information Security Policy/Incident Response Plan: 125 points
- Incident Response Exercises: 100 points
- Take Home Exam: 400 points

Updated 3/22

B658 Law & Education: Legal Perspectives (3) – TBA

This course prepares students to: 1) identify legal issues occurring in public PK-12 schools so that you can formulate, articulate, and defend alternative solutions; 2) describe and analyze key principles of school/district policy as well as federal and state law and apply them to real life scenarios; 3) increase awareness about the importance of legal literacy for administrators, educators, 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 and ethical dilemmas; 6) communicate persuasively in oral and written form to advocate for themselves, colleagues, students, school, and district; and 7) analyze diversity, equity, inclusion, social justice, and ethical issues involving but not limited to: socio-economic status, race, ethnicity, national origin, language proficiency, disability, sexual orientation, gender identity, and sex. 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 class meets according to School of Education regulations & calendar

Updated 3/22

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 class meets according to School of Education regulations & calendar
Updated 3/22

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

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 class meets according to School of Education regulations & calendar
Updated 3/22

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

This fall the course will focus on various sorts of inequality evident in American history. Several weeks will be devoted to a good portion of Capitalism and Ideology, by Thomas Picketty. Otherwise, the reading assignments will, respectively, range far and wide in focus. And 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 3/22

B662 Copyright Law (3) – Leaffer, M.

This course provides an introduction to federal copyright law, beginning with a historical overview and leading to current day developments. Matters to be covered include the nature of protected subject matter, the idea-expression dichotomy, duration, the bundle of rights conferred by copyright, joint works, works made for hire, fair use, and remedies for infringement. Special attention will be paid to technological developments affecting copyright, including issues related to computer software and the Internet.
Updated 3/22

B665 International Law (3) – Lubin, A.

Public International Law (PIL) is the branch of law regulating interstate relations and the relations between states and international organizations, transnational corporations, paramilitary armed groups, non-governmental organizations, and individuals. This survey course introduces students to the basic elements of PIL: its sources, subjects, and fundamental principles. Throughout the course we will explore the constitutive processes that make up the world order, examining the key actors and functions in the development and application of international law.

The course will be broken into two parts. In the first half we will spend significant time discussing the basic structures and features of PIL. This section will cover, among other things, the rules governing treaty law and customary law, the formation and responsibility of nation-states, the special role of international organizations and individuals in the international system, the relationship between international law and national law, and the jurisdictional scope of adjudicative bodies entrusted with the peaceful resolution of conflicts.

The second half of the course will delve deeper into specific subfields of law, exploring the manifestations of PIL's general structures and features in specific contexts. In this portion of the class we will explore, among other issues: sovereignty and the contingencies for the use of force, modern human rights law and the mechanisms for their international protection, the crises in managing our international economic infrastructures, international humanitarian law and individual criminal liability for violations of the laws of war, and the law governing old and new spatial frontiers: the high seas, the environment, and cyberspace.

Students completing the course will acquire substantial knowledge of the rules, current debates, and institutional designs that form part of doctrinal PIL. They will further be able to formulate critical arguments and counterarguments surrounding the broader aspirations of governance and humanity that are so intrinsic to modern international law and international problem-solving.

Course grades will be based on two take-home quizzes and an in-person, open-book final examination. Students will be expected to acquire a copy of the following casebook: JENS DAVID OHLIN, INTERNATIONAL LAW: EVOLVING DOCTRINE AND PRACTICE (2nd ed., 2021). The course has no prerequisites, and no prior knowledge will be assumed.
Updated 3/22

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 3/22

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:

- T. Alexander Aleinikoff, David A. Martin, Hiroshi Motomura, Maryellen Fullerton, Juliet Stumpf, and Pratheepan Gulasekaram *Immigration and Citizenship: Process and Policy* (West Publishing 9th ed. 2021)
- Statutory Supplement (2020) – available on line and in hard-copy
- Please also go to 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 3/22

B675 Public Natural Resources ## (3) – Fischman, R.

This course meets the graduation requirement for an upper-level course in which writing is used as a means of instruction.

This course examines the tension between public control and private interests in resources on federal lands, such as national forests. It begins with a historical overview of the development of the patterns of resource ownership, policies toward resource development, and relevant legal doctrines. Building on this historical foundation, we will discuss federalism in resource regulation, proprietary management models, planning, separation of powers, and judicial review. We will study these issues in the context of the federal laws and policies governing mineral, energy, timber, recreation, and wildlife resources. Most of these issues involve the federal lands in the American West. We will address the fundamentals of this field as well as current controversies including state/local claims to control federal lands, energy permitting, access to resources, and privatization. Students seeking more detail on topics can [view an outline here](#).

Class grades will be based on a variety of assessments, emphasizing short writing assignments. There will be no final exam.

Graduate students in conservation fields will take the same class under a different, cross-listed number. All students will engage in some small-group collaborations containing a mix of both law and non-law grad. students.

There are no prerequisites required for this course, though Administrative Law is very helpful. Most required reading will be from the casebook, *Federal Public Land and Resources Law* (8th ed. 2022) ISBN 978-1-68467-240-0. Please make sure you get the 2022 edition. The older edition is terribly out of date!

Updated 3/22

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 3/22

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 3/22

B691 Family & Children Mediation Clinic ^^ (3-4) – 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 2022 semester, meets for class on Thursday mornings in addition to preparation for mediation practice and actual mediation fieldwork on other agreed days and times. The clinic is available to six (6) students in this semester. Through this program, 2L and 3L 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.

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.

Clinic classes will be in person.

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 for five consecutive hours, (b) Wednesday for five consecutive hours, or (c) Thursday from 1:00 to 6:00 p.m. Some weeks, however, there will be intakes rather than negotiations; in those weeks, field work typically lasts 3 hours. In some weeks, when there are negotiations, the field work may extend beyond the hours planned for it. 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 2022 semester, mediation practice 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 negotiation sessions in their mediations; they will also need to follow up with necessary documentation and paperwork after sessions. Students will do this work with their co-mediator and/or student mentor.

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. These meetings will typically be in person at the clinic. 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 2021 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 to confirm their ability to meet the

scheduling requirements. Students may enroll in the clinic after receiving advance approval from Professor Applegate.

Updated 3/22

B698 Judicial Field Placements ^^ (1-3) – TBA

The Judicial Field Placement provides an opportunity for second- and third-year students to receive academic credit for their work with a judge in chambers.

- COURSE GOALS

The student will work with judges, clerks, and court staff in a judicial setting, and gain insight into how a chambers runs and how the judge and their staff work together to serve the court. 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. 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)

Successful completion of the 1L curriculum.

- STUDENT ROLE

The student's role in this course will first and foremost consist of working as an extern at their court. 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 hearings, trials, and conferences.

Students are required to work 52 hours for each academic credit earned (*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.

- APPLICATION METHOD

For assistance with finding an externship, please work with your CSO Advisor. Faculty approval prior to registration is required. Students interested in this externship course are encouraged to contact Dean McFadden (anmcfadd@iu.edu).

Once you have secured a position, getting set to work for credit is a fairly simple process: You need to complete the Externship Permission Form on CareerNet, which can be found under the Externships tab on the left side of your homepage. We'll review and approve the externship, and then you'll enroll in the relevant course for the semester during Registration or during the Drop/Add period.

- MATERIALS

The Syllabus and any additional reading materials and assignments will be posted on this course's Canvas page.

- ADDITIONAL INFORMATION

Before signing up for an externship course, please be sure review the [Faculty Policy on Field Placements](#).

For additional questions, contact Dean McFadden (anmcfadd@iu.edu)

NOTE: 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.

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 3/22

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) covers the academic and constitutional background to privacy, the intersection of privacy and free speech, the intersection of privacy and 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 most likely have a take-home essay exam that is distributed the last day of class and will be due before the exam period starts, instead of an in-class exam during exam period. Class participation is also a component of the final course grade. If you have questions, please contact Prof. Tomain: jtomain@iu.edu
Updated 3/22

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 learn to value a mixed-use parcel from an income perspective, and familiarize themselves with basic lender qualifying models, title insurance review, as well as the drafting and review of all aspects of the acquisition process, the acquisition contract, and triple net leases.

The drafting instruction starts with the “nuts and bolts” of contract drafting and proceeds 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.

The first few weeks of this course will be taught together with Professor Milne’s B709 Transactional Drafting: Corporate Contracts course and will cover the “nuts and bolts” of contract drafting. Thereafter, this course will separate from the Corporate Contracts course and will focus on the real estate acquisition process and documents.

Note: 3Ls have priority for this class
Updated 3/22

B709 Transactional Drafting: Corporate Contracts ^^## (3) – Milne, D.

In this course, students will learn transactional drafting skills through a focus on contracts they would be asked to draft in a corporate counsel role, including an employment agreement, independent contractor agreement, purchase/sale agreement, and asset purchase agreement. This course will cover the relationship between the business and legal aspects of these types of contracts through addressing real scenarios that occurred in corporate practice. Students will learn how the drafting and review process works, how each party manages risks and meets goals, and how to avoid pitfalls in drafting.

Students will study both stylistic and legal conventions and their relationship to one another, as well as how to balance risks and opportunities and draft clear contract provisions that minimize ambiguity and control risks. The course is useful to any student who will be drafting and negotiating a wide array of contracts in his or her legal career.

The first few weeks of this course will be taught together with Professor Need's B709 Transactional Drafting: Real Estate course and will cover the "nuts and bolts" of contract drafting. Thereafter, this course will separate from the Real Estate course and will focus on the types of contracts students will see in a corporate setting during their practice.

Updated 3/22

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 Risk Management MS Students, the Clinic can fulfill any concentration requirement. For JD Students, the Clinic fulfills the skills requirement.

Updated 3/22

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 3/22

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

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

Evidence and Trial Advocacy are prerequisites.

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

Updated 3/22

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

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

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

Updated 3/22

B723 Evidence (3) – Eaglin, J.

Evidence law regulates the proof of facts at trial and reflects the construction of courtroom "truth." In this course, we will examine the Federal Rules of Evidence and explore some aspects of their practical application. The course will cover: relevance, character, impeachment, and hearsay. 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. This course will include a final exam.

Updated 3/22

B727 Securities Regulation (3) – Nagy, D.

This course provides an overview of the federal securities laws and focuses primarily on the Securities Act of 1933. Topics include the definition of a security; underwriting and the registration process; transactional exemptions such as private placements; secondary distributions; and civil and criminal enforcement as well as private rights of action for Securities Act violations. Transactional problems are used to explore the statutory provisions, SEC rules and regulations, federal court cases, and other sources of securities law (or "lore") referenced in the assigned reading. Students are expected to work through specified problems in advance of class and to come prepared to discuss their answers/solutions. The transactions we cover run the gamut from start-up businesses seeking to raise capital from family and friends, to initial public offerings (IPOs), to new issues of securities by some of the world's largest public companies. Grading will be based on a final exam, as well as preparation for and participation in class.

Co-requisite or pre-requisite: Corporations (B653). This course can be taken in the second or third year.

Updated 3/22

B729 Antitrust (3) – Knebel, D.

The “antitrust laws” are statutes enacted with the goal of promoting free and unrestrained competition among businesses in order to assure the lowest prices and highest quality to consumers. Although the basic goals of the antitrust laws are reasonably clear, their application to specific situations is often much less so because the statutes themselves are short and written in cryptic language that has required a great amount of interpretation by courts. That interpretation has been affected by political and economic considerations that have changed over time. Every attorney with business clients needs to know about the antitrust laws to help those clients avoid the often draconian penalties for violating them. Attorneys representing consumers need to know how to use the antitrust laws on behalf of those consumers. Consequently, the course will seek to develop an understanding not only of the specific rules applicable to business activities but also to understanding the legal and economic principles that underlie those rules so that practitioners, even if they do not concentrate their practices in this area, are able to identify possible antitrust issues. This course will also look at the application of the antitrust laws to specific business activities, including horizontal and vertical price fixing, mergers and joint ventures, monopolies and predatory practices, price discrimination, tying arrangements, restrictions on customers and anti-competitive litigation.

Updated 3/22

B733 Federal Jurisdiction (3) – Robel, L.

This course addresses the role of the federal courts in the U.S. system of federalism and separation of powers, as well as their role in the development of substantive federal law and constitutional rights. These roles are defined by both constitutional and statutory directives and limitations. Many of them implicate central themes of judicial supremacy and judicial review. The subjects likely to be covered include congressional control of the jurisdiction of the Supreme Court of the United States, lower federal courts, and state courts; the justiciability doctrines of standing, ripeness, and mootness; the nature of constitutional and statutory federal question jurisdiction; sovereign immunity; the abstention doctrines; and habeas corpus. The course is strongly recommended for students interested in pursuing a federal judicial clerkship and/or a career in litigation.

Updated 4/22

B734 Advocacy: Moot Court Board ^^ (1) – McFadden, L.

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 2022 Advocacy Board solicitation. Feel free to contact Prof. Lane McFadden (lanemcfa@iu.edu) with any questions. (Pass/Fail)

Updated 3/22

B734 Advocacy: Trial Teams ^^ (1) – McFadden, L.

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. Lane McFadden (lanemcfa@iu.edu) with any questions. (Pass/Fail)

Updated 3/22

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. Registration is not required for teams such as the IP moot court teams, which 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 Prof. McFadden or the relevant faculty advisor for that competition. Credit is awarded on a pass/no-pass basis. For more information, please <https://law.indiana.edu/students/advocacy/external.html>. Please contact Prof. Lane McFadden (lanemcfa@iu.edu) with any questions.
Updated 3/22

B734 Advocacy: IP Moot Court ^^ (1) – Janis, M.

This course is the for-credit component of students' participation on one of the IP Moot Court teams, which include AIPLA, INTA, Oxford International IP Moot, IP LawMeets, and the International Patent Drafting Competition. Enrollment is by permission of the instructor only. Before enrolling under this course number, please confirm your participation on the IP Moot Court Team with the CIPR Administrative Director, Rebecca Keough (rdeggles@iu.edu).
Updated 3/22

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 3/22

B736 Strategic Business & Tax Planning (2) – Rego, S.

This course explores how and why taxation (primarily *income* taxation) affects business decisions. For students considering a career "in tax", this course should be beneficial because it takes the perspective of the business decision-maker, not the tax professional. Thus, it will provide you with a broader perspective than is typical in a "tax" course. In fact, the course is designed primarily for a "non-tax" professional, i.e., someone that needs to understand how to incorporate tax planning into their decision-making. This course is recommended for law students that are interested in transactional planning (e.g., mergers and acquisitions), as well as those that would like to have a well-rounded understanding of business law. This course is only offered in the second 7-weeks of the fall semester and will meet twice a week at the Kelley School of Business and according to the Kelley School calendar.

After completing this course students should be able to:

1. Distinguish between basic tax planning strategies.
2. Understand and anticipate how taxes affect asset prices.
3. Recognize that tax issues affect business outcomes (and thus should influence business decisions) including decisions related to:
 - a. Investment decisions (e.g., tax rates and investment horizon).
 - b. Organizational structure (e.g. corporation vs. partnership).
 - c. Financing the business (e.g. debt vs. equity).
 - d. Mergers and acquisitions (e.g., taxable vs. tax-free).

- e. Employee compensation (e.g., cash vs. stock-based compensation).
- 4. Understand the difference between marginal tax rates and effective tax rates and know how/when to use both concepts.
- 5. Incorporate tax issues into financial decision-making, including but not limited to:
 - a. Tax rate changes.
 - b. Tax rate differentials across different
 - i. Types of income (e.g., capital gains vs. ordinary income).
 - ii. Types of activities (e.g., business vs. investment).
 - iii. Types of entities (e.g., corporation vs. pass-through).
 - c. Deferral/acceleration of revenue and expense.
 - d. Net operating losses.

Note: This course meets according to Business School regulations and calendar
Updated 3/22

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 3/22

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

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

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

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

No final exam.

The grade is based on:

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

Updated 3/22

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 class

Updated 3/22

B782 Introduction to Environmental Law (3) – Fischman, R.

This course introduces students to the federal regulatory regime developed in the United States to address pollution-control problems. Although the course will touch on common law approaches, the primary focus will be on key concepts and issues in the design, implementation and enforcement of the major federal environmental statutes. We will emphasize cross-cutting issues, such as environmental justice, federalism, standard-setting, permitting, public health protection, and cost-benefit balancing. We will cover the National Environmental Policy Act, Clean Air Act, Clean Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation and Recovery Act ("Superfund").

Students interested in the Endangered Species Act should take Wildlife Law. Students interested in ecological conservation and natural resources development should take Public Natural Resources Law. Students interested in allocation of water resources should take Water Law.

Students will be assessed with two take-home exams (a lower stakes midterm and a higher stakes final). There are class participation requirements as well. There is no prerequisite required for this course, though Administrative Law is very helpful.

The required casebook, Glicksman et al., Environmental Protection: Law and Policy (8th ed. 2019) (ISBN 9781454899617) is available in electronic format from the publisher, Wolters Kluwer. I don't know whether it is cheaper to purchase only the electronic version, but that is fine with me if students prefer not to lug around a hardcover print edition.

Updated 3/22

Seminars:

B592 Law & Political Theory: Institutional Analysis of Social-Ecological Systems ** (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 2022 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.

Note: This class meets according to Political Science regulations and calendar
Updated 3/22

L690 Seminar in Corporate Law: Climate Change & Corporate Accountability ** (3) – Williams, C.

Climate change touches on so many aspects of legal practice that it has become a new, rapidly emerging field of law. Almost every major law firm in the U.S. is adding capacity to advise companies on climate change and its business implications, to address voluntary and required climate and environmental, social, and governance (ESG) disclosure, and to represent companies in litigation. Conversely, an emerging global network of NGOs and public-interest law firms is using corporate and securities law to motivate changes in companies' behavior regarding climate change, collaborating with activist investors to use advocacy tools such as shareholder proposals, through to regulatory complaints, litigation, and books and records requests. As the impacts of climate change increasingly disrupt business, as policymakers and markets respond to accelerate the transition to a net zero emissions economy, the field of law is only going to grow in importance. On March 21, 2022, the SEC proposed new disclosure requirements for climate and ESG data. And data on climate litigation to date show that at least 1,550 cases involving climate change have been brought globally as of the end of 2020. Of these, 1,200 have been brought in the U.S.

In this seminar, we will survey this emerging field, concentrating on studying (1) the evidence of climate change as a financially material risk; (2) analysis of the categories of climate change cases being brought in litigation in the U.S. and globally; (3) the SEC's climate disclosure initiative, and (4) specific corporate and trust law analyses under existing law that suggest considering climate change is part of officers,' directors,' and pension fund trustees' fiduciary obligations regarding strategy, risk management oversight, portfolio construction, and engagement. See the Commonwealth Climate and Law Initiative (CCLI), a

project started at Oxford University, <http://www.ccli.ouce.ox.ac.uk> , which Prof. Williams participates in globally, in the U.S. and in Canada, and on whose board she sits.

This seminar will be taught during the first six-weeks of the Fall semester. A number of guest speakers will participate from CCLI, and from the Climate Bonds Initiative (CBI), a London-based charity that is developing voluntary standards for the use of proceeds for bonds to fund the transition to a net-zero economy.

Evaluation

Class participation: 10%. Attending regularly and participating based on reading and thinking about the reading will constitute excellent participation.

Paper: 90%. The paper for the seminar will qualify for upper-level writing credit for the J.D. students. I am happy to brainstorm with students about possible topics, if you get stuck, and also happy to discuss your topic with you to suggest sources and so forth even if you are not stuck.

Updated 3/22

L712 Seminar in Int'l Law: Russia & Ukraine: Law, Power & Global Order ** (3) – Waters, T.

The Russo-Ukrainian war is likely to be one of the defining conflicts of the early 21st century. Its long development and violent metastasis have both shaped and challenged the contemporary legal and political order – including the nature and regulation of war, the role and relevance of international institutions, and ideas about statehood, sovereignty and global order.

This seminar uses the Russo-Ukrainian conflict as a case study of how international law and relations work, or don't. Through examination of particular episodes in the conflict, students will consider such problems as when force can be used, how and by whom; the recognition of states and governments; the role of non-state actors in conflict; citizenship and the treatment of refugees; the punishment of wrong-doing; the process of making law; and ideas about a shared normative community.

Students will write a research paper. No prerequisites; students from across the university welcome.

Updated 3/22

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 3/22

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

This seminar will focus on the law's role in shaping technology and creative expression. The central theme of the class is intellectual property with a special focus on patents, copyrights, trademarks, and trade secrets. Around that theme, the class explores related fields and disciplines such as privacy, economics, informatics, and health. Approximately six scholars/commentators will visit campus during the semester to present wide-ranging

examples of interdisciplinary works-in-progress to seminar students. Drawing upon these examples of interdisciplinary IP scholarship, students will craft their own articles over the course of the semester. During class sessions, students will study and discuss the visiting scholars' works-in-progress and relevant background readings, and attend the visiting scholars' presentations and pose questions to each presenter. Prior or concurrent enrollment in at least one intellectual property course is a prerequisite.

Updated 3/22

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 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 particular countries, including 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.

Updated 3/22

L763 Seminar in Environmental Law ** (3) – Weeks, W.

The Seminar in Environmental Law aims for the participants to gain an in-depth understanding of several environmental issues, laws, regulations or lawsuits of current public interest. We read and discuss articles, analyses, or primary materials such as briefs, opinions, and federal register notices chosen for their relevance to the issues we are studying. In addition, toward the mid-point of the semester, students will choose a topic in environmental law as the subject for their personal research, analysis, and writing. During the last few meetings of the Seminar, students will lead a discussion based on their work, as well as complete and turn in a polished and substantial paper of 20-30 pages on the topic they have chosen.

Updated 3/22

L764 Seminar in Law & Technology ** (3) – Marinotti, J.

The Seminar in Law and Technology explores the legal questions, innovative solutions, and potential risks raised by the changing landscape of emerging and disruptive technologies. Topics covered may include e-commerce, cybersecurity, biotechnology, geoengineering, cryptocurrencies and blockchain, social networks, space exploration, content moderation, artificial intelligence, big data, cloud computing, and augmented/extended reality, among many others. These technologies have changed—or promise to change—society in foundational ways. In the seminar we will discuss how law should respond to or guide such changes. The seminar will examine both top-down regulatory approaches and the process of bottom-up norm creation and adoption. The seminar will involve external expert speakers discussing academic works-in-progress to expose students to some of the most pressing issues of our time. Students will be expected to read the assigned academic papers (or works-in-progress) for each class, prepare discussion questions, participate in class, and finally turn in a research paper at the end of the term on the topic of their choice. The course is open to anyone interested in learning more about this topic; there are

no prerequisites and no technological background is needed.
Updated 3/22

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

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

Updated 3/22

L770 Seminar in Comparative Law: Chinese Law ** (3) – Wang, H.

Chinese law is complicated. From a perspective of comparative study, Chinese law at least has three dimensions. First is the traditional dimension, culture and history, which is deeply intertwined with the Confucianism, China's long history, and the influence of the continental law, Soviet Law and the common law systems in the modern era. The second dimension is law and politics, as China is an authoritarian regime. Chinese law is always in the shadow of and serving for the interest of its ruling authority—the Chinese Communist Party since 1949. The third dimension is development. The policy of "Reform and Opening Up" started an economic miracle in China, making it the second largest economy nowadays in the world, only second to the United States. For about forty years since 1979, massive capitals and hot moneys flowed in and out of the country made China either the birthplace or among front runners of emerging industries like digital and platform economy, cryptocurrencies and NFTs, Metaverse, and auto-drive, etc., which is accompanied by enormous legal challenges and numerous new regulations.

This seminar of Comparative Chinese law will briefly cover the first and second dimensions, and then dive into studying the third dimension. Topics to be covered include 1) Legal challenges and responses of the Chinese authority to digital economy, Cryptocurrencies, Metaverse and NFTs; 2) E-Justice Revolution – development of judicial blockchain, intelligent court and online trials in China; 3) Regulations on algorithms and data; 4) Legal risks and Chinese regulations on auto-drive; 5) The role of Supreme Court of China in judicial reforms; 6) Practicing law in China: American law firms in mainland China and Hong Kong; 7) Compliance in China: how Multinational Corporations survive in China; 8) Capital markets and regulations in China; 9) Antitrust Law in China; 10) Intellectual Property risks and protection in China; 11) Private Asset Management and inheritance in China.

This seminar will invite a number of Chinese legal scholars and experienced practicing lawyers as guest speakers to join the class either in person or via Zoom, to share their expertise and discuss with the students. The goal of the seminar is to help students better understand Chinese law from a comparative perspective and develop a scholarly paper (of 20-30 pages) on a topic of interest. It is intended to be inviting to individuals both with and without prior study of China.

Updated 8/22

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

This seminar will cover assorted topics relating to the law, theory, and policy of taxation and public finance—both in the United States and internationally, and at both the federal and the state and local levels. The specific topics covered will depend primarily on students'

interests and choices for paper topics. Students will be required to write a seminar paper of at least twenty pages in length. Students will be expected to present their seminar papers to the class and also to write and present a series of short critical reaction papers analyzing supplementary readings and sources found while researching their seminar papers. Students will be graded primarily on their seminar papers, and secondarily on their presentations, critical reaction papers, and on class participation; there will not be a final exam. Students will be expected to perform as active participants in learning and analyzing the course materials, both in preparation for class sessions and during class discussions. The emphasis will be on improving lawyerly skills as related to tax policy topics. There are no prerequisites for this course. Students may find it helpful to have previously taken or to be concurrently enrolled in the Income Tax course, but this is not required. Similarly, students wishing to take the Income Tax course may find it helpful to have previously taken or to be concurrently enrolled in this course. 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. This seminar is designated as a course "addressing issues of systemic racism and social justice", with "less primary focus" on these topics, but including "relevant readings or discussion." There will be ample opportunity to discuss and engage with such topics to the extent that students so desire. However, because this is a student-driven course designed around students' choices of topics, the extent of such coverage—as well as the extent of coverage of other possible topics related to taxation and public finance—will depend primarily on the interests of the students enrolled and their choices for paper topics.

Updated 3/22

L776 Seminar in Criminal Law: Abolitionist Theory, Policy & Praxis ** (3) – Thusi, I.

In the summer of 2020, we witnessed nation-wide social uprisings spurred by yet another tragic iteration of police violence that, for many, lay bare the scourge of structural racism as a relenting plague in American society. Though the surge in national protests and abolitionist organizing was unprecedented, the work of abolitionist organizers is not new. For decades, abolitionist theorists and organizers have worked to discredit widespread justifications of punishment as necessary responses to all manner of social problems. As scholars and organizers, including prominent abolitionist scholars Angela Y. Davis and Ruth Wilson Gilmore, have argued the prison industrial complex (PIC) must be understood as part of a larger social, political, and economic context that.

This seminar explores abolition theory and abolitionist movements for change. The seminar will examine the objectives and methods of those pushing for transformative change and abolition across the country. We will explore the tensions and choices made between reformist and abolitionist efforts; abolitionist feminism as a response to carceral feminism; abolitionist methodology, including its historical analysis of race-, gender-, disability- and class-based subordination, racial capitalism, and settler colonialism; past abolitionist movements in the context of apartheid and slavery; current and potential failures and/or backlash; and the viability of policies and practices that can be characterized as abolitionist, or non-reformist reforms.

Updated 3/22

L796 Seminar in Law & Medicine ** (3) – Madeira, J.

This course addresses controversial issues arising from the interface and relationship between law and medicine, focusing in particular upon the nature of illness, legal dimensions of the doctor-patient treatment relationship, informed consent, experimental health care, access to health care, compelled surgery and testing, reproductive rights and assisted reproductive technologies, death and dying, organ transplantation, and current topics such as vaccinations and stem cell research and other biomedical advances. Class

discussions will be devoted to these issues' legal, ethical and social implications and how the law can be of constructive use in clarifying debates and solving challenges. Grading will be based on participation, class assignments, and a seminar paper.
Updated 3/22

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 3/22

L799 Seminar in Con Law: Constitutional Interpretation & Democracy ** (3) – Sanders, S.

To understand the law of the Constitution, it is necessary to understand the debates over how the Constitution should be interpreted. The two best-known, and competing, theories of American constitutional interpretation are typically called “originalism” and “the living Constitution” (or dynamic constitutional interpretation). Those labels are something of an oversimplification, as there is considerable diversity and disagreement within these two camps as well as between them.

In this seminar, we will read the discuss works by some of the most prominent and interesting proponents, as well as critics, of various forms of originalism and of the dynamic/living constitution theories. We will also venture beyond those particular debates to consider a few related questions concerning the role of courts in a democracy, such as: Should the Constitution be “majoritarian” or “counter-majoritarian”? How do social movements and changing public attitudes affect Supreme Court decision making?

Readings will consist of articles and book chapters distributed via Canvas. Grading will be based on a seminar paper (proposal, first draft, final draft) and contributions to our weekly seminar discussions. The seminar may be especially useful for students seeking to write a journal note and/or wishing to prepare a substantial writing sample for judicial clerkship applications.
Updated 3/22

L799 Seminar in Con Law: The Territories ** (3) – Fuentes-Rohwer, L.

This seminar will explore questions about the status of the territories under the US Constitution. Our lens will be the *Insular Cases*, a set of decisions by the Supreme Court from 1901 to 1922 that legitimized the nation’s march towards empire. The seminar will examine some of the leading issues and questions in constitutional law, including: the nature and scope of congressional powers; the status of the U.S. Supreme Court as a member of the ruling coalition; equal protection; the inherent powers doctrine and its racist underpinnings; and birthright [statutory] citizenship. The reading assignments will include cases, histories and contemporary accounts, and congressional debates. This seminar should interest students of American history, constitutional law, democracy theory and race.
Updated 3/22

