Spring 2022 Course Descriptions 11/1/2021

## 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/skills requirement (Academic Regulations 2.1 (5))

**B506 Climate Law & Policy (3) – Chenyang**

This course, open to both law and graduate students, provides a broad overview of climate change law and policy. Along with lessons on the science of climate change and its expected socio-economic consequences, the course will focus on surveying federal, state, municipal, and private efforts in the United States to address anthropogenic climate change as well as proposed solutions. The course will also consider the legal implications of climate mitigation and adaptation, as well as efforts to assign legal responsibility for climate change-related harms. The goal of the course is to prepare students to engage effectively as lawyers and policy makers in the developing field of climate law and policy.

Suggested prerequisite courses include Environmental Law & Policy. Students will have the option of writing a final paper or a take-home essay exam.

Updated 10/21

**B514 Private Practice Externship ^^ (1-3) – Violi**

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 Lauren Violi (lvioli@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, which can be found as Appendix K to the Student Handbook.

For additional questions, contact Lauren Violi at lvioli@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 10/21

**B515 Access to Justice: Project Management**

This course in Access-to-Justice Project Management harnesses the theory and practice of project management and human-centered design to advance and complete projects relating to access to justice. In this course, teams of students will learn the theory and practice of project management and apply them to one of three projects.

The first and second projects relate 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. As 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

1) The first team will partner with the Indiana Office of Judicial Administration to propose recommendations on how to improve online civil proceedings for unrepresented persons. The project will entail phone interviews and Zoom focus groups with unrepresented persons who attended these online hearings and the preparation of a memo to the Indiana Office of Judicial Administration.

2) The second team will partner with the Coalition of Court Access and a liaison from Faegre Drinker Biddle & Reath LLP to propose recommendations on how to use online civil proceedings to increase the participation of Indiana attorneys at law firms engaged in pro bono and thereby to increase the percentage of persons who have representation in civil hearings. The project will entail phone interviews and Zoom focus groups with lawyers conducting pro bono and the preparation of a memo to the Coalition for Court Access and the Indiana Bar Foundation.

3) The third team will partner with Citizens Discourse (http://citizendiscourse.org) to create a curriculum that can be implemented in law schools to enhance the social emotional intelligence of students and to foster a community of trust, belonging and civil discourse, essential to encouraging the inclusion of diverse voices in the design process. The project will entail learning the Citizens Discourse skills and applying them, and then preparing a memo to Citizens Discourse describing how the program can be woven into the law school curriculum.

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 is an experiential course in which students implement actual access-to-justice service learning projects with the goal of providing project deliverables (e.g. memos to stakeholders) by May 2022.

The course satisfies the professional skills 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. If you are interested in enrolling, please contact Professor Victor Quintanilla at vdq@indiana.edu. In your request, please indicate your preference for the project that you are most interested in advancing and provide a brief explanation of why, which will ensure that you are matched with the project of most interest.

Updated 10/21

**B519 State Constitutional Law ## (2) – Fisher**

Nowadays, stiff challenges to state laws come not only from federal lawsuits but from claims arising under state constitutions. From abortion regulation to school vouchers and more, much of the interesting doctrinal development in constitutional law is happening at the state
Level. State Constitutional Law will explore constitutional history, texts, principles and precedents from various states, especially including but not limited to Indiana. For students interested in constitutional law generally or state government specifically, this two-credit-hour course will provide important tools for future practice.

Updated 10/21

B532 Federal Circuit Advocacy ^^ ## (2) – Castanias
Description to Be Provided

B534 Civil Procedure II (3) – Geyh
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.

Updated 9/21

B536 Health Privacy Law (2) – Crosley
Description to Be Provided

B544 IP Transactions (2) – Mattioli
Through case studies, class exercises, and in-class discussions, this course introduces students to the theory and practices of IP transactions. In addition, agreements adapted from practice and copies of publicly available deal papers will be used as the basis for in-class exercises. As the course progresses, the complexity and depth of these exercises will expand from discrete topics to fact patterns that take several sessions to work through.

Updated 10/21

B545 Criminal Law Externship ^^ (1-3) – Violi
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 Lauren Violi (lvioli@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, which can be found as Appendix K to the Student Handbook.

For additional questions, contact Lauren Violi at lvioli@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.
B547 Public Interest Externship Program ^^ (1-3) – Violi

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 Lauren Violi (lvioli@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, which can be found as Appendix K to the Student Handbook.

  For additional questions, contact Lauren Violi at lvioli@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 10/21

**B551 IP Externship ^^ (1-3) – Violi**
The Intellectual Property Externship program consists of a series of externship opportunities developed and administered by the law school in connection with the Center for Intellectual Property Research. The number and type of externships will vary from semester to semester, and some may be available during the summer. Intellectual Property externship opportunities will be posted at designated times during the fall and spring semesters. Students will ordinarily apply directly to the externship hosts, who will be responsible for selecting externs. Student externs will then enroll in the Intellectual Property Externship course. Prerequisites will vary, depending upon the externship.
Before signing up for an externship course, please be sure review the Faculty Policy on Field Placements, which can be found as Appendix K to the Student Handbook.

- **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.

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 10/21

**B554 Legislation (3) – Widiss**
Statutory law has replaced common law as the principal source of many legal rights and obligations. Almost any area of law (e.g., bankruptcy, employment law, tax, intellectual property, commercial law, family law) is governed at least in part, and often in large part, by statutory law. Accordingly, it is essential for lawyers to be able to interpret statutory provisions and to be able to use the conventions of statutory interpretation to argue on behalf of clients.
This course will provide a systematic introduction to the legislative process and to the rules and customs judges use to interpret statutes. The course provides practical training in the process of statutory interpretation and a deeper exploration of what theories of interpretation best serve our constitutional democracy. Students will be required to engage in a legislative drafting exercise and to complete other credit/fail assignments during the course of the semester. Grades will be based primarily on performance on an in-class open-book examination, but performance on the assignments and class participation may also be taken into consideration.
Updated 10/21
**B558 Conservation Law Clinic ^^ (3) – Freitag / Hyman**
Description to Be Provided

**B561 Elmore Entrepreneurship Law Clinic ^^ (3) – Need**
The Elmore Entrepreneurship Law Clinic is designed to provide students the unique opportunity to work on actual business formation, planning, and strategy issues in a multidisciplinary setting. Students interested in transactional law practice, advising entrepreneurs, or becoming entrepreneurs are typical candidates for participation in the Clinic.
The Clinic operates much like a small law firm, with Clinic interns working under the supervision of the Clinic Director, providing legal and business consulting to a variety of early stage companies. Client projects vary widely, but frequently include advising clients on appropriate business form; drafting necessary formation documents; obtaining permits and licenses; negotiating contracts and leases; and providing business planning advice. Students frequently have opportunities to review and provide feedback on business plans of actual startups.
Clinic interns meet with the Director in groups or individually to review project status and to discuss experiences and concerns. Clinic interns also attend a two-hour class each week.
The course surveys typical legal issues affecting entrepreneurial enterprises, including choice of entity issues; ownership and governance issues; employment issues; operational liabilities and insurance issues; financing issues; and employment issues.
Strongly suggested prerequisites for participation in the Clinic include Corporations, Corporate Taxation, and Business Planning, or equivalent preparations as determined by the Director. Per Indiana Supreme Court Rules, students participating in the Clinic must also have completed or be in enrolled in a Professional Responsibility course. 3Ls or 4th-year JD/MBAs only. Enrollment in the clinic is limited, so students must, at or prior to enrollment, submit a current resume and a brief statement of interest to the Director by email in order to obtain permission to participate, and proceed to enroll in the course while awaiting approval.
Updated 10/21

**B564 Pretrial Litigation ^^ (2) – Price**
In today’s litigation world, where only a miniscule percentage of civil cases actually go to trial, litigators devote the vast bulk of their time and effort to pretrial proceedings. This course will address those aspects of civil litigation – from the pleadings through summary judgment and settlement negotiations. We will look in detail at the real-world issues that arise in pretrial litigation, with the goal of understanding best litigation practices to achieve the most favorable outcome for the client.
The framework of the course will be a close examination of the meaning and use in practice of the relevant Federal Rules of Civil Procedure, along with cases and articles dealing with specific litigation issues. We will also discuss some of the Rules of Professional Conduct that apply to the conduct of litigation.
In addition to the class sessions, the course will have a series of practical writing assignments designed to replicate pre-trial proceedings as well as out-of-class clinical exercise, a deposition, with review of the students’ performance by experienced lawyers. The course will be graded based on class participation and the out-of-class assignments. There will be no final exam.
Evidence is a prerequisite.
Updated 10/21

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

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

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

Course Goals
By the end of the course, new students should have: 1) some considerable useful practical knowledge about federal habeas corpus litigation—for example, how to get 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 10/21

**B564 Protection Order Litigation ^ ^ (2) – Lahn**

Working with the Law School’s pro bono Protective Order Project (“POP”), this experiential course uses a combination of classroom and case work to examine the civil legal system’s response to sexual assault, stalking, and domestic and relationship violence. The course also provides a first-hand opportunity to develop professional skills such as client interviewing; fact investigation; drafting pleadings and motions; conducting discovery; and preparing a case for hearing. Students who have completed half of their credits toward graduation are eligible to serve as certified legal interns and represent clients in court under Ind. Admin. & Discipl. R. 2.1(a).

This 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 active course work.) The class is currently scheduled to meet Tuesdays, 4:30-6:30 p.m.; that meeting time is open to discussion in order to fit interested class members’ schedules.

There is no final exam; grading will be based on, in equal parts, an evaluation of case work; class participation; an in-class presentation; and four reflective essays. For permission to enroll, or any questions, please contact Prof. Seth Lahn, slahn@indiana.edu or 855-0905.

Updated 10/21

**B572 Intellectual Property Clinic ^ ^ (1-4) – Hedges**

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
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 counseling, 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 10/21

B582 M&A: Entrepreneurship & the Small Deal (2) – Elmore, L.

This course is designed to expose you to an area of business and law that is not often seen in business/law school. It is geared towards a practical understanding of Entrepreneurship through acquisition. This class uses real world examples to uncover a different way to engage in entrepreneurship – by acquiring and operating small business. The material in this course will incorporate aspects of finance, entrepreneurship, and management and build on the principles you have learned in other courses. While using underlying principles from other courses, this course will expose you to the nuances, challenges, and excitement of the small business deal and small business management. The class follows the life cycle of a small deal: 1. Search, 2. Valuation & Offer, 3. Due Diligence, 4. Legal Documents, 5. Financing & Closing, and 6. Transition. You will also hear from guest speakers that have been or are currently search funders and those who have made the transition from corporate life to small business operator.

This class differs from other finance and entrepreneurship classes that you may take in business school. Instead of focusing on coming up with a business plan and raising money, this class focuses on searching for and evaluating current operating businesses. Traditional Mergers and Acquisitions classes focus on large deals with many expensive advisors. This class focuses on the unique challenges and opportunities of small deals, doing the due diligence and negotiations yourself, and managing the challenges of operating your own small to medium sized business.
Throughout the course you will evaluate real examples of potential deals that the faculty teaching the course have participated in as principals. You will be tasked with evaluating potential deals, valuing companies, coming up with offers, and structuring a deal.

Note: This course meets according to Kelley School regulations and calendar.

Updated 10/21

B588 Strategies in Critical Reading & Writing: The Letter & Literature of Family Law ## (3) – Conrad
This semester this course on critical reading and writing will focus on the collection of essays/"stories" *Family Law Stories*, ed. by Carol Sanger, 2008, 297 pp. For perspectives in reading those stories, students will be assigned to read much, but not all, of *The Cambridge Introduction to Narrative*, 3rd edition (2021), by H. Porter Abbott, 280 pp. For skills building in writing about the essays/"stories," students will be assigned to read and discuss, cover to cover, a writing manual recommended by Judge David Hamilton: *Thinking Like a Writer: A Lawyer's Guide to Effective Writing and Editing*, 3rd edition (2009), 427 pp. There will be several writing assignments. And students will be required to rewrite/revise some but not all of their written work. The course will proceed routinely as a roundtable discussion.

Updated 10/21

B590 Entertainment Law (2) – Meitus
Entertainment law is a respected area of legal practice dealing with representation of both creative talent and business interests. Entertainment law has most notably been at the forefront of popular culture as forms of media distribution have moved to the Internet in digital forms. This course will provide students with the opportunity to develop both a practical understanding of representing creative and business interests in the fields of music, film & television and literary publishing and a theoretical understanding of the broader IP and constitutional issues at stake with regard to control of creative media. The course is designed to be useful even if a student does not go on to practice directly in the entertainment or media law fields.

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


Updated 10/21

B601 Criminal Procedure: Investigation (3) – Bell
Do you know your rights when you are stopped by the police? How about when you are questioned by law enforcement? You may think you do, but you may learn otherwise in class. This course examines the detailed constitutional law concerning police procedures having to do with criminal investigation. In an exciting and fast paced fashion we examine the limits imposed on police by the Fourth, Fifth, and Sixth Amendments. Though the course is primarily doctrinal, the professor frequently offers knowledge based on research or experience of how things actually occur in police stations. Some of the areas covered include: arrests and searches incident to arrests; stop and frisk; pre-textual stops; consent searches; warrantless searches of premises, vehicles, and containers; and the exclusionary rule. What you learn in this course is likely to give you an impressive doctrinal command of the Fourth and Fifth Amendments. It could also surprise and may even shock you.

Updated 11/21
**B605 Sexuality, Gender & the Law (3) – Sanders**

This course will focus on legal issues surrounding sexual orientation and gender identity, and, more broadly, the legal regulation of sex and gender. It will encompass issues and controversies surrounding such prominent issues as: marriage equality, anti-discrimination laws, sodomy laws, military service by LGBT people, and the rights of families headed by LGBT people, as well as LGBT youth. Attention also will be given to the wide variety of emerging issues concerning transgender and gender non-binary adults and youth, including the meaning of federal anti-discrimination mandates in areas such as the workplace, schools, and health. Attention also will be given to controversies at the intersection of LGBT rights and religious liberty.

Consideration of these topics provides an excellent opportunity to explore a number of legal debates and litigation issues – issues that cut across diverse areas of law – in a way that will make the course interesting and relevant to students with diverse legal interests and policy perspectives.

These issues and questions will be interwoven throughout the course. They include: methods of constitutional interpretation; approaches to statutory interpretation and administrative law; a deeper dive than Con Law I provides into the 14th Amendment and the meaning of constitutional privacy, liberty, and equal protection; the scope of federal versus state authority; the ongoing evolution of family law; how law and courts recognize and adapt to political, social, and cultural change; the strategic judgments made by lawyers and groups engaged in cause litigation; the role of *amicus curiae*; and debates over litigation vs. legislative strategies for achieving social change.

The course grade will be based primarily on a take-home final exam, with quality of class participation also taken into account.

Updated 10/21

**B615 Land Use Controls (3) – Stake**

This course examines issues of equity and efficiency that arise when private and public actors regulate land use and development. The principal topics covered include the common law of nuisance, servitudes, zoning, and the "Takings" clause. The course should be useful to lawyers engaged in real estate practice or local government law, perhaps helpful on the bar exam, and interesting to anyone who cares about the ramifications of democratic decision making.

The course applies principles from such areas as property, constitutional law, administrative law, and law and economics. There are, however, no prerequisites for the course other than the first-year curriculum at IU Maurer School of Law.

Students are expected to participate frequently on a voluntary basis. Students should note that computers may be used in the classroom only for the purpose of taking notes in a word processing program. The exam will certainly include multiple-choice questions, perhaps nothing else.

Updated 10/21

**B620 Negotiations ^^ (2) – Ardery**

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

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

You will do 4-6 negotiations with a partner and we will de-brief those negotiations. Class participation is 60% of the grade, but will include what you post on a Discussion link on Canvas that will include comments on: readings, personal negotiations, takeaways.

We will consider various readings on negotiation, neuroscience, philosophy and sociology. We will look wherever we can to learn to negotiate in a principled and effective way. Note: 3Ls have priority for this course

Updated 10/21

**B631 Business Reorganization in Chapter 11 (2) – Carr**
This course will be taught by James M. Carr, JD 1975, judge of the US Bankruptcy Court of the Southern District of Indiana. The course will cover the full range of issues related to the bankruptcy reorganization of business entities under Chapter 11 of the US Bankruptcy Code. Issues arising in the reorganization of the City of Detroit under Chapter 9 may also be addressed. Topics addressed will include an introductory overview and history of reorganization law in America (including the various uses of Chapter 11 to implement a variety of business strategies and a description of the key players in a Chapter 11 case); business operations in Chapter 11; the Chapter 11 “toolbox” (including rejection and assumption of leases and executory contracts; allowance, disallowance, estimation, and subordination of creditor claims; the reduction of secured obligations to the value of collateral; borrowing by the debtor (“DIP financing”); preference and fraudulent transfer avoidance actions; and sale of assets free and clear of liens); process and procedure regarding dispute resolution (motion practice, contested matters and adversary proceedings); special rules regarding small business debtors, individuals, single asset debtors and other special cases; the core importance of, and various concepts involved in, the valuation of assets and enterprises; the process of creating and proposing a plan or reorganization; standards for confirmation of Chapter 11 plans; and the alternatives for restructuring outside of Chapter 11. In addition to a conventional casebook, the course will explore several actual bankruptcy reorganization cases in which the instructor has presided or participated. Students will have to “roll play” as counsel for parties-in-interest in hearings regarding use of cash collateral/relief from stay and plan confirmation. Evaluation will be based on the exercises and a written examination. Prior completion of the basic Bankruptcy course may be helpful, although Bankruptcy is not a prerequisite.

Updated 10/21

**B632 Business Planning ^^(2) – Sullivan, Jr.**
According to Forbes, “[W]hile Wall Street gets the headlines, less than 1 percent of the 27 million businesses in the U.S. are publicly traded on the major exchanges." This course will examine the formation, financing, and governance of the other 99 percent that are often called “closely-held business organizations” (CHBOs): partnerships; most corporations; and limited liability companies (LLCs).

The principal method of examining CHBOs will be a simulation project in which groups of students will draft a set of documents to organize a new business to be owned by three entrepreneurs. Initial drafts of the documents will be reviewed in detail and each group will be given the opportunity to revise its documents based upon that review.
In addition to the simulation project, weekly classes will explore the law of agency and fiduciary duty applicable to CHBOs; ethical considerations for lawyers assisting CHBOs; and law firms as CHBOs. Grades in the course will be based upon the final simulation documents (65%); a final examination on the material covered in the weekly classes (25%); and class participation (10%).

The Honorable Frank Sullivan, Jr. served for 19 years as a Justice of the Indiana Supreme Court. He retired from the Court in 2012 to teach as a Professor of Practice at IU McKinney School of Law and in 2018 was named an Indiana University Bicentennial Professor.

Updated 10/21

**B639 Advanced Legal Research ^^ (2) – Mattioli, K.**

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 half of the semester and will end before spring break.*

Updated 10/21

**B639 Adv Legal Research: Tax Research ^^ (1) – Ahlbrand**

Tax is a highly specialized and fast-paced field, affecting most, if not all, areas of the law. In this 1-credit specialized legal research course, students will become acquainted with the vast array of publications from the IRS and other tax agencies as well as the preeminent secondary sources in tax law; get ample experience conducting tax-specific research on familiar legal research platforms such Lexis and Westlaw; and discover specialized tax
research platforms used regularly by tax practitioners. By the end of the course, students will have a strong foundation for approaching any tax law research question. This course will be delivered asynchronously and in a condensed timeframe during the first 6 weeks of the semester. Course content will consist of a combination of readings, recorded lectures, and other material, as assigned. Grades will be determined through a variety of weekly assignments, ranging from quizzes to discussions to lengthier research exercises. Due to the high degree of specialization of this course, the 2-credit Advanced Legal Research course is strongly encouraged as a pre- or co-requisite.

Updated 10/21

**B639 Adv Legal Research: Foreign & International Research ^^ (1) – Dabney**

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

In this 1-credit specialized research course, students will learn how to find and use foreign and international legal materials. Topics will include different types of legal systems, locating resources for particular jurisdictions, international governmental organizations, and treaties. By the end of the course, students will know how to locate international treaties, primary and secondary sources for foreign jurisdictions, and how to use a variety of governmental websites, both international and national.

This course will be delivered asynchronously online and in a condensed timeframe during the first 8 weeks of the semester. Students will have access to a variety of instructional content including video lectures, readings, and tutorials. There will be no final exam for this course. Students will be assessed through discussions, assignments, and a capstone project.

Updated 10/21

**B645 Trusts & Estates (3) – Gjerdingen**

This course covers transfer of property at death. This includes probate transfers, such as wills and intestate succession, as well as nonprobate transfers such as gifts, trusts, POD accounts, and other will substitutes.

Topics include:
- Intestate succession.
- Execution of formal and holographic wills, as well as revocation and revival of wills.
- Interpretation and construction of wills, and will contests.
- Will substitutes, such as multi-party accounts, POD provisions, and gifts causa mortis.
- Creation, modification, and termination of public and charitable trusts, and other specialized trusts; trust construction and interpretation.
- Powers of appointment.
- Restrictions on gifts, including the Rule against Perpetuities.
- Fiduciary administration, including investing for trustees (and lawyers) under the Prudent Investor Rule as guided by Modern Portfolio Theory.
- A brief introduction to estate planning and estate taxation, including the importance of retirement accounts in estates.

This is an introductory survey course. Students with a serious interest in practicing estate planning are encouraged to take additional courses, if offered, in Estate Planning (B740) as well as Gift & Estate Tax if offered.

Updated 10/21

**B650 Intro to Income Tax (4) – Gamage**

The principal subject matter of this course is federal income tax law, especially as it applies
to individuals and families. 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. Other focuses of this course include understanding tax planning dynamics and how tax law relates to both tax politics and tax policy. This is an introductory course with no prerequisites. This course is a prerequisite for most other tax courses. Grading will primarily be based on an open-book final exam.

Updated 9/21

B653 Corporations (3) – Testy
This course explores the role of and legal requirements for corporations. So much of our economic and social life is conducted within and through corporations, from small family firms to large multi-nationals that often control more resources than many nation-states. While most would agree that the influence of corporations is pervasive and significant in our lives, there is often stark disagreement as to whether that influence is positive or negative. Moreover, regardless of our normative view of corporations, most all lawyers -- whether those who primarily represents individuals and certainly those who represent corporations – must navigate the legal rules and norms that govern the corporate form.

Corporations are said to be “creatures of the state,” meaning that they are created under and governed by state law in the first instance (Delaware corporate law has been especially influential). The primary purpose of those laws is to help the corporate stakeholders obtain the benefits of centralized business activity while minimizing the risks that arise from the centralized power bestowed upon corporate leadership to manage corporate activities. We will study the rights and duties of each of the corporation’s stakeholders, including shareholders, officers, directors, employees, creditors, and communities. While our focus will be primarily upon for-profit corporations, we will compare and contrast those entities with other types of corporations and with non-incorporated forms such as partnerships and limited liability companies (LLCs).

Because it is important in understanding corporate law to understand the underlying business transaction, this course will also be helpful in advancing your business and financial literacy. We will aim to nurture a business planning perspective. The best business lawyers focus on keeping their clients out of court and modern corporate law leaves substantial room for the parties to structure their business relationship to suit their goals and strategies. In that sense, corporate law is often understood as a set of “default” or “off-the-rack” rules that the parties can either choose for convenience when they do not wish to or cannot agree to more specific terms. To aid our understanding of corporate law and its intersection with many key issues – including labor, climate change, social justice, technology, globalization, and more – we will welcome many guests into the course who can help us advance our knowledge and expand our professional connections.

There are no prerequisites for the course and the subject matter of the course is commonly tested on most all bar examinations across the U.S. The course is an introductory survey course that serves as a building block for more advanced courses such as Securities Regulation, Corporate Finance, Mergers & Acquisitions, Business Planning, etc. Grading in the course will include the following four equally weighted components:

Class Participation (there will be several ways to participate in the course, including traditional in-class participation and written work that supplements in-class time);
An Anonymously Graded Open Book Essay (1 question) Exam Taken In Class;
An Advice Letter to a Client (written in teams of 3);
A Paper (suggested length is 10 double spaced pages) on a mutually agreed upon topic (can choose from a diverse list of ideas or suggest your own).
Updated 10/2

**B655 Information Privacy Practicum: Capstone (3) – Shackelford**

Enhancing cybersecurity and protecting privacy are critical issues impacting all of us, and are forces increasingly shaping the competitiveness of firms and the security of governments. This course takes an interdisciplinary, global, and hands-on approach to introduce students to the practice of privacy and cybersecurity law and policy. Specifically, this course focuses on the management of information privacy and security within organizations. While it includes key legal issues in these fields—including U.S. and international cybersecurity law and policy—it is more concerned with the challenges of addressing those issues effectively within public- and private-sector institutions. Those challenges include, for example, managing compliance across multinational organizations, best practices for mitigating cyber risk, communicating effectively with executive leadership, motivating employees while managing insider threats, responding to data breaches and government investigations, and thinking strategically about how best to conduct cybersecurity due diligence in a given transaction or venture. Ultimately, we will analyze regulatory solutions as part of a larger universe of reforms needed to enhance cybersecurity and safeguard both intellectual property and civil rights, while applying the skills you have gained throughout your academic program for real-world clients, which in the past have included Microsoft, Consumer Reports, Eli Lilly, and NATO.

*Note that this course meets online, though there will likely be one or more in-person client visits. It is primarily intended for students pursuing IU’s M.S. in Cybersecurity Risk Management, but Maurer students with sufficient background in cybersecurity and information privacy law and policy can enroll with special permission of the instructor.

Note: This course meets according to Kelley School regulations and calendar.
Updated 10/21

**B655 Information Privacy Practicum: Info Security & Data Governance (3) – Heck**

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.

Updated 10/21

**B658 Law & Education: Legal Perspectives on Education (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/jd-minor-education-9-19.pdf).

Only Education Policy Minor students are eligible to enroll in this course. Please contact the Student Affairs office if you plan to pursue the Minor in Education Policy and Dr. Janet Decker (deckerjr@indiana.edu) for further information about the course or the Education Policy minor.

Note: This course meets according to the School of Ed regulations and calendar.

Updated 9/21

**B658 Law & Education: Advanced School Law (3) – TBA**

This course analyzes current school legal, ethical, and policy issues from a district-level perspective. School leaders and policy makers need an in-depth understanding of several legal and ethical issues that impact schools. The Prerequisite for this course is: Legal Perspectives in Education (B658 Education Law/A608) or equivalent with consent from instructor. In Legal Perspectives in Education (B658/A608), students explore legal issues from a building-level perspective. Specifically within B658/A608, students discussed legal scenarios focused on teachers and principals. Advanced School Law (B658/A615) goes beyond Legal Perspectives in Education to examine other complex school legal issues at the district-level, including public employment contracts; collective bargaining and unions; conditions of employment; school choice, governance, and employment discrimination. This is a School of Education course (EDUC-A615) 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. The course also 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/jd-minor-education-9-19.pdf). Only Education Policy Minor students are eligible to enroll in this course. Please contact the Student Affairs office if you plan to pursue the Minor
in Education Policy and Dr. Janet Decker (deckerjr@indiana.edu) for further information about the course or the Education Policy minor.

Note: This course meets according to the School of Ed regulations and calendar.
Updated 9/21

**B661 Law & Biomedical Advance (3) – Cripps**
This course will examine the ways in which law relates to latest advances in biomedicine, including precision medicine; CRISPR technology; and bioinformatics: DNA and mRNA as carriers of encoded information. The sequencing of the human genome has brought us sophisticated genetic testing, screening and the possibility of human genetic modification. These are relatively new arrivals in doctors’ and pharmaceutical companies’ array of offerings. Genetic modification and the cloning of genes, and indeed whole organisms, raise new questions for lawyers, whether they specialize in HIPAA or other aspects of privacy law; health insurance; or intellectual property law. Fascinating questions of constitutional law must now also be addressed, as is illustrated by litigation instigated by the Association for Molecular Pathology, the ACLU and others against a company holding patents on human genes. The new synthetic biology, which involves the creation of organisms in laboratories, will also be considered, in terms of the novel legal questions that it raises. The several intersections between biotechnology and digital technology will be examined, as will three parent embryos; chimeras and other related technologies which spark legal and ethical issues. No prior knowledge of either biotechnology or intellectual property law is necessary for this class, which will be conducted in an open discussion format, online synchronously, with an online take home exam.
Updated 10/21

**B663 Labor Law (3) – Dau-Schmidt**
This course explores the basic law on unions and collective bargaining in the United States. Students will learn about the law governing union organizing campaigns, collective bargaining, strikes and lockouts, and enforcement of the collective agreement. The course is taught as a simulation in which the students are employees covered by the National Labor Relations Act and must organize and bargain with President Dau-Schmidt to receive fair treatment and a decent grade. Students also act as corporate counsel and aid President Dau-Schmidt in resisting union organizing and negotiating with the union. As a spur to organization, the simulated President Dau-Schmidt is an arbitrary and sometimes abusive employer (hopefully in humorous ways). To create opportunities for learning, the simulated President Dau-Schmidt sometimes violates the law. Students should not take the course if they are easily offended or would be hurt by such simulated abuse.
Updated 10/21

**B665 International Law (3) – Lubin**
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 three 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.

**B671 Appellate Practice & Procedure: Criminal Appeal ^^^ (3) – S. Orenstein**
This course is designed to acquaint students with the ins and outs of criminal appellate
advocacy. You will learn how to read the file transmitted by trial counsel, communicate with
your client, read the transcripts of the trial with an eye to identifying relevant issues, write a
persuasive brief, and prepare for and engage in oral argument before an appellate court.
Evidence and Criminal Procedure required, Criminal Procedure Trial highly recommended.
Updated 10/21

**B672 Secured Transactions (3) – Hughes**
This course surveys provisions of state laws (mostly Article 9 of the Uniform Commercial
Code) and some federal laws that apply to security interests in personal property. The term
"property " for this purpose includes diverse tangible and intangible items such as motor
vehicles, clothes in store inventories, rights in copyrights, trademarks and patents,
aricultural products and commodities, contract rights, payment intangibles, accounts
receivable, equipment leases – as well as cryptocurrency and other digital assets.

The textbook is Lopucki, Lawless & Warren, Secured Credit: A Systems Approach (Wolters-
Kluwer/Aspen, 2019 or later). This book lays out the important issues in brief, including any
“black letter law” that is available. Its emphasis is on the relevant statutory provisions and
teaching us to apply them correctly. This book lays out the law and then provide problem
sets to allow students to test their mastery of concepts.

Aspen often offers a 40% discount on the electronic copy of this textbook to all Maurer
students if you buy it directly from their website. But, this is an open-book, open-note
examination so that may not be the optimal choice with the examination in mind.

Here is the information about this textbook and the discount offer:
**Secured Transactions: A Systems Approach, Ninth Edition**
Lynn LoPucki, Elizabeth Warren, Robert M. Lawless
Hardcover ISBN: 9781543804508
So, one way to save 40% and still have a hard copy of the textbook for the final exam is to order the e-textbook directly from Aspen and buy a really cheap used copy from one of the online sellers of used textbooks. There may be small differences, but the e-copy will show you where those are.

Students also need a Commercial Law--Creditor-Debtor Law statutory supplement. I recommend you buy a used copy or a “new” copy of an edition more recent than 2015, preferably the supplement published by Foundation Press. Thomsen West also has a supplement used by some faculty. If you are enrolled in Sales for the January 2021 Term, you can use the same supplement for Secured Transactions. You should have a hard-copy statutory supplement for the final examination.

I strongly recommend not relying on an electronic version of the Commercial Law statutory supplement for this course because you need to be able to follow it along with us in class as well as take notes.

The routine for this class is to discuss the theory and substance of the law briefly based on the textbook’s explanation of the law. Then, we spend more of the class period working work a series of problems in each “chapter” of the book. Please plan to prepare each problem assigned in advance of class and bring your questions to class. Each “chapter” is intended by the authors for one class period of work.

The course focuses on consumer as well as commercial transactions. The course has interesting theory as well as substance that lawyers encounter frequently regardless of their chosen fields of law.

There is no prerequisite for this course. If a student can take only one Commercial Law course, it should be Secured Transactions. Some knowledge of secured transactions is very helpful in imagining the transactions your future clients will have and will allow you to bring in experts before you get yourself and your clients into trouble. This material is tested on many bar examinations and is harder to learn on one’s own than Sales. This course helps you appreciate what is entailed in borrowing funds to start your own firm, too.

This class will have an in-class examination and probably a one-essay question plus one or two short-answer questions. I have extensive power-points available from Spring 2020 and plan to augment them for the chapters of the book that we had covered prior to Spring Break 2020.

I will assign students to be on call in slates of 3 to 5 students per class, depending on class size. All students will get the power points in advance of each class so that you can use them to identify factors that you will use in your “solutions” to the problems. Robust class participation will help everyone. I love teaching this class.

Updated 10/21

**B681 Partnership Tax (2) – Halloran**

The course is structured for the practitioner who will advise their clients upon the formation, operation, and/or disposition of a partnership or LLC, or an interest therein. Topics covered include the tax treatment of contributions made in conjunction with the formation of partnerships and LLCs, the taxation of partnership and LLC business operations, the tax treatment of partnership and LLC distributions, and the taxation of transfers of ownership
interests in partnerships and LLCs. As part of the Biden Administration’s Build Back Better plan, certain legislative provisions that affect Subchapter K have been proposed, including amendments to provisions that been static for decades. Any passed (or pending) legislation will be discussed in conjunction with and comparison to the current framework of Subchapter K of the Internal Revenue Code. Introduction to Income Taxation is a prerequisite.

Updated 10/21

**B691 Family & Children Mediation Clinic ^^ (3-4) – Applegate**
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 spring 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. In the spring 2022 semester, the clinic is available to up to eight (8) first time clinic students. Through this program, 2L and 3L students (and master’s level clinical psychology and social work students) serve as registered domestic relations mediators in Indiana, mediating family law cases that are primarily referred to the clinic from local courts. Only students who have successfully completed B563 and registered as mediators in Indiana may participate in the clinic. Students need advance approval from Professor Applegate to enroll in the clinic.

**Credits:**
- Advanced clinic students, also known as mentors (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 unless otherwise arranged.

**Mediation clinic:** Students in the mediation clinic will comediate cases referred primarily by judges in local and nearby counties. Students will mediate custody, parenting time, child support, asset and debt division, and other disputes between parents and others in family law cases. During the semester, the students will comediate in teams of two. Two hours of class training in the clinic will focus on various mediation and related issues. Typically, one hour of class time will be devoted to case rounds in which students share and reflect collectively on the students’ field work experiences.

For the spring 2022 semester, and barring further COVID restrictions, classes will meet in person. The clinic will be taught and supervised by Professor Applegate.

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

**Scheduling:**

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

2. Field work: Each student team must also be available for field work during at least one of the three time periods set forth below, specifically (a) Tuesday from 1:00 to 6:00 p.m., (b) Wednesday from 8:30 a.m. to 1:30 p.m., (c) Thursday from 1:00 to 6:00 p.m., or Friday, from 8:30 a.m. to 1:30 p.m. It is possible, however, to arrange an alternate field work time depending on the schedule of the two co-mediators and the clinic director. In some weeks, the field work may extend beyond the hours planned for it, although in other weeks the field work will not take the entire five-hour block of time scheduled. During the semester, students are typically scheduled each week to attend an intake session or a mediation (negotiation) session at their regularly scheduled time. For the spring 2022 semester, mediations generally will be conducted remotely over Zoom, although clinic mediators may participate together in person from the clinic.

3. Preparation and follow up for field work: Students will need to prepare in advance of intakes and mediations, and follow up with necessary documentation and paperwork after sessions. This work will often need to be done with your co-mediator and possibly a 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. At least 24 hours in advance of the meeting, students will submit any necessary documents for field work and a reflective journal of their mediation experiences. Time logs for all case work will be submitted by 9:00 a.m. each Monday morning for the week immediately prior. 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. Students may only enroll in the clinic after receiving advance approval from Professor Applegate to enroll.
Updated 10/21

B698 Judicial Field Placements ^ (1-3) – Violi
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 Lauren Violi (lvoli@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, which can be found as Appendix K to the Student Handbook.

  For additional questions, contact Lauren Violi at lvoli@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 10/21

**B700 Corporate Tax (2) – Riffle**
(Prerequisite class work: Introduction to Income Tax or, with the professor’s permission, comparable academic or professional work)
This course focuses on the federal income taxation of corporations and their shareholders. It covers both “C” corporations (which are taxed at the corporate level) and “S” corporations (electing small business corporations, which generally experience pass-through taxation), including many topics that apply to both types of corporations. Topics covered include: choice of business entity; the tax consequences of corporate formations, distributions to shareholders, redemptions of stock and liquidation of a corporation; and basic mergers and acquisitions, both taxable and tax-deferred.

Class grades will be determined based on students’ performances on a modified open book final exam. Each student’s final grade will be subject to a maximum half letter grade adjustment, up or down, for classroom participation, or lack thereof, respectively.

The pace of the course will be dictated by the speed with which the key tax topics are mastered by the students. Because the instructor maintains a home just a few blocks south of Baier Hall, the instructor is able to offer weekly office hours at the law school (exact times and dates to be determined) for students who may require additional help in mastering the subjects.

Updated 10/21

**B709 Transactional Drafting ## ^^ (3) – Need**

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

Note: 3Ls have priority for this course

Updated 10/21

**B709 Transactional Drafting ## ^^ (2) – Becker**

Knowing the elements of a binding contract and actually writing an enforceable agreement that achieves a client’s business objectives are two very different things. This course attempts to bridge that gap. It takes a structured approach to drafting contracts, beginning with the basic building blocks of commercial agreements and finishing with an asset purchase agreement to purchase a small business. Along the way, students will learn various stylistic conventions used by business lawyers, how to translate the terms of a business deal into a written agreement, and how to add value to a transaction. They will be exposed to several types of contracts, including purchase contracts, employment agreements, loan agreements, escrow agreements and license agreements. In-class exercises and drafting homework will give students practice drafting clear contract terms that unambiguously describe a client’s proposed business deal. Students should make sure they can allocate time outside of class to complete the drafting and editing homework. Grading is based on two or three graded drafting projects and on class preparation and participation. The final graded exercise (in lieu of a final exam) will consist of a business purchase agreement to be edited at home using techniques learned during the semester. The course is designed for students who are interested in a business transactions practice, but it is useful for any student who plans to negotiate and draft contracts in his or her legal career.

Note: 3Ls have priority for this course

Updated 10/21
B710 Independent Clinical Project: Cybersecurity Clinic ^^ (3) – Bose
The IU Cybersecurity Clinic is a first-of-its-kind initiative driven to enhance the cybersecurity of under-resourced stakeholders, including local municipalities, counties, school corporations, non-profits, and small businesses. The Clinic has dual goals of improving local and state cyber preparedness while training the next generation of cybersecurity professionals and leaders. The Clinic leverages Indiana University's strong tradition of applied, interdisciplinary cybersecurity leadership to provide a much-needed service across the Hoosier state, and beyond. Students participating in the Clinic will work directly with clients to provide on-the-ground cybersecurity expertise to address pressing concerns and help instill legal, technical, governance, and managerial best practices. Alongside the project, students will take a 3-credit substantive course providing an overview of cybersecurity risk management frameworks, cybersecurity and privacy law, incident response management, and best practices for addressing common cybersecurity challenges for organizations. For Cybersecurity MS Students, the Clinic can fulfill any concentration requirement. For JD Students, the Clinic fulfills the skills requirement.
Updated 10/21

B713 Administrative Law (3) – Aman
This comprehensive course will cover most of the major constitutional and statutory issues in federal administrative law today, including various procedural due process questions, the constitutionality of delegating legislative power to administrative agencies, private actors and international organizations, the constitutional requirements for appointing and removing Officers of the United States, and the interpretation and application of the Federal Administrative Procedure Act. Primary consideration will be given to how agencies make policy and adjudicate disputes and how federal courts review those decisions. The course will also examine what is emerging as new sources of administrative law today, public/private partnerships, outsourcing and various procedural approaches to privatization. Though this course emphasizes federal administrative law, most of these concepts and the issues they involve apply to state law as well.
This is a second or third year course. There are no prerequisites.
Updated 10/21

B714 Deliberative Leadership ## (2) – Henderson
A disproportionate number of law graduates become leaders, yet law school seldom provides formal training. Deliberative Leadership is unique seminar that focuses on leadership – the importance of leaders to the success of our public and private institutions; the attributes of leaders worth following; and focused class discussion and personal reflection on when, how, and why certain people ascend to positions of leadership. Effective leadership is an accumulation of skills, behaviors, and attributes that are acquired primarily through observation and practice; pure book learning will rarely be enough. To get students onto this track, the majority of the thirteen seminar classes will be planned, organized, and run by student teams. In addition, some of these classes will include Maurer alumni and other law graduates who will share their insights and experience on topics of related to professional development and leadership. Assessment is based class participation, team performance, a leadership-oriented research paper, and a short call-to-action speech. Class size is limited to 20 students.
Updated 9/21

B720 Advanced Trial Practice ^^ (3) - Cook
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, cross-racial identification and the presentation of non-traditional experts. The final exam is a mock trial.
Evidence and Trial Advocacy are prerequisites.
Updated 10/21

**B722 Trial Advocacy ^^ (3) – Kellams, Diekhoff & Brown**

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

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

Updated 10/21

**B723 Evidence (3) – Dillard**

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 10/21

**B727 Securities Regulation (3) – Nagy**

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.

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

Updated 10/21
B728 Information Privacy II (3) – Tomain
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 Law I (not this course) will address the academic and constitutional background to privacy, the intersection of privacy and free speech, and the protection of privacy in law enforcement and national security. Information Privacy Law II (this course) is a survey course that will provide a foundational background in some or all of the following substantive areas of law: (1) Government Records; (2) Financial Data; (3) Consumer Data; (4) Data Security; (5) Education Privacy; (6) Employment Privacy; and (7) International Privacy Law. While Information Privacy Law I is not a prerequisite, students are encouraged to take both courses in sequence. Course requirements have not been finalized, but will most likely not be an in-class exam during finals week. Instead, course requirements will likely be a combination of class participation, a short paper and presentation on a topic of each student’s choosing, and a short anonymously graded take home exam that will be distributed on the last day of class and due before the Exam Period starts. For more information on course requirements, please contact Prof. Tomain.

Updated 09/21

B734 Advocacy (Moot Court) ^^ (1) – Lahn
This course is the for-credit component of 3L students’ work on the Sherman Minton Advocacy Executive and Competition boards, including organizing; training participants for; participating in; and/or judging the Maurer Trial Competition and Alternative Dispute Resolution (Arbitration) competitions; mootling Maurer’s teams for national trial and moot court competitions; and similar work designing and carrying out advocacy events at the Law School.

Please feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)
Updated 10/21

B734 Advocacy (Trial Team) ^^ (1) – Lahn
Students who plan to participate for credit on one of Maurer’s teams in the American Association for Justice Student Trial Advocacy Competition, or a similar external trial team, should enroll here. Please feel free to contact Prof. Seth Lahn (slahn@indiana.edu) with any questions. (Pass/Fail)
Updated 10/21

B734 Advocacy: External Moot Court Team ^^ (1) – L. McFadden
This course is the for-credit component of students’ participation on one of the Law School’s external (interscholastic) appellate moot court competition teams, except for teams such as the IP moot court teams that have a separate course number. Registration for this course is limited to students whose participation in an appellate moot court competition has already been approved by the faculty advisor for that competition or by the Office of Student Affairs. Credit is awarded on a pass/no-pass basis. For more information, please see the law school’s Policy on Participating on Maurer’s External Moot Court, Trial, Transactional, Drafting, Negotiation, and other Competition Teams, available on line or at Student Affairs. Please contact Prof. Lane McFadden (lanemcfa@iu.edu) with any questions.
Updated 10/21

**B734 Advocacy: AIPLA/INTA **(1) – Janis
Description to Be Provided

**B734 Advocacy: George Mason University Antonin Scalia Law School’s Antitrust Invitational Moot Competition – (1) Wallace, S.**
This event is co-hosted by GM law school’s Global Antitrust Institute and the Honorable Douglas H. Ginsburg of the United States Circuit Court of Appeals for the District of Columbia. Students taking part in this moot competition may receive credit for their participation in the spring semester. Enrollment is by permission of the instructor only. The course involves studying the materials from the competition (typically released at the end of November), researching relevant antitrust law law, drafting a brief for the competition (typically due at the beginning of January), and preparing and taking part in the regional competition (typically held mid-February in Washington D.C.). The work is highly cooperative and rigorous, undertaken under the supervision of the faculty advisor. The course is graded on a pass-no pass basis, with substantial, committed participation required to achieve a passing grade.
Updated 10/21

**B734 Advocacy: Int’l Patent Drafting (1) – Hedges**
This course is the for-credit component of students’ participation on the National Patent Drafting Competition teams. Enrollment is by permission of the instructor only. Before enrolling under this course number, please confirm your participation with the CIPR Administrative Director, (cipr@indiana.edu).
Updated 10/21

**B738 Cybersecurity Law II (3) – Lubin**
Cyber insecurities affect the whole of society: from consumers who suffer cybercrimes on their internet connected devices, to media outlets whose websites are hacked or taken offline, to businesses whose intellectual property is plundered, all the way to states that undertake to defend against espionage and uses of force in cyberspace. Enhancing cybersecurity is thus a policy issue of critical importance. Policymakers are fashioning regulatory schemes around the world that promise to shape not only the day-to-day realities of operating information systems, but also cyberspace itself.

This course explores the national and international legal frameworks that govern malicious and defensive actions in cyberspace, including laws related to data breaches, cybercrime, cyberespionage, and cyberwar. The course will consider legal questions within the context of broader debates about such topics as:

1. governance of cyberspace and the Internet and conflicts of laws in the information society.
2. the roles of governmental and non-governmental actors such as multinational corporations and cybersecurity firms.
3. Evolving understandings of privacy and data protection from both a domestic and regional perspectives.
4. The place for FTC and SEC enforcement in enhancing cybersecurity hygiene in society.
5. The anatomy of data breaches and their regulation under both state and federal law (including both statutory and common law frameworks).
6. The role of private ordering and the limits of such tools as cyber insurance.
7. The Computer Fraud and Abuse Act (CFAA) and other state and federal laws prohibiting and addressing hacking.
The ethical dimensions of hoarding of zero-day vulnerabilities by law enforcement and the utility of government vulnerability-equities-processes.

(9) The international law rules that control cyber armed attacks, election interferences, cyber attribution, and cyber espionage.

(10) Corporate risk assessment, the NIST framework, and other compliance mechanisms for cybersecurity enhancement.

(11) New frontiers of cyber defenses, including in the context of malicious cyber-attacks on artificial intelligence and machine learning.

The objective of the course is to contextualize cybersecurity threats and responses within corporate, national security, and international law frameworks, while also recognizing the limits of current laws and debates. Students will thus be called to consider the need for further evolution of policy and the real-world impacts of different regulatory solutions.

Grades will be based on three response papers to be completed during the term and on either an open book scheduled final examination or final research paper. Students will be expected to acquire a copy of the following casebook: Michael S. Mireles & Jack L. Hobaugh Jr., Cybersecurity Law: An Evolving Field (2021). No technical knowledge is required.

Background or familiarity with public international law, national security law, privacy law, cybersecurity law, computer science, and/or international relations is helpful, but not necessary.

Updated 10/21

B740 Estate Planning (2) – Retzner
This course will explore the various estate planning options available to individuals to enable them to achieve their objectives with respect to the transition of wealth, including closely-held business holdings and charitable giving. The planning discussed will include a range from the basic planning needed by most individuals but then focus on the advance planning techniques recommended for families of considerable wealth. Because such advanced planning is typically necessary due to taxation of wealth, the course includes an introduction to Federal Gift and Estate taxation as well as the Generation Skipping Transfer Tax. The course is designed to assist students in learning about planning for the transition of wealth but will also delve into estate and trust litigation, as well as a limited introduction to the field of “Elder Law.” The emphasis will be on practical, real-life situations and positive steps available to the lawyer to deal with various situations involving estate planning and business succession planning. Suggested prerequisites or co-requisites for the course include Income Tax and Wills and Trusts. Each student will be expected to have a working knowledge of Wills and Trusts prior to taking the course, but by no means any expertise.

Note: Grades in the course are determined, in a large part, by a final exam at the end of the course.

Updated 10/21

B751 IP Survey (3) – Marinotti
Intellectual property (IP) law permeates almost every aspect of modern society, whether we’re talking about Apple (the company) or apples (the fruits). Knowledge of the basic principles of IP law is crucial for anyone seeking to understand the legal frameworks that continue to shape culture and business. This is a survey course of IP law designed to provide students with exactly this foundational understanding. It covers the six foundational questions of IP law: what, who, where, when, why, and how. The course materials aim to give students a broad understanding of what kinds of assets can be protected, when are such protections granted, to whom are they granted, where do such protections apply, how are they enforced, and why IP law exists in the first place. Specifically, the course covers
copyright, patents, trademarks, trade secrets, and rights of publicity, as well as related and
derivative IP frameworks. There are no prerequisites for this course. It is appropriate for
anyone who wishes to gain a broader understanding of IP, regardless of their background or
career goal.
Updated 9/21

**B756 Race, American Society & the Law (3) – Brown**

When the Supreme Court delivered its 1954 opinion in *Brown v. Board of Education*, it
inaugurated the Desegregation Movement. Neither America nor her descendants from Africa
had undergone the Civil Rights Movement, the Black Consciousness Movement, the
Multicultural Movement, the Diversity Movement nor the Post-Racial Era. America has now
lived with the Court’s opinion in *Brown* for over 65 years. In that time, Americans have
witnessed significant progress in the battle against racial subordination. Nevertheless,
blacks in the US still lag far behind non-Hispanic whites in terms of political, economic,
educational, and social power. Thus, the almost always concomitant acknowledgment with
regard to race in American society is that despite undeniable progress, there is still a long
way to travel before we reach our ultimate goal.

At the heart of the struggle for racial equality is the legal system. In that regard, Justice
O’Connor’s 2003 opinion for the Court in *Grutter v Bollinger* noted that the benefits of
enrolling a critical mass of underrepresented minority students are substantial. As she wrote
of the University of Michigan Law School’s affirmative action admission policy,

> “The Law School’s admission policy promotes ‘cross-racial understanding,’ helps to
break down racial stereotypes, and ‘enables [students] to better understand persons
of different races.’ These benefits are ‘important and laudable,’ because ‘classroom
discussion is livelier, more spirited and simply more enlightening and interesting’
when the students have ‘the greatest possible variety of backgrounds.’”

This course shall further the educational benefit recognized by a majority of Supreme
Court in *Grutter*. It will probe the meaning of racial equality by discussing racial issue
through a Post Desegregation Awareness. The Post-Desegregation Awareness is the
conscious awareness that important social phenomena-including racial phenomena-are
more enlightening when they are comprehended from multiple perspectives or points of
view.

In accomplishing its objectives, this course will present and discuss the legal history of
American society with regard to its treatment of blacks, including slavery, segregation, and
the rise and fall of school desegregation. It will also focus on other important contemporary
racial issues, including affirmative action, definitions of race discrimination, religious and
philosophical basis for dominant American culture, and the theoretical basis for African-
American culture. In discussing contemporary racial issues this course will not only use legal
cases, but also historical, philosophical and sociological writings with a particular emphasis
on the writings and insights from critical race theory. In drawing upon critical race theory,
the course will benefit from the comments of one of the original participants in the
workshops that launched this intellectual movement.

Updated 10/21

**B757 Asylum Law **^ (2) – Popp

This course will introduce students to United States’ Asylum & Refugee Law and Policy and
how it relates to or is affected by international refugee conventions and agreements. The
course will introduce the laws, policies, and concepts of asylum law in an experiential
setting, in which students will have the opportunity to work through asylum cases. Through
exercises and simulations, the students will learn how to counsel and work with clients who
not only have language and cultural barriers but who also may have experienced trauma;
how to research and write client declarations and legal briefs in both the affirmative asylum process (before United States Citizenship and Immigration Services) and the defensive asylum process (before the Immigration Court); and how to present an asylum case before each administrative agency. By the end of the class, the students will understand the fundamentals of asylum law, know how to prepare asylum cases from start to finish, learn about working with clients in a culturally aware and compassionate way, and be familiar with new and cross-cutting areas of refugee law.
Updated 10/21

B758 Trademarks (3) – Janis
This course will introduce students to U.S. trademark law, the law of unfair competition, and related common law doctrines that protect against consumer confusion and the appropriation of commercial goodwill. The course will explore how the government recognizes trademark rights (including the registration process), trademark infringement (including defenses and remedies), and the loss of trademark rights. In addition to focusing on statutory law and doctrine, the course will examine the economic foundations of trademark protection and evaluate current trends in trademark law.
Updated 9/21

B760 Constitutional History Colloquium: Visions of Equality at the Founding ## (3) – Conrad
This semester the Colloquium will be devoted to distinctive visions of "equality" at the late eighteenth-century Founding. Readings will include (1) Our Declaration: A Reading of the Declaration of Independence in Defense of Equality, by Danielle Allen, 2014, 315 pp.; (2) The Radicalism of the American Revolution, by Gordon S. Wood, 1992, 447 pp.; and The Price of Greatness: Alexander Hamilton, James Madison, and the Creation of American Oligarchy, by Jay Cost, 2018, 235 pp.. The course will proceed routinely as a round-table discussion, of those books and of a handful of shorter Readings. There will be several Writing Assignments. And students will be required to rewrite/revise some but not all of their written work.
Updated 10/21

B764 Blockchain & Digital Currency Law (2) – Emmert
In 2009, Bitcoin was the first digital currency released as cryptographically secured computer code on a decentralized ledger (Blockchain). Its supporters see it as an alternative to money controlled by national central banks. Similar to art, the value of a digital currency is entirely determined by the value assigned to it by the marketplace, i.e. the willingness of sellers and buyers to make transactions of a commodity that is in limited supply. Over the years, the value of a single Bitcoin has gone from a fraction of a penny to more than US$60,000 but has also shown extreme volatility. Although opportunities to make actual payments with Bitcoin for goods and services of everyday life remain limited, more than 10,000 alternative digital coins and tokens have been introduced since 2009 and the entire market has reached a capitalization of some US$2 trillion.

Proponents of digital currencies value the decentralized and self-governed nature, as well as the high speed and low cost of transactions, including international transactions. Critics warn of the risks to users and investors caused by the high levels of volatility, the potential for tax evasion, money laundering, and payments for illegal purposes, the susceptibility of user wallets and exchanges to hackers, and the environmental impact of certain types of validation (mining). Regulators around the world have been struggling with the provision of regulatory frameworks that facilitate experimentation with and lawful use of digital currencies while preventing unconscionable risk, abuse and fraud.
The course will first explain the technology and provide examples of use cases. Subsequently, the course will compare the approach so far taken by U.S. federal agencies to legislative and regulatory approaches in a number of the several States, as well as several international jurisdictions, and analyze the rights and obligations of various stakeholders in different parts of the world. In the final sessions, the course participants will consider better approaches for regulation of the industry and options for international harmonization of rules.

Updated 10/21

**B768 Water Law ## (3) – Fischman**

This course meets the graduation requirement for an upper-level course in which writing is used as a means of instruction. Water Law explores the ways in which the United States addresses conflicts over water use. This course examines the legal control of water resources, focusing on water’s special status as partially public and partially private property. Topics include riparian water rights (eastern U.S. water law), prior appropriation water rights (western U.S. water law), historical evolution of water rights, federal water rights, the public trust doctrine, recreational uses, and groundwater use. With the exception of riparianism, most of the water law issues arise from disputes in the western United States; however, water scarcity is increasingly an issue in the East. Though the class will discuss the intersection of water quality and quantity concerns, Water Law focuses on access and allocation policy. *Students principally interested in water pollution should take a course in environmental law instead.*

Most class sessions will be discussion oriented. Professor Fischman welcomes graduate students representing a wide variety of fields to bring a multidisciplinary perspective to water law and policy reform. Class grades will be based on a variety of assessments, emphasizing frequent, short writing assignments. There will be no final exam. Law students will take the same class as non-law graduate students 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.


**B771 Mediation ^^ (2) – Stafford**

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

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

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

Note: 3Ls have priority for this course
**B782 Introduction to Environmental Law (3) – Fischman**

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 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 (even taken concurrently) 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.

**B785 Patent Trial Practice (3) – Knebel**

The Patent Trial Practice course will teach the basic skills of a patent litigator by providing experiences as close as practical in a law school environment to those of a practicing litigator. The class of no fewer than eight nor more than twelve students will be divided at the beginning of the course into a plaintiff's team and a defendant's team, which will prepare and take to trial a hypothetical infringement case typically based on an actual United States patent. The hypothetical will be constructed to present generally balanced infringement, validity and/or damage issues. Team members will have the opportunity to participate in mock hearings, take and defend mock depositions, participate in mediation and participate in a mock jury trial before an actual federal judge. Team members may also interact with law students in Taiwan on matters of strategy. Participation in these activities will be arranged so that each student will get at least two half-hours of opportunities for "on his/her feet" experience. In addition, the teams will work together to draft briefs and other documents. Prior to each opportunity for speaking or writing, the class will read and discuss materials and/or hear a lecture or presentation relevant to the task. The course will be conducted in one 150-minute class per week. Students must have completed the basic patent course. Enrollment requires permission of instructor and preference will be given to students who have taken or are taking an evidence course.

**B786 Crim Pro Capstone (3) – Bell**

This course is intended to provide critical enrichment to students who are currently taking or have already taken at least one criminal procedure course. This course explores how the criminal justice system works in real life, or in practice. After a brief introduction to the
reality of criminal courtrooms, the course will be divided into two sections, the first concentrating on police officers and criminal lawyers, and the second section examining several issues that involve judges, juries and “outcomes,”—sentencing, plea bargaining, and specialized courts. Part of the purpose of the course is to take case law, issues or problems that are common to the criminal courts, and closely examine how the law works as actors in the criminal justice system struggle to balance lots of cases with little time and few resources.

We examine how the law works in practice in a variety of ways—by looking at case studies, by studying empirical scholarship, and by hearing some of the difficulties and challenges from guest speakers. Several different guest speakers will offer their real life experiences and anecdotes. The course will also have a practical component. In several areas, students will be given cases (both real and fictional) and asked to briefly role-play being a prosecutor or defense attorney. The goal of the course is to provide not only substantive knowledge of how individuals charged with carrying out the criminal law function, but also present a larger view of how criminal courts—in which many individuals, not just lawyers and judges but also police officers, court personnel and juries—operate.

This course will have a take-home exam.

B793 Human Rights (3) – Istrabadi
Description to Be Provided

B798 Feminist Jurisprudence (3) – S. Williams
This class will explore a variety of feminist approaches to law. We will begin with a review of the development of several schools of feminist legal theory, including liberal feminism, cultural or relational feminism, dominance feminism, postmodernist feminism, and the intersection of feminist theory with critical race theory and lesbian theory. We will examine the perspectives offered by these approaches on central issues in the philosophy of law, including the meaning of equality, the possibility of objectivity or neutrality, and the role of power. We will then apply these feminist theories to a range of legal issues, such as rape, sexual harassment and other employment discrimination, child custody, intimate partner abuse, the regulation of reproduction, and work/family conflict. The class will include both lecture and discussion. There will be one final examination which will be a take-home exam.

Grades will be based on the final exam and on class participation.

Updated 10/21

L684 Seminar in Constitutional Design: Rights, Gender & States of Emergency ** (3) – S. Williams
This seminar will consider several topics in constitutional design. Readings will consist of scholarship and commentary, as well as cases and constitutions from a range of countries. This year, the course will focus on the following areas of law:

I. Rights -- the structure of individual rights, including positive rights and horizontal application of rights; a comparative look at some core fundamental rights, such as freedom of speech and religion; types of equality rights and the constitutional provisions that implement them; and models of judicial review for protecting rights.

II. Gender – constitutional mechanisms for assuring political representation for women; gender “mainstreaming”; conflicts between religious or cultural rights and gender equality; the incorporation of international law into constitutions and its use to promote gender equality.

III. States of Emergency –the conditions under which the constitution authorizes actions or powers that would otherwise be unconstitutional; the concerns raised by such provisions and the limitations that can be used to cabin them.
Each student will write one long research paper on a topic of his or her choice related to the subjects of the course. Work on the paper will be due at stages during the semester. The final grade for the course will be based on the paper and on class participation. There are no prerequisites for this course and students who have taken the other course on Constitutional Design are welcome to take this class, as there is little overlap in coverage. Updated 9/21

**L710 Seminar in Law & Society: Law & Language ** (3) – Marinotti
This seminar is meant to serve two functions. On the one hand, it will serve as a practical advanced workshop in legal interpretation for those interested in appellate litigation and in the interpretation of constitutions, statutes, contracts, patents, etc. On the other hand, this seminar will address several thorny questions at the intersection of philosophy, linguistics, and legal theory which are raised by the plain language textualist and originalist movements. Such questions reignite debates about the nature and source of law; the drafting and interpretation of legal texts; the existence and relevance of collective authorial (e.g., legislative) intent; the contested role of canons of construction, dictionaries, and legislative histories. The seminar will also highlight potential differences between legal language and natural language, questioning some of the premises of modern innovations in interpretation (e.g., corpus linguistics or experimental jurisprudence). Updated 9/21

**L763 Seminar in Environmental Law ** (3) – Weeks
The Seminar in Environmental Law aims for the participants to gain an in-depth understanding of the law as it applies to several environmental issues, laws, regulations or lawsuits of current public interest. Likely topics for Spring 2022 include the public trust doctrine and its application to climate change, and developments in the interpretation of the Clean Water Act. Each week, we read, critically analyze, and discuss materials such as briefs, opinions, and articles chosen for their relevance to the issues we are studying. In addition, by the third week of the semester, students will choose a topic in environmental law as the subject for their personal research, analysis, and writing. During the last few meetings of the Seminar, students will present the results of their work, as well as complete and turn in a polished and substantial paper of 20-30 pages on the topic they have chosen. Updated 10/21

**L766 Seminar in Reproduction, Childhood & the Law ** (3) - Madeira
Description to Be Provided

**L782 Seminar in Admin Law: Lawyering in the Modern Administrative State ** (3) – Conrad
This semester the seminar will focus on the politics of Administrative Law, politics as manifested in all branches of government and in litigation strategies. Students are to develop Seminar Paper research topics accordingly. There are no prerequisites for this course. And this course does not serve as anything like a basic course in Administrative Law. The book *Administrative Law Stories*, ed. Peter L. Strauss, 2005, 483 pp., will serve as common reading for the entire class, especially as the “stories” can serve as points of departure for discussion of the “politics” in question. The other textbook for the course is the classic *Line by Line: How to Edit Your Own Writing*, by Claire Kehrwald Cook, 1985, 219 pp., which will serve as a principal guide and reference for all students in the drafting and revision of the Seminar Paper. Updated 10/21

**L799 Seminar in Con Law: 2nd Amendment ** (3) – Madeira
Description to Be Provided
WINTERSESSION (all courses are Satisfactory/Fail)

B536 Health-Care Law Practice: Representing Clients in Legal & Compliance Matters ^^ (1) – DuBose
This experiential course will introduce law students to healthcare law as it relates to representing clients in legal and compliance matters before state agencies and the court system. This 4-day course will combine components of administrative law, regulatory compliance, and civil litigation. Throughout the course, students will assume the role of counsel and advise clients on the legal and/or compliance issues presented by their cases and/or represent them in legal actions.
Note: 3Ls will have priority for this course
Updated 10/21

B564 Pretrial Litigation: Courtroom Procedure ^^ (1) – Rodriguez
The goal of this course is to provide an opportunity to learn and practice basic courtroom skills in the context of simulated problems in both a civil and criminal context. Each class session will focus on the skills used before, during and after any court appearance, with heavy emphasis on motion practice but, as time permits, into procedures utilized at trial. Students will be exposed to practical lessons on everything from how to file pleadings through getting the Judge’s signature on a Proposed Order. 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 confident in their ability to prepare and present themselves effectively in Court.
Note: 3Ls will have priority for this course
Updated 10/21

B564 Pretrial Litigation: Criminal Practice ^^ (1) – Pryor
This course will introduce law students to the special legal and practical issues involved in developing and litigating a criminal case. This course is designed to expose the students to the fundamental skills necessary for pretrial advocacy in criminal litigation. Through exercises and simulations, the students will work through many of the major aspects of pretrial practice including witness interviewing, counseling, drafting of legal documents and argument of pretrial motions.
Note: 3Ls will have priority for this course
Updated 10/21

B564 Pretrial Litigation: Depositions ^^ (1) – Vaidik
Taking depositions is an essential discovery technique. Whatever area of law you choose, most of you, at some time, will take a deposition. In this learning-by-doing course, you will learn the techniques to take and defend a deposition from experienced lawyers in a fun, non-threatening atmosphere.
Note: 3Ls will have priority for this course
Updated 10/21

B685 The Lawyer as a Business Executive (1) – Maurer / Henderson
Lawyers serve as advisors and advocates to many types of organizations, including government, private sector businesses, and non-profit organizations. A relatively large proportion of these professionals eventually leave the practice of law to become leaders of
the client organizations they serve. Although this career path is very common, the reasons for it are not well understood. Are there aspects of legal education and legal practice that translate into good leadership training? Likewise, what are the professional challenges of leadership that are attractive to lawyers? How do good candidates prepare to make this transition? This course will explore these and other related questions, all based on the experiences of lawyers who made the switch to the business side. The course is built around reading and problem sets developed Michael “Mickey” Maurer and Professor Henderson, who will serve as co-instructor for the full course.

Note: 3Ls will have priority for this course  
Updated 10/21

**B748 Comparative Law: Consumer Policy in the Digital Era (1) – Balogh**

The course aims to show recent developments in European consumer law especially with regards to the rise of digital platforms while offering a comparative analysis of EU- and US-approach towards consumer policy. The course will explore crossovers between consumer policy and other public policies, such as competition and privacy law, and will also introduce an economics-based approach on consumer policy. Class material and additional reading material will be provided.

Dr. Virág Balogh is a graduate of ELTE (Eötvös Loránd University) Faculty of Law in Budapest. She started her career with the Hungarian Competition Authority, where she became Head of Section for Consumer Protection. During this time, she also did an exchange with the US Federal Trade Commission. After leaving the public sector, she started working for Magyar Telekom (T-Mobile), where she held various positions in the legal department, now working as a regulatory strategist. She has been teaching at her alma mater for seven years.

Note: 3Ls will have priority for this course  
Updated 10/21