

Fall 2023 Course Descriptions

8/1/2023

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

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

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

B514 Private Practice Externship ^^ (1-3) – Beck, K.

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

- COURSE GOALS

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

- PREREQUISITE(S)

Successful completion of the 1L curriculum.

- STUDENT ROLE

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

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

- APPLICATION METHOD

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

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

- MATERIALS

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

- **ADDITIONAL INFORMATION**

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

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

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

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

B515 Access to Justice: Project Management: Designing Psychologically Attuned Nudges that Provide Legal Empowerment ## (2) – Quintanilla, V.

This Access-to-Justice Project Management course will harness the theory and practice of project management, psychological and behavioral science, and human-centered design to enhance the procedural fairness and justice of interactions in civil court cases. In this course, students will learn concepts from project management, psychological and behavioral science, and human-centered design and apply them to ongoing research studies and writing projects.

The ongoing research relates to an access-to-justice research study that the Center for Law, Society & Culture is advancing, 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.

Together, we have developed a digital experience sampling platform with the Coalition for Court Access, the Indiana Bar Foundation, and the Office of Judicial Administration. The digital experience sampling platform was designed to evaluate the experiences of unrepresented persons in online civil proceedings with funding from The Pew Charitable Trusts. This platform currently reaches self-represented litigants (SRLs) after their court hearings. The existing platform operates as an experience sampling platform that provides them with exit surveys.

In this class, our project class will seek to extend the platform by making it available to SRLs before their court hearings. Using mailing addresses provided by the court, we will design a process of sending postcards with QR codes to SRLs after they have been served and before their court hearings. These postcards will have QR codes that SRLs can access, directing them to IU/CCA's digital platform. The digital platform will allow them to opt-in to receive pre-hearing SMS reminder messages and lead them to legal information, referrals, resources available on IndianaLegalHelp.org, and behavioral and psychological nudges. When an SRL opts into receiving these pre-hearing reminders, the platform will invite them to provide their email/cell phone information. Before their hearings, this digital platform will then deliver SMS text and email hearing-reminder messages to SRLs and direct them to IndianaLegalHelp.org.

Drawing on psychological and behavioral science, this project will adapt and design reminder messages using precise techniques to decrease default rates and improve experiences for SRLs in court. After their court hearings, those participating will receive

digital post-surveys to understand how the reminder messages and information provided benefit their court experience.

We anticipate that this initiative will decrease the default rate in court by approximately 20 percent in these case categories, given comparable findings in the criminal justice context in New York courts. See *Cooke et al., Text Message Reminders Decreased Failure to Appear [FTA] in Court in New York City* (A randomized evaluation found that text message reminders reduced FTA by up to 26 percent, translating to 3,700 fewer arrest warrants per year); *Fishbane et al., Behavioral Nudges Reduce Failure to Appear for the Court* (The redesigned summons form and text messages reduced failures to appear on average by 13 and 21%, respectively).

The CCA's Data Collection work group will then analyze the collected data to understand how these interventions benefit access to justice. This proposal will provide a proof of concept that will enable the Office of Court Services to sustain the practice of sending pre-hearing reminder messages via SMS and email. Currently, the Office of Court Services sends reminder messages only to those who have already attended at least one court hearing in their case. The benefit of the current proposal is that it provides the means to reach SRLs before their first hearing in court, thereby allowing pre-hearing reminder messages. Moreover, this contact information will be provided to the Office of Court Services so that it can be integrated with the court's existing SMS-text reminder system that reaches those who do attend their first court appearance.

In this class, students will learn concepts in project management, psychological and behavioral science, and human-centered design to propose best the best solution for this project. Student recommendations will be prepared as reports/seminar papers relating to these themes. The documents will, in turn, be synthesized by the researchers and provided to the Coalition for Court Access and the Indiana Supreme Court.

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

The course satisfies the writing requirement.

Students enrolled in this course will be designated Civil Justice Design Fellows of the Center for Law, Society & Culture. Enrollment will be limited to 10 students. If you have questions about the class, please contact Professor Victor Quintanilla at vdq@indiana.edu. In your request, please indicate why you are interested in this course.

B524 Representing the State ## (2) – Fisher, T.

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

B528 Adv Appellate Advocacy: Moot Court Board (1) – McFadden, L.

This course provides a structure and academic credit for the work of the Sherman Minton Executive Advocacy Board. Enrollment is limited to students on the Moot Court Executive Advocacy Board. 3L members of the "Competition Board" may instead enroll in B734: Advocacy (Moot Court) in Spring 2024. Executive Board members may enroll in this course again in the spring semester for two additional credit hours.

Executive Board responsibilities in the fall semester include researching and writing the moot court case problem and drafting the bench memo. Students also serve as teaching assistants for the 2L Appellate Advocacy (B642) course by judging and critiquing practice oral argument rounds and providing some limited feedback on written assignments. Advance approval is required; Professor McFadden will transmit the names of all Executive Board members to the registrar. (Pass/Fail.)

B534 Civil Procedure II (3) – Hammond, A.

This course explores personal jurisdiction, subject matter jurisdiction, venue, removal, the Erie doctrine, preclusion, aggregate litigation, and appeals, among other topics. Civil Procedure II addresses topics formerly covered in the second semester of our year-long Civil Procedure course, and so may be fairly characterized as "foundational"—not just for prospective litigators, but also for aspiring non-litigators who, as corporate lawyers, tax lawyers, trusts and estates lawyers, real estate lawyers, intellectual property lawyers, and others, practice law in the shadow of civil litigation.

B538 Semester Public Interest Program ^^ (8) – Hughes, S.

Selected third-year students spend an entire semester in Washington, D.C as public interest interns with nonprofit corporations, trade associations, or federal, state, or local government agencies. The core of the program is a semester-long externship/field placement (B538) coupled with an on-site or video-enabled twice monthly in person seminar on lawyering in the public interest (B539).

Students must work at least 400 hours during the semester at the externship site for the eight B538 hours of credit. The externship work includes established and regular communication among the student, the supervising faculty member, and the supervisory attorney. Students work out their start-and-finish dates for these placements with their supervisors, not with Maurer faculty. We do recommend that students plan to be in DC from Labor Day to the end of the week before Thanksgiving. Many students continue to work into December if they want.

Students also write scheduled reflective essays, which focus not on particular (and often confidential) work products but more on the working of the host organization, its role in administrative, legislative or advocacy work, and on the types of specific challenges it faces in administrative law, legislative drafting and representation, litigation or advocacy from a more academic perspective. Depending on whether students have taken Administrative Law or Legislation before matriculating in B 538 and B 539, students should read selected portions of the Aman-Penniman treatise on Administrative Law, which is widely available from online sources as well as the Bloomington area textbook sellers. We will spend some of every class period in the B 539 course on Administrative Law and Legislation topics.

Students also will submit short papers over the course of the semester as the deliverables for the B539 course so that intensive writing and feedback on writing is a central feature of the B 538 and B 539 courses.

Students will be paired with Maurer grad mentors practicing in fields of mutual interest and, during the B 539 class session, will meet with distinguished Maurer alumni who specialize in federal practice areas that students enrolled express interest. Admission to the program requires special permission from Executive Associate Dean and the instructor.

The companion course, B 539, offers an additional three credits. Students are strongly encouraged to enroll in a separate, one-credit, online course on Advanced Legal Research on Federal Regulatory and Legislative Law subjects. Professor Jennifer Morgan will teach this specialized Advanced Legal Research course. This brings to the total number of credits available for the three courses to 12 credits. This 12-credit total should alleviate the need for students enrolled for Fall 2020 to fill out their credits for the semester with directed readings or independent research, and the choices that some students make to take heavy loads in the Spring Semester following their DC semesters.

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

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

This three-credit course works in tandem with B 538 (8 credits) to give students a full 11 base academic credits for the semester. Each student participating in the DC Semester Externships must enroll in B 539 as well as B 538. Students who need an additional credit are strongly encouraged to enroll in the specialty Advanced Legal Research course being offered online only with a focus on regulatory and legislative research tools. This online course will bring the total of credits designed for the DC Semester Program to 12 credits.

No student may enroll in B 539 or B 538 without express, advance permission from the Executive Associate Dean as well as the Instructor. We require applications from students interested in the DC Program to be submitted to Professor Hughes and she, along with the Associate Dean for Student Affairs and Professor Jennifer Morgan make eligibility recommendations to the Executive Associate Dean. We will make eligibility recommendations on a rolling basis beginning in the Fall Semester of students' second years of law school for participation the Fall Semester of students' third years. Students interested in the Program should contact Professor Hughes in advance of submitting applications and should confirm with Director Katie Beck or Recorder Alexis Lanham that they have sufficient credits towards graduation and have met other curricular requirements in advance of submitting their applications. As of March 7, 2022, we are still taking applications for Fall 2022.

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

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

Students will have the opportunity to meet with Maurer graduates for instructional purposes across the semester. Lunch will be provided for all in-person class sessions. Students also

will get at least one Maurer alum specially recruited to match students' needs with alumni(ae) expertise; this matching happens as the Fall semester begins.

This course has several components – six relatively short writing assignments that deal with aspects of the legislative and rulemaking processes, and Freedom of Information Act (FOIA) requests on subjects of each student's choosing. We cover a combination of advanced legal research tools aimed at federal legislation and rulemaking and the federal FOIA as well as some administrative law coverage (taught by Professor Hughes, other Maurer faculty on occasion, and Maurer faculty librarian, Professor Jennifer B. Morgan); student presentations about their written products; and interactions during each class period with one or more speakers drawn from alumni/ae working in the DC area in fields of interest to students enrolled for the particular semester. Gregory A. Castanias, a DC-based partner at Jones Day and Maurer alumnus, will join the class as often as his schedule of IP appellate litigation allows.

Students should leave this class with a portfolio of short written products suitable to share with potential employers. The written work in this portfolio should not require permission from supervisors or redactions. Assignments match the types of work projects that DC-based lawyers do on a routine basis if they represent clients before Congress, regulatory agencies, or need information from the Executive Branch or independent regulatory commissions. Students select the type of legislation or regulation and its subject matter. The written work needs to match the instructions given for each assignment.

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

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

Students should expect that the six regular written assignments will be due by noon on the Thursday before the Friday in-person class meetings and should prepare to give presentations of their work during class meetings. These writing assignments will be in addition to the "reflective essays" for B 538 that are required by ABA regulations in which the student shares his or her sense of their respective workplaces, work environments, ethical issues observed and resolved, or commentary on growth opportunities and challenges they encounter during their B 538 work during the semester.

Students are encouraged to read Professor Fred Aman's short treatise on Administrative Law in advance of the semester's start (inexpensive used copies often available on Amazon.com or from the SBA bookstore). Professor Hughes also recommends reading the ABA's Networking for Lawyers (2006) (used copies generally available on Amazon.com and two in the Maurer Library), and one of the following newspapers to stay abreast of happenings in DC: The Washington Post, The Washington Times, Politico, or The Hill, and may wish to follow areas of interest on specialty online trade publications and blogs.

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

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

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

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

- COURSE GOALS

The student will work with attorneys in a prosecutor's office, public defender's office, or other criminal law setting, and gain insight into how the organization runs and how the legal personnel serve their client(s). The goal of the course is for students to be able to develop their own lawyering and legal skills, assess that development, reflect on their experience and its application to their legal career, and discuss it with their employer and faculty supervisors.

- PREREQUISITE(S)

Successful completion of the 1L curriculum.

Some of these positions may require that a student be eligible for certification as a Certified Legal Intern (CLI) per Indiana Supreme Court Admission and Discipline Rule 2.1, which requires completion of half of the hours required for graduation and enrollment in or completion of the Legal Profession course. [Information regarding certified legal interns](#) and the [relevant forms](#) can be found on the Indiana Board of Law Examiners website. (Note: Other states have different requirements – e.g. Illinois Supreme Court Rule 711 allowing similar certification – so please make sure to look into whatever may be relevant for your externship depending on its location.)

- PARTICIPATING OFFICES

While a criminal law externship may be completed in numerous counties and offices, below is a list of employers with whom students have completed externships in the past: Bartholomew County Prosecutor, Brown County Prosecutor, Hamilton County Prosecutor, Greene County Prosecutor, Johnson County Prosecutor, Lawrence County Prosecutor, Marion County Prosecutor, Monroe County Prosecutor, Morgan County Prosecutor, Owen County Prosecutor, Lawrence County Public Defender, Marion County Public Defender Agency, and Monroe County Public Defender.

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

- STUDENT ROLE

The student's role in this course will first and foremost consist of working as an extern at their organization. Work responsibilities at the externship will vary based on the employer, but will likely consist of legal research, reviewing and drafting memos and other legal documents, and observing and participating in hearings, trials, and conferences.

Students are required to work 52 hours for each academic credit earned (*i.e.* 104 hours for two credits and 156 hours for three credits). The academic component consists of ABA-required work: (1) written goals and objectives for the externship, (2) reflective essays, (3) one-on-one meetings with the faculty supervisor, and (4) a

final self-assessment and evaluation of the workplace. Students are required to maintain and submit a detailed timesheet throughout the semester.

- APPLICATION METHOD

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

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

- MATERIALS

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

- ADDITIONAL INFORMATION

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

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

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

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

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

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.

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- **APPLICATION METHOD**

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- **MATERIALS**

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

- **ADDITIONAL INFORMATION**

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

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

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B548 Financial Institutions (3) – Hughes, S.

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

We will look at prudential regulation of these financial services providers as well as the business conduct, ethics, and governance rules that apply to providers that may differ from requirements placed on other corporations. We will compare the regulation of banking and securities, banking and insurance, derivatives, securitizations, and international regulation of financial services providers. We will discuss “hot topics” occurring during the semester. These are likely to include economic sanctions, the regulation of “fintech” companies,

industrial loan companies, digital assets including cryptocurrencies and others, crowdfunding, and neo-banks, open banking and “challenger banks.”

This is an ever-changing field. Some of the most interesting issues pending with regulators include the scope of financial services professionals in terms of fiduciary duties to customers, their oversight of their customers’ behavior generally and customers’ compliance with laws here and abroad, including the Foreign Corrupt Practices Acts, anti-money-laundering and counter-terrorism-finance laws, sovereign-wealth movements, and anti-corruption, and what the United States and its partners and allies plan to do about cryptocurrencies and initial coin offerings (specifically and generally). We can spend some time on federal criminal laws that apply to financial service providers if students enrolled are interested in these “white collar” criminal laws depending on students’ interests.

This course will give you tools with which to participate in discussions about regulatory and compliance questions, to discuss structural options for start-ups, and should enhance your knowledge of administrative and constitutional law principles that arise in financial services practices.

Course Materials: Barr, Jackson, and Tahyar, *Financial Regulation: Law and Policy* (Foundation Press, 2019). This is available in an e-book format for a much lower price or find a used copy online. No statutory supplement matches this textbook. I will distribute a list of statutory and regulatory provisions to which students will need access as we go, in a mid-semester section list for students’ review purposes, and in a final section list for the examination. This textbook contains significant materials on policy choices as well as applicable laws. Our focus will be on law, not policy. That means we will not be reading every chapter or all of some chapters. But we will be reading lots of statutes and some regulations.

Class Participation and Final Examination Information: For each class period, I will provide advance notice to a few students that they will be on call. I plan to revise the slide decks I prepared for Fall 2020 and Fall 2021 to focus on the statutory provisions with which I hope you will become familiar. I will make these available enough prior to class to enable you to use them as guides to readings assigned pages and laws.

The final exam will be a timed exam in the Fall 2022 exam period after Thanksgiving. It will not be a take-home examination. The exam will be open note, open textbook, and open statute in format. Although I expect to administer this examination in-person at the law school, after the past two years, we all know that it may be necessary to switch to a remotely administered examination that will be via Canvas insofar as I can predict in early March. Stay tuned for additional information about the final examination.

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

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

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](#).

- **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.

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

B554 Legislation ## (2) – Popkin, W.

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

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

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

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

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

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

Updated 3/23

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

The Conservation Law Clinic is an opportunity for second- and third-year law students to serve as interns in the Conservation Law Center, a public interest law firm that represents

citizen groups, nonprofits, and government clients who need legal assistance with natural resource conservation and environmental matters. While we have traditionally focused on issues related to land conservation, freshwater ecosystems and water quality, and endangered species, an emerging focus of our work is to assist underserved communities in environmental justice matters. Conservation Law Clinic interns, working closely with Clinic Attorneys, participate directly in the representation of Conservation Law Center clients. Clinical work is supplemented with readings and discussion that will focus on practice skills. Clinic interns report that they value the experience of representing real-world clients and working in a law firm setting on issues of broad importance. Clinic matters have included analysis of conservation related laws, development of and commenting on new administrative rules, drafting legislation, and participating in all aspects of complex environmental litigation at federal and state administrative, trial, and appellate levels. Students may also have an opportunity to do research related to international conservation work, particularly issues in Costa Rica. During the Fall semester, a seminar component is included with the clinical work. In Fall 2023, the seminar will focus on emerging issues in the field of conservation, including public and private land conservation strategies, Clean Water Act enforcement, landscape-scale conservation, and rights of nature as a legal concept, as well as issues related to CLC's ongoing litigation. Students interested in registering for two consecutive semesters are preferred. Independent study students are also considered. Prior authorization is required. To get authorized to register, please send a statement of interest and a copy of your resume to Christian Freitag (cfreitag@indiana.edu) prior to registration.

B561 Elmore Entrepreneurship Law Clinic ^^ (3) – Need, M.

The Elmore Entrepreneurship Law Clinic is designed to provide students the unique opportunity to work on actual business formation, planning, and strategy issues in a multidisciplinary setting. Students interested in transactional law practice, advising entrepreneurs, or becoming entrepreneurs are typical candidates for participation in the Clinic.

The Clinic operates like a small law firm extending its services into business advice, with Clinic interns working under the supervision of the Clinic Director, providing legal and business consulting to a variety of early-stage companies. Client projects vary widely, but frequently include advising clients on appropriate business form; drafting necessary formation documents; obtaining permits and licenses; negotiating contracts and leases; and providing business planning advice. Students often have opportunities to review and provide feedback on the business plans of actual startups.

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

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

B564 Pretrial Litigation ^^ (2) – Tanford, A.

Prof. Tanford's section of Pretrial Litigation is a simulation-based course in pretrial civil litigation procedure, practice and strategy. Students will be presented with one or more clients who have legal problems amenable to litigation which will require them to draft

pleadings, organize and undertake fact investigation, prepare and respond to written discovery, take a deposition, file and argue a motion, and negotiate. All students will be assigned to small groups (law firms) and many of the projects will be group projects. You will be required to keep a record of your hours. Grades are based on work product, not an exam.

The assigned texts are TANFORD & KEELE, *THE PRETRIAL PROCESS* (3d ed. 2022) and *THE PRETRIAL PROCESS: DOCUMENT SUPPLEMENT* (2022 ed.), from Carolina Academic Press. You will need both. Simulation material will be distributed electronically throughout the course.

The course is designed primarily for students who may go directly into solo or small firm general practice, although it also may be useful to any student contemplating a career that includes litigation.

B567 Entertainment Law Practicum: Legal Aspects of the Entertainment Industry ^^ (2) – Meitus, R.

This course will involve working in a quasi-clinical mode for actual entertainment law clients and compliments Entertainment Law, Copyright Law and other intellectual property offerings. A prerequisite for this course will be Entertainment Law (or permission of the instructor). Enrollment will be limited to 12 students.

Methods for this course will include readings, legal research, contract drafting, classroom role enactments, client presentations and meeting and discussions. The class will work much in the way a small law firm or legal clinic would work, where the professor will play the role of firm partner or clinic director, and the students will turn in their work product to me. Students will be evaluated on legal writing exercises—either legal memoranda or contracts—and in client presentations and meetings. There will not be a final exam. Students will be assigned a variety of readings, including from Donald Passman's "Everything You Need to Know About the Music Business" and will work on a wide number of actual entertainment and IP representations and issues (e.g., recording and music publishing agreements, literary publishing agreements, copyright/trademark registrations and disputes) for several types of clients, such as recording artists, authors, visual artists, and creative companies.

B569 Nonprofit Organizations ## (3) - Purcell, P.

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

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

- Formation of all types of nonprofit organizations under state and federal law
- Governance duties and liabilities of officers, directors and trustees
- Tax-exempt status for nonprofit organizations under state and federal law
- Creation of private foundations, donor advised funds and supporting organizations
- Lobbying and political campaigning
- Inurement, private benefit and intermediate sanctions
- Commercial activity and unrelated business income tax
- Charitable giving

- Oversight by state attorney general and Internal Revenue Service
- Special issues for membership organizations
- Mergers, joint ventures, dissolution and antitrust

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

- Fishman and Schwarz, *Nonprofit Organizations: Cases and Materials* (Foundation Press, current edition TBA).

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

This clinical course is designed to familiarize students with the fundamentals of federal habeas corpus litigation and to involve them in live cases at various stages.

New Students

In the first semester, students will become familiar with the organization of the criminal justice system as a whole, including both state and federal courts. Students will then become familiar with the basic statutes, rules, and cases that run federal habeas litigation. The class culminates in analyzing a final problem based on documents from a real case. The class meets twice a week. The importance of the classes cannot be overstated.

Continuing Students Working on Cases

Students who continue with the class after the first semester 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.

There will be a weekly all-group meeting, probably by Zoom, 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

New Students

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 Working on Cases

Continuing students will probably have worked on some pretty mind-bending cases and will maybe even have achieved a win. When scheduling permits students may have the opportunity to present an oral argument in the Seventh Circuit.

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

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

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

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

RETURNING/ADVANCED IP CLINIC STUDENTS elect to participate in either (1) the patent section of the Clinic; (2) the non-patent section of the Clinic (trademark and other non-patent IP matters); or (3) both sections. Advanced IP Clinic class sessions survey materials requested by Advanced IP Students at the beginning of the semester and/or supervision, advanced client counselling, and advanced project management. Advanced IP Clinic students elect 1-4 credits.

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

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

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

B582 Mergers & Acquisitions (3) – Williams, C.

This course provides an overview of mergers and acquisitions transaction structures and their implications for shareholders' voting rights, as well as a survey of the relevant corporate and securities law doctrines relevant to the approval of, or defense to, mergers and acquisitions. Topics will include debates over the proper role of the board in defending against hostile attempted acquisitions; the role of hedge fund shareholder activists in promoting transactions, and debates about that role; and some current trends in antitrust enforcement that are affecting mergers and acquisitions. The course will be taught using a law textbook supplemented by business school case studies and negotiations. Prerequisites: Corporations is a required pre-requisite; Securities Regulation is a suggested pre-requisite or co-requisite.

Evaluation: Final examination: 80%. Class attendance and participation: 20%.

B587 Cybersecurity Law I (3) – Heck, Z.

Data, and the means by which organizations secure that data, permeate every area of legal practice. 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 and challenge of information security within organizations. 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.

Accordingly, the class will be organized to address cybersecurity legal and regulatory issues in the following categories:

- General introduction to information security principles
- Healthcare security
- Consumer security (e.g., Fair Credit Reporting Act)
- Financial security
- Government contracting (e.g., NIST 800-171; Cybersecurity Maturity Model Certification)
- Mergers & Acquisitions
- Computer Fraud and Abuse Act
- Incident response
- Professional responsibility (e.g., legal ethics and Rules of Professional Conduct).

Classes will be held virtually over zoom, although Professor Heck will endeavor to visit campus at least monthly. Office hours available by appointment. Grades will be based on participation and satisfactory completion of a take home exam comprised of three sections: (1) Short Answer/Multiple choice; (2) Issue-spotter essay question; and (3) Policy essay question.

B591 Child Representation Practicum ^^ (3) – Vilensky, R./ Marsh, A.

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

During the first 6 weeks of the semester, students will meet with adjunct faculty one time a week for 3 hours reviewing Indiana's child welfare system and best practices for representing youth. For the rest of the semester, the focus will be on clients and the class will only meet one time a week for 90 minutes.

Students should have interest in working with youth and being involved in trial work. Students are expected to remain on their clients' cases for 1 additional credit the following semester, unless extraordinary circumstances do not allow it. Priority will be given to Certified Legal Interns and 3L students. Students must apply for the course by emailing rachel@childadvocates.net with their interest.

B600 Directed Reading (1) –

- (1) A directed reading is an independent project in which a student, in consultation with a supervising faculty member, reads a collection of materials in an area of interest. The list of materials will be generated by the student in consultation with and subject to the approval of the supervising faculty member;
- (2) J.D. candidates will be permitted to enroll for a directed reading only once for a maximum of one credit;
- (3) A directed reading will require no substantial writing nor generate any writing credit; and
- (4) A directed reading will be graded on a "Pass/Fail (F or C-)" basis.

B601 Criminal Procedure: Investigation (3) – Beety, V.

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.

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

This course will introduce students to a wide range of legal and equitable remedies. There will be two required textbooks: (1) the classic hornbook Law of Remedies: Damages-Equity- Restitution (THIRD EDITION, 2018), by Dan B. Dobbs and Caprice L. Roberts (in hardback); and (2) the classic from 1985 Line by Line: How to Edit Your Own Writing, by Claire Kehrwald Cook. The course will use the problem method, rather than the case method. With much briefer reading assignments than the case method requires, we can increase both breadth of coverage and narrowness of focus on the remedial elements of the litigation and settlement situations we address. The course textbooks and the planned pedagogical approach are very practice-oriented, with emphasis on "black-letter" law, policy factors, and strategy and tactics of litigation/settlement. Round-table classroom discussion is very important in the course. There will be several Writing Assignments; and students will be required to revise some Writing Assignments in accord with feedback given in the initial scoring.

B608 Family Law (3) – Madeira, J.

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

Family law inevitably involves many policy choices and social dilemmas, and so along the way we will confront questions such as: How should we balance the need for fixed, predictable rules which reflect longstanding social norms, against the values of human autonomy and the need for flexibility to accommodate increasingly diverse family forms?

Should government require employers to better accommodate their employees' family and caregiving responsibilities? How has family law – a traditional area of state regulation – become increasingly subject to constitutional requirements of equal protection and due process? Should government privilege traditional family settings like marriage over other forms of caregiving and family arrangements? What is the significance of changing gender roles within marriage and society as a whole? What new challenges has family law had to confront as a result of same-sex couples raising children?

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

B609 Reentry Clinic ^^ (1-4) – Waite-Jones, A.

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

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

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

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

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

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

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

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

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

Grades determined as follows:

60% attendance and class participation;

15% final paper;

25% final negotiation.

B632 Business Planning: Case Studies in Closely Held Business Entities ^^## (3) – Henderson, B.

Most businesses in the United States are closely held business entities. In addition, virtually all publicly traded companies came into existence as closely held businesses that eventually developed an excellent strategy and management team. Thus, special version of Business Planning focuses on the diverse array of legal issues that surround the formation, operation, governance, and financing of closely held business, including the review of relevant legal and business documents. The majority of class is organized around a series of real-world case studies presented by lawyers and entrepreneurs (including a large number of Maurer Law alumni). Additional topics related to the case studies include venture capital, private equity, strategic acquisitions, public-private partnerships, preparing for an initial public offering (IPO), and the decision to leave the practice of law for a career in business. Class preparation includes periodic pre-class quizzes based on the readings, which can be completed as team. There are also writing assignments, including a final written work product that synthesizes the key learnings of the case studies. Business Planning is 3 credit hours, which can be applied to the Law School's advanced writing and skills requirements.

Prerequisites: Corporations (B653); upon instructor approval, this course may be taken concurrently. Introduction to Income Tax (B650) is also strongly recommended. Enrollment is limited to 20 students. The class meets once per week for up to three hours.

B634 Adv Con Law: Media Law in the Digital Age (3) – Fargo, A.

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

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

B639 Advanced Legal Research ^^ (2) – Moreland, J.

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 section will meet in person every week for two hours. 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.

B639 Advanced Legal Research ^^ (2) – Kiel-Morse, M.

Advanced Legal Research offers students an opportunity to gain in-depth working knowledge of legal research methods and resources. The course will emphasize use and comparison of a broad range of legal research tools, with a focus on electronic materials. The course will review the complete range of federal and state primary sources, diving deeper to cover topics critical to practical legal research, such as how to work with court dockets and how to track down superseded statutes; in addition, we'll introduce two other critical areas of legal research, legislative history and administrative materials; finally, we will survey all major secondary resources and practice aids for efficient and effective research. In tackling each of these areas, students will become expert in the use of Lexis and Westlaw, but will also be introduced to a number of other subscription-based and free resources for conducting quality legal research. Upon completion of this course, students should be able to evaluate research options and make choices that best suit the widest possible variety of modern legal research situations.

This course will be offered in an asynchronous online format, meaning that the class will not meet at regular intervals for live instruction. Instead, instruction will take the form of course readings, recorded lectures, and other online resources, as assigned. Students will have several opportunities to assess their progress in the course, through a combination of shorter and more in-depth research assignments. The process of researching these hypotheticals will provide students with an opportunity to review all the studied resources within the context of discreet substantive questions, and develop their skills at conveying the fruits of their research to others. In keeping with ABA regulations requiring substantive and meaningful interaction between instructor and student and among students, students will actively participate in weekly discussion board prompts in Canvas, as a substantial portion of their participation grade for the course.

Each student's course grade will be based on (1) brief, topical research quizzes, (2) research exercises distributed at the end of each subject or module, and (3) class participation. This course will meet for the first nine weeks of the semester.

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

Online (asynchronous) course; Graded; no prerequisite

This course will focus on U.S. federal legislative and administrative law research skills. We will examine sources of federal statutory and administrative law, and we will research legislation, U.S. Congressional publications, legislative history documents, rulemaking documents, and agency regulations using a variety of online sources.

After completing this course, students will accomplish objectives under the following topics:

1. U.S. Congressional Documents and Legislative History
 - a. Explain the U.S. federal legislative process
 - b. Describe different types of U.S. Congressional documents and publications
 - c. Identify the major sources of federal legislative history
 - d. Distinguish the relative hierarchical values of different sources of legislative history
2. Federal Administrative Regulations and Regulatory History
 - a. Explain the U.S. federal rulemaking process
 - b. Describe the construction and publication of federal regulations in all forms
 - c. Utilize preambles and dockets for regulatory history research
3. Research Methods and Databases

- a. Track and maintain awareness of federal legislative and regulatory planning and action, utilizing a variety of electronic and print tools
- b. Formulate appropriate and effective research strategies
- c. Demonstrate appropriate use of print and electronic resources

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

B639 ALR: Business & Tax ^^ (1) – Ahlbrand, A.

Business and tax law are highly specialized fields requiring research skills that go beyond standard legal research sources and strategies. In this 1-credit advanced legal research course, students will become acquainted with the vast array of business- and tax-related legal materials and get ample training and experience conducting business- and tax-specific research using a combination of specialized business and tax research platforms and agency websites. Topics covered will include business forms and filings, company information, SEC research, foreign and international business research, primary and secondary sources for tax issues, using practitioner-focused tax research platforms, staying current on tax law developments, and ethical issues related to business and tax research contexts. By the end of the course, students will have a strong foundation for approaching any business or tax law research question.

This course will be delivered asynchronously and in a condensed timeframe during the first 8 weeks of the semester, ending at Fall Break. 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.

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

This class is focused on practical skills and is designed to prepare you for—and help you excel in—the 2023-2024 Sherman Minton Moot Court competition or other moot court competitions. You are permitted to participate in the Sherman Minton Competition without also registering for this course. But historically, more than 95% of competitors take this course. This course is for 2Ls; 3Ls and graduate students require the advance permission of Professor McFadden.

Although appellate argument provides our frame, the skills that this course teaches—presenting complex facts and ideas to an audience confidently and concisely—are those used daily by lawyers in many types of practice. Jury trials, motion hearings, city-council debates, administrative hearings, and presentations to boards of directors will all draw on this same skillset. While the course focuses on oral advocacy, there is a writing component. This course extends the persuasive brief-writing techniques you began to learn in LRW. We will examine the essential components of the appellate brief and learn how to structure a written argument when no single binding authority establishes the governing legal rule. We will discuss appellate standards of review, a more flexible approach to CREAC structure, and other theoretical issues associated with authoring an appellate brief.

The course was previously taught as asynchronous video but this year it will include live lectures. To accommodate your schedule, two sections are available each week: Wednesday from 4:30-5:25 p.m. and Thursday from 8:45-9:40 a.m. You may attend either section (the class is the same in both). You must enroll in either one section or the other, and attend the same section all semester. The course will include practice rounds of oral argument before a

panel of student judges and short written briefing exercises. There is no final exam. Attendance will be required.

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

B644 Energy & Climate Law (3) – Applegate, J.

The goal of this course is to prepare students to engage effectively as lawyers and policy makers in the complex regulatory environment at the intersection of the traditional regulation of energy production and consumption, and the emerging regulation of climate change. Energy and climate are pervasively and inextricably connected. The course covers the sources and impacts of energy production and consumption, including an introduction to the science and economics of energy and climate change; the regulatory system for electricity generation and transmission; the national and international regulation of the environmental consequences of electricity production and consumption, vehicle use and petroleum consumption; and the promise and peril of nuclear power as a response to climate change. Underlying themes of the course include market regulation, federalism, the transition to clean energy, and environmental and climate justice.

B645 Trusts & Estates (3) – Stake, J.

Trusts & Estates will cover functions and purposes of the law relating to donative transfers of assets, mostly across generations. Included will be purposes of donor control; intestate succession; execution, revocation, and revalidation of wills; creation, modification, and termination of trusts; construction of wills and trusts; the law relating to future interests, including the Rule Against Perpetuities, and limitations on donative intent. The intricate rules and extensive doctrinal material covered will require a fast pace of presentation. Nonetheless, policy issues involving both fairness and efficiency will be considered. This course should be taken prior to any advanced courses in Estate Planning. It is intended as a basic introduction to the trusts and estates area and as elemental preparation for students hoping to enter general practice or specialize in estate planning or fiduciary administration.

Extensive use of power point slides is anticipated. Class preparation is required. The exam will probably include only multiple-choice questions. The readings will be primarily, if not entirely, from the new "Trusts and Estates, Second Edition" casebook written by Prof. Stake.

B650 Introduction to Income Taxation (4) – Gamage, D.

The principal subject matter of this course is federal income tax law, as it applies to individuals and families, businesses, and nonprofit entities. 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 course is a prerequisite for most other law school tax courses. For law students, this is an introductory course with no prerequisites. Graduate students from schools or departments other than the law school may also enroll in this course if space is available; however, this course assumes that students are already familiar with legal case analysis and the other skills and topics taught in the required first-year law school curriculum. Grading will primarily be based on an open-book final exam.

B653 Corporations (3) – Kovvali, A.

This course surveys the legal rules governing modern American corporations, with a focus on the publicly traded corporations that dominate much of the U.S. business environment.

Topics include agency law, business formation, limited liability, corporate governance, fiduciary duties, shareholder voting, derivative suits, corporate control transactions, and the purpose of the firm. A key theme will be the role of mandatory and voluntary arrangements in regulating the relationships of a firm's shareholders, directors, managers, employees, creditors, customers, and suppliers. There are no prerequisites or assumed business background for the course. Major aims for the course will include preparing students to undertake more detailed study in specialized business law courses, and to assist business clients in practice.

B658 Law & Education: Legal Perspectives (3) – Miller, V.

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 cross-listed course 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 courses that is required for the J.D. Minor in Education Policy (see <https://law.indiana.edu/academics/jd-degrees/joint-degrees/outside.html>). Any law student may enroll in this course, but preference is given to Minor in Education Policy students. Therefore, students who are interested in enrolling or interested in declaring the minor must contact Dr. Janet Decker (deckerjr@indiana.edu) by the following dates: March 20 for summer semester and April 1 for fall semester enrollment permission.

Note: This class meets according to School of Education regulations & calendar

B658 Law & Education: Legal Aspects of Higher Education (3) – Rippner, J.

The purpose of this course is to introduce current legal issues occurring in higher education settings. Specifically, this course will prepare you to: 1) identify legal issues occurring in public higher education settings so that you can formulate, articulate, and defend alternative solutions; 2) describe and analyze key principles of higher education/college policy as well as federal and state law and apply them to real life scenarios; 3) increase your awareness about the importance of legal literacy for administrators, faculty, policymakers, and others; 4) access primary sources of law (i.e., federal and state statutes, regulations, and case law) needed to analyze and solve legal dilemmas and to stay abreast of evolving law; 5) collaborate with others to solve complex legal issues; 6) communicate persuasively in oral and written form so that you can advocate for yourself, colleagues, students, school, and district; and 7) analyze a variety of social justice and ethical issues involving socio-economic status, race, disability, sexual orientation, gender identity, and gender. This course is a School of Education course (EDUC-C705) taught entirely online. Students are responsible for ascertaining applicable rules of relevant jurisdictions for bar exams/admission. Some jurisdictions limit the number of online hours. This course qualifies as one of the School of Education cross-listed courses required for the Minor in Education Policy (see <http://www.law.indiana.edu/what/professional-careers/joint-degrees/outside.shtml>). Because there are limited spots available for law students, preference is given to law students who have declared the Minor in Education Policy.

Therefore, students who are interested in enrolling or interested in declaring the minor must contact Dr. Janet Decker (deckerjr@indiana.edu) by the following dates: March 20 for summer semester and April 1 for fall semester enrollment permission.

Note: This class meets according to School of Education regulations & calendar

B659 American Legal History: Two Freedoms, Reproductive & Academic ## (3) – Conrad, S.

This fall the course will focus on the fraught legal history of two putative freedoms, reproductive and academic. Students might get some helpful sense of the course by looking at/into two books that will be required for the course: Women of Color and the Reproductive Rights Movement, by Jennifer Nelson; and Free Speech on Campus (2018 ed.), by Erwin Chemerinsky and Howard Gillman. Otherwise, the reading assignments will, respectively, range far and wide in focus. And there will be room on the agenda for taking students' suggestions for course readings, in addition to those readings posted on Canvas. The writing assignments will require analysis and evaluation of the strategies of argumentation in some of the readings. Moreover, students will be required to revise some of the writing assignments. Roundtable discussion is very important in the final grading in this course.

B662 Copyright Law (3) – Leaffer, M.

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

B668 Con Law II (3) – Williams, S.

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

B669 Immigration Law (3) – Krishnan

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

There are different learning outcomes that this course will seek to pursue. To begin, in light of the current debate on immigration, we will explore how this discussion relates to issues such as class, inequalities, employment opportunities, and the history of who has been able to migrate to the U.S. and during what time periods – and who has not. We will also study

the implications of the rhetoric that has been used by the various sides during the course of this debate and, in particular, how civil society has responded. Additionally, we will analyze how international law, international treaties, and international institutions have contributed to both the public discourse and to public policy as it relates to immigration. And thereafter, we will look at the empirical research and data on what is actually occurring in terms of immigration trends within and into the U.S.

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

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

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

Required Texts:

- T. Alexander Aleinikoff, David A. Martin, Hiroshi Motomura, Maryellen Fullerton, Juliet Stumpf, and Pratheepan Gulasekaram *Immigration and Citizenship: Process and Policy* (West Publishing 9th ed. 2021)
- Statutory Supplement (2022) – available on line and in hard-copy
- Please also go to www.ssrn.com and sign up. It is free. This is a scholarly website where I will, on occasion, ask you to download articles to read.

Grading:

The course will have 2 separate tracks to it. Up to 10 students will have the option of enrolling in a separate section of the course that will fulfill the advanced writing requirement, and students in that section will be assessed based on class attendance and participation (20%) as well as a lengthy writing project that will receive multiple iterations of feedback throughout the semester (80%). All other students will be assessed based on one final 3-hour exam that will be open book, open notes (80%) as well as class attendance and participation (20%).

B679 Student Legal Services Practicum ^^ (3) – Williams, St.

The Student Legal Services Practicum course provides 3 units of academic credit to students who have completed the application process and been selected as a Student Legal Services intern.

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

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

cases, for a total of 150 hours of paid internship time over the course of the full semester.

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

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

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

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

The learning outcomes for the SLS Practicum are for you to

- Apply recognized techniques for communicating effectively with clients, adverse parties, co-workers and others while maintaining an attitude of empathy and respect
- Develop an understanding of yourself as a professional, as a counselor, and as a colleague to the SLS staff and your intern peers
- Understand the real-world application of the rules of professional conduct for attorneys
- Continue to grow your skills in case management, case resolution, and problem solving to achieve client goals
- Understand the fundamentals of civil litigation practice from initial client interview to trial or alternate resolution

Resources:

Indiana Rules of Professional Conduct

Indiana Code

Indiana Rules of Trial Procedure

Monroe County Local Rules

Indiana Rules of Evidence

Indiana Rules for Small Claims

Indiana Practice Series

Binder, Bergman, Treblay & Weinstein, Lawyers as Counselors: A Client-Centered Approach, (3rd ed.)

Krieger & Neumann, Essential Lawyering Skills (ELS) (5th ed.)
Materials posted on Canvas, under "Modules"

B680 Employment Discrimination (3) – Widiss, D.

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

B684 Strategies of Legal Writing (3) – Goodwin, G.

This course is designed to enhance your success in law school and on the bar exam by further strengthening critical legal analysis skills, with a particular emphasis on information processing and written legal analysis for exams. Using bar-tested subjects, you will be provided with multiple opportunities to perform legal analysis and receive feedback on your work product. This course also will explore some of the most current research on learning, with the goal of identifying individual strengths and preferences – and developing new ones – to enhance memorization and information processing. By the end of the semester, you should be able to utilize best practices for learning new material, strategize for optimal written exam performance, and effectively complete a bar exam performance test under timed conditions.

B686 Civil Protection Order Clinic ^^ (3) – Applegate, A.

Summary: The Civil Protection Order Clinic ("CPOC" or "the Clinic") is a public interest-based clinic that provides students with hands-on legal experience representing clients who need legal assistance obtaining or renewing civil protection orders ("CPO's"). CPOC, offered for three (3) credit hours in the fall 2023 semester, will meet in person for class on *Wednesdays from 3:25 to 5:25 p.m.* The Clinic is available to eight (8) students in this semester. Students interested in enrolling should follow the instructions in last section of this course description entitled "Approval to Enroll."

Coordination with POP: There will be close coordination and collaboration between CPOC and the Protective Order Project ("POP"), with the Clinic professor participating in certain POP activities and the POP director attending Clinic classes, including teaching certain segments, and participating in case rounds. Students may continue for B710 credit in the following spring semester to work on CPO cases assigned to them that are not resolved in the fall semester.

Case Work: During the semester in the Clinic, the students will work in teams of 2 on each case accepted into the clinic. The goal is for each student to work on 2-4 cases during the semester. Student teams will have weekly supervision meetings with the Clinic director to review case progress and questions. Students will meet with clients and prepare their cases, assist with settlement negotiations (if appropriate), and attend court proceedings. Students who are qualified to serve as Certified Legal Interns ("CLI's") under Ind. Adm. & Disc. R. 2.1(1)(a) (generally 3Ls in the fall, and 3Ls and 2Ls in the spring) may register to serve as CLI's. Certification will give the students the chance to represent clients in court when their cases go to hearing. Students who are not CLI's are also expected to attend court hearings,

both to assist and as part of their education in the Clinic. Students staffing a particular case will be expected to ask to be excused from any conflicting class for court hearings, regardless of whether they are CLI's.

Priority for Admission into the Clinic: Depending on demand, third-year students who have been participating in POP, and the current and past POP top leadership, will be given priority for admission into the Clinic. Any student who wishes to participate in the Clinic must be able and willing to work supportively with survivors of intimate partner violence and abuse (commonly referred to as domestic violence and referred to as "DV") and family violence.

Case Referrals: Cases will mostly be referred to CPOC through POP, although CPOC will also occasionally accept cases referred by social service agencies and courts. CPOC will represent litigants in Monroe County and surrounding counties. CPOC will prioritize representation of petitioners in CPO cases involving DV and family violence, and other high conflict family situations.

Conflicts: As many CPOC cases will be in Monroe County, CPOC students may not clerk for or intern with the Monroe County judges who regularly handle CPO cases during the semester(s) of their participation in the clinic. Any conflicts will be identified and addressed as they arise.

Weekly Classes: Class will meet for two hours once a week in a seminar format, to discuss the relevant statutes and important case law for CPO cases, as well as related family law; rules of court; litigation practice; best practices for working with survivors of sexual and relationship violence; considerations about DV; how to conduct DV screening; experiences with clients, attorneys, and courts; the intersection of the law for CPO's, other restraining orders, and criminal no contact orders; immigration issues; mental health issues; housing issues; and whether and when reaching compromise in CPO cases is appropriate.

In general, roughly one half of each class will be spent on the topic(s) assigned for the week, and the other half on "case rounds", in which students will discuss the CPO cases they are handling. Over the course of the semester, as the students become more involved in their cases, more time may be spent in case rounds.

Weekly Supervision Meeting: Student teams will meet weekly with the Clinic director to review case progress; typically, these meetings will take place before the weekly class. Additional supervision meetings will be scheduled as needed.

Writing Assignments:

1. Students will submit written *weekly case updates* 24 hours in advance of their weekly supervision meeting, along with their time log reflecting the time spent working on each of their cases.
2. Every other week, students will also submit *reflective essays* (2-4 pages, double-spaced) with their case updates, concerning their cases or some aspect of the clinic. These essays will be a chance for the students to reflect on and synthesize their experiences in the course, both in case work and in the classroom.
3. Students will submit a *final reflective essay* due at the end of the semester that will include an overall reflection on their work and progress over the semester. This final reflection will also address whether (and if so, then how) the students' experiences over the semester (in and outside the classroom) have affected their ideas about how the civil justice system protects those affected by stalking, sexual abuse, and family

violence; and whether they see structural, statutory, administrative, and/or social-cultural changes that might improve that system.

4. At the end of the semester, students will also submit their *final portfolio* consisting of their written documents—including memos, pleadings, client communications, summaries of interviews, substantive emails, motions, outlines of testimony, and other written materials prepared for their case work—that they would like to be considered in grading.

Grading and Evaluation: There is no final exam, nor is there a curve in the clinic. Grades will be based on:

1. The attentiveness, timeliness, and overall quality of each student's case work and written assignments.
2. Preparation for class, and participation in both class discussions and case rounds.

Additional Requirement: As children may at times be involved in CPOC cases, all students who enroll in CPOC 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>. CPOC students will also be required to follow the IU Maurer School of Law Clinics' Policy and Protocols relating to Children.

Approval to Enroll: Interested students should contact Professor Applegate by e-mail (aga@indiana.edu) in advance of 3L registration to request approval to enroll. Students should email their resume and a brief statement of interest in the Clinic. Students may enroll in the Clinic after receiving advance approval from Professor Applegate.

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 Dean McFadden (anmcfadd@iu.edu).

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

- **MATERIALS**

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

- **ADDITIONAL INFORMATION**

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

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

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

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

B706 Independent Research (1-3) –

A student may enroll in independent research that results in a substantial original written product under the supervision of a faculty member. The faculty member shall determine, after consultation with the student, the subject matter of the research, the scope of the project, the maximum number of credit hours that may be allowed, and the final date for submitting the final written product. A student may not register for a B706 credit research project without the written approval of a faculty supervisor.

Independent research will normally be awarded 2 credit hours and will require substantial written product of equivalent length and quality as is expected in a 3-credit seminar. With the written permission of a faculty member, a student may pursue independent research for 1-4 credits hours, with the expectation for the length and quality of the final written product adjusted accordingly.

Independent research for more than 4 credit hours is possible in unusual situations for third-year students for whom the research serve as a capstone experience. Such research should result in a substantial final written product of publishable quality or its equivalent.

Students interested in pursuing independent research for more than 4 credit hours should prepare a written research proposal addressing:

- the nature, scope, and objective of the proposed research;
- a plan for completing the research;
- the intended outcome of the research, including publication plans;
- features of the research that would warrant additional credit (such as interviews, surveys, access to archives or other material, or other components that may require more time and effort or work outside of the Bloomington area);
- relevant coursework or other experiences that have prepared the student to conduct the research;
- how the research will provide a capstone experience; and
- compliance with any IRB or other applicable research requirements.

Independent research for more than 4 credit hours will require the approval of the supervising faculty member, the Executive Associate Dean for Academic Affairs, and the Assistant Dean for Student Affairs.

Regardless of the number of credit hours, a student engaged in independent research shall consult with the faculty supervisor with sufficient frequency to assure that the research is progressing satisfactorily and that it will be completed by the scheduled date. Independent research credit may not be used to compensate a student for work as a research assistant.

B707 Directed Research (1-3) –

A student may engage in collaborative research with a faculty member under the faculty member's supervision. Such research may facilitate a faculty member's work and may be on a topic identified by the faculty member, but must both involve independent research by the student and convey the fruits of that research through one or more papers, memos, or other written products prepared by the student. The intent is to provide an opportunity for substantive collaborative research with faculty. The faculty member shall determine and clearly convey to the student the subject matter of the research; the scope of the collaboration; the type, number, length, and due dates of written work; the number of credit hours; and the intended duration of the collaboration. A student may not register for a B707 directed research project without the written approval of a faculty supervisor. A student may complete Directed Research for 1-3 credit hours during or between semesters. Directed Research shall not satisfy any writing credit.

B708 Information Privacy Law I (3) – Tomain, J.

Privacy law and policy is one of the most important and rapidly expanding (and changing) fields in the world today. Increasingly most aspects of daily life involve the (often unwitting) collection, communication, and use of personal data. As personal data are generated and collected more widely, and are far more revealing, governments are challenged to determine the proper limits and regulatory structures to enforce those limits, while businesses and other data users must determine how to comply with those emerging rules, often in the context of new technologies and unclear norms. The field of information privacy has grown so large that we are now covering it in two courses. Information Privacy I (this course) covers the academic and constitutional background to privacy, the intersection of privacy and free speech, the intersection of privacy and law enforcement, and (time permitting) privacy considerations in national security. Information Privacy II (not this course) will focus on privacy issues involving government records, and commercial and international contexts. This class will most likely have a take-home essay exam that is distributed the last day of class and will be due before the exam period starts, instead of an in-class exam during exam period. Class participation is also a component of the final course grade. If you have questions, please contact Prof. Tomain: jtomain@iu.edu

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

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

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

B710 Independent Clinical Project ^^ (1-4) –

The following requirements apply to all independent clinical projects:

- (1) The project must be supervised by a member of the faculty;
- (2) Up to three credit hours during the academic year or four credit hours during the summer may be arranged with the supervising faculty member, at a rate of 50-60 internship hours per credit hour; P/F or C- grading applies, unless special prior arrangements are made with the faculty member;
- (3) If the project involves client contact (other than an institutional client), the student must have completed successfully a course in the Legal Profession as a prerequisite and be supervised by a licensed attorney;
- (4) The project will not satisfy the School’s research and writing graduation requirement;
- (5) The supervising faculty member is encouraged to visit the project site during the course of the project;
- (6) The student must provide a written description of the project. The supervising faculty member must sign the proposal. The signature constitutes the faculty member’s certification that the project has a definite and explicit academic component; and
- (7) The student and supervising faculty member must follow a supervision protocol, developed by the Dean in consultation with the Educational Policy Committee, that assures compliance with ABA Accreditation Standard 305;
- (8) If the project is supervised by a faculty member in whose special field of expertise the project lies, the student and faculty member may substitute for the protocol described in paragraph (7) other evidence of compliance with the following requirements (the requirements of paragraphs (1) – (6) remaining in force) -
 - (a) The academic component must include the following elements:
 - (i) A procedural mechanism for facilitating critical thinking by the student about the lawyering process. The student should be required to keep a journal, attend regular discussion sessions with the faculty member, or engage in some equivalent regularized procedure;
 - (ii) The opportunity to reflect on one or more issues of ethics and professional responsibility;
 - (iii) A clearly defined academic agenda focusing on one or more aspects of the legal system, including interpersonal relationships, institutions, dispute resolution, and legal doctrines;
 - (iv) An opportunity for the student to acquire new lawyering skills or to improve upon skills already acquired;
 - (b) The project must include some established and regular communication among the supervising faculty member, student, and supervising attorney; and

(c) The supervising faculty member must consult with the supervising attorney in the evaluation of the student's academic achievement.

B710 Cybersecurity Clinic ^^ (3) – Bose, S.

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

B712 Teaching Fellow (1-3) –

The Teaching Fellow course will award academic credit to upper-level students who serve as Teaching Fellows in classes they have already completed. The course will consist of two components: (1) a classroom component, organized by the instructor of record for the Teaching Fellow course (the "Fellowship Instructor"); and (2) an academic support component, supervised by the instructor for the class in which the Teaching Fellow provides support (the "Class Supervisor").

To complete the classroom component, students serving as Teaching Fellows will read assigned materials and meet periodically (approximately three times per semester) as a group with the Fellowship Instructor to discuss their activities, to reflect on their experiences, and to share advice with one another. The classroom component will require only approximately 10 hours of student work; students will earn most of their academic credit through academic support activities. The Fellowship Instructor will serve as a resource for Teaching Fellows and will work closely with Class Supervisors to evaluate Teaching Fellows' work.

To complete the academic support component, Teaching Fellows may perform a variety of support activities at the direction of the Class Supervisor. Examples include:

- reading assigned material for the class, along with students taking it;
- regularly attending class sessions to remain familiar with students' progress and questions;
- leading regular review sessions for students in the class during the semester, or in preparation for exams;
- assisting the Class Supervisor in assessing and providing feedback on practice exercises or other assignments that do not count toward the final grade;
- holding office hours (in addition to those held by the Class Supervisor) during which students are invited to meet and ask questions; or
- preparing review materials, in conjunction with the Class Supervisor, that summarize course content or otherwise assist with student learning.

B713 Administrative Law (3) – Applegate, J.

This course studies the law of decisionmaking by federal administrative agencies, such as the Environmental Protection Agency (EPA) and the Securities Exchange Commission (SEC). Government agencies make numerous types of decisions on innumerable subjects, so the course focuses on the boundaries set by the Constitution, legislation, and judicial decisions.

We examine the largely constitutional questions of power and control by the political branches of government over agencies; the largely legislatively established internal structure and procedures of agencies; and finally the fundamental role of judicial review in the work of administrative agencies.

B719 Employment Law (3) – Dau-Schmidt, K.

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

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

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

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

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

B723 Evidence (4) – Orenstein, A.

Evidence law regulates the proof of facts at trial and reflects the construction of courtroom "truth." In this course we will examine the rules of evidence and explore some aspects of their practical application. The course will cover: relevancy, hearsay, privileges, character, impeachment, experts, authentication, and best evidence. We will look at the rules and cases to analyze how evidence law may perpetuate and influence the cultural values, legal rules, and social norms that our society uses to assess credibility. The class is taught with a coursebook and case supplements on Canvas but will emphasize problems and a close

reading of the rules. Students may be expected to submit written answers to problems and other short assignments in advance of class.

B726 IP Antitrust (3) – Knebel, D.

This course will focus on the interplay between the antitrust laws and laws protecting intellectual property such as inventions, works of authorship and trademarks. Although both sets of laws are ultimately intended to make our economy more innovative and productive, their distinct ways of accomplishing that objective often seem to put them at odds with each other and courts are routinely called upon to resolve those conflicts. In the process of looking at these conflicts and their resolution, the course will provide an understanding of basic antitrust principles that may be sufficient for students not intending to concentrate in that area.

No previous exposure to antitrust is expected or required. It is recommended that students have taken at least one intellectual property course, or be concurrently enrolled in one.

B727 Securities Regulation (3) – Nagy, D.

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

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

B729 Antitrust (3) – Wallace, S.

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

Thousands of lawyers have an antitrust component to their practice – whether in a white collar criminal capacity or in dealing with civil conduct or merger cases. It has also been much in the news in recent years with rising levels of wealth inequality and increased corporate concentration. But are these antitrust problems? Politicians seem to think so and have in recent years held numerous Congressional hearings, called for the break-up of big tech companies like Google and Facebook, and have advanced a number of antitrust legislative proposals. Antitrust policy makers and enforcers are debating whether antitrust laws’ increased focus on economics has lost the thread of Congress’ original intent for antitrust statutes, or whether such criticism is merely #HipsterAntitrust—cool to talk about, useless as a legal approach. The U.S. seems poised to take a step in a new antitrust direction, but despite a lot of political noise, it isn’t clear that it will be in the E.U.’s direction of more active enforcement (with their billion-dollar fines on Google and Amazon).

Gaining some basic knowledge of both civil and criminal antitrust is not just important for being an informed citizen. As our law school’s “general practice” web page advises: “no matter how specialized a lawyer’s practice, there are certain subjects with which every professional

should be familiar" and you "should know enough about antitrust to be able to recognize a potential issue and help [your] client avoid running afoul of the law." Or as a plaintiff's lawyer, you should know enough about antitrust law so that you don't miss a chance to sue for treble damages. Or if you are interested in government practice, you should know enough about antitrust law to consider careers with multiple federal agencies (e.g., Federal Trade Commission, DOJ Antitrust Division) and state Attorneys General offices.

It is also just plain fun: it is judges and lawyers who have "made antitrust law out of the cryptic antiquated language of the Sherman Act, as later supplemented by the equally cryptic Clayton Act." (Judge Posner) That is because all of criminal and civil antitrust law has grown out of a small handful of statutory sentences. (The corollary of that, however, is that if you prefer bright line rules with clear statutory direction, this course might not be for you.) This introductory, comprehensive course charts antitrust law's development and basic concepts—from criminal price-fixing to civil monopoly claims to the analysis of whether proposed mergers are anti- or pro-competitive. You will leave the course both a more informed lawyer, and better equipped as a citizen to predict what value antitrust law may have to offer in the future. The final is an open book/notes three-hour essay exam.

B733 Federal Jurisdiction (3) – Scott, R.

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

Note: this course involves a take-home final examination.

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

This course is the for-credit component of 3L students' participation on the Sherman Minton Advocacy Competition Board. For additional information, please see the description of the Competition Board in the spring solicitation materials from the Moot Court Board. Moot Court Competition Board members grade briefs submitted for the Sherman Minton competition and perform other duties as needed to help with the Sherman Minton Competition. Because the competition will be held in Spring 2024, this course number may not be available for the fall semester.

Enrollment in the course will require the advance approval of Prof. McFadden; once the Executive Board has selected Competition Board members, those names will be transmitted to the Registrar. Feel free to contact Prof. Lane McFadden (lanemcfa@iu.edu) or Moot Court Board Chief Justice Amani Khoury (abkhoury@iu.edu) with any questions. (Pass/Fail)

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

Students competing in an intermural moot court competition during the 2023-2024 school year may enroll in this course for one academic credit hour. If your competition spans the fall and spring semesters, you may enroll in this course in either fall or spring (but not both). Registration requires the advance approval of Professor Lane McFadden; please contact him directly at lanemcfa@iu.edu to indicate that you would like to enroll. Enrollment

typically happens during the first week of the fall semester (because many team members will not know during spring course enrollment whether they are competing in the following year).

Moot court teams that may enroll in this course include (but are not limited to): Jessup, the ABA's National Appellate Advocacy Competition, the Environmental Law Competition, the Anderson Center Seventh Circuit Competition, and the national BLSA and LLSA moot court competitions. Students who propose a new team for the 2023-2024 school year and are approved by Professor McFadden at the beginning of Fall 2023 may also enroll. (Last year, this included Family Law, Immigration Law, and Evidence). The Antitrust and IP competitions have their own course number and section, with different faculty advisors.

Credit is awarded on a pass/fail basis. The course consists of meetings with Prof. McFadden and other faculty advisors to discuss the briefing topic (when competition rules permit), the preparation and filing of an appellate brief as part of your competition, and regular practice for oral argument.

For more information on moot court teams, please see <https://law.indiana.edu/students/advocacy/external.html> and contact Prof. Lane McFadden (lanemcfa@iu.edu) with any questions.

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

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

B735 Int'l Business Transactions (3) – Emmert, F.

This course is a practice oriented introduction to the legal aspects of international business transactions. After an overview of the legal frameworks governing IBTs, we analyze in depth the four corners of a documentary sale: The sales contract, the payment or financing contract, the shipping contract, and the insurance contract. The course finishes with an overview of typical problems related to transnational litigation and international commercial arbitration, the two dominant forms of enforcement of rights arising from IBTs. Prof. Emmert is bringing 30 years of experience as a transactional lawyer, international arbitrator, and law professor to the course and will be using his book "International Business Transactions – Text, Cases and Materials" published by Carolina Academic Press, with dozens of check lists, model contracts and other study aids. No business or business-law background is required to take this course.

B743 Patent Law (3) – Janis, M.

This class surveys United States patent law, with an emphasis on the decisions of the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (USPTO), and the U.S. Supreme Court. The structure follows the basic steps of a patent infringement suit, addressing claim construction, validity, infringement, defenses and remedies. In general, we will draw on cases involving straightforward and sometimes even humble technological developments that illustrate fundamental patent law principles. We will learn how patent law arguments are developed and rebutted before the courts and the USPTO; how the institutions of the patent system operate and how they might be improved; and how changes to the patent law regime, including those enacted as part of the America Invents Act, affect a wide

range of innovators, from start-ups to universities to multi-national tech companies. The exam is an open-book take-home exam.

B745 Conflict of Laws (3) – Sanders, S.

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

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

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

There are no prerequisites for this course, though there is some overlap (in the areas of personal jurisdiction and *Erie*) with Civil Procedure II. It is equally useful for 2Ls and 3Ls, and may be especially valuable for students planning to clerk.

B764 Law & Tech: Space & Cyber Governance (3) – Tepper, E.

The war in Ukraine saw, for the first time, cyberattacks on space-based services as part of a military campaign. An escalatory cycle of militarization of the space-cyber nexus, brewing for over a decade, culminated in what was dubbed the '[first space-cyber war](#)'. A combined space-cyber warfare theatre is emerging to become the primary battlefield for superpowers in the 21st Century and the main mode of space warfare. Critical for security and the economy, space-based infrastructure, including such operated by commercial space companies, became a prime target for malicious attacks. While key US adversaries have proven capabilities to destroy satellites using Anti-Satellite missiles (ASATs), the major risk is from cyber-attacks: they are a low-cost, low-risk, high-yield tool, and the perfect asymmetrical weapon, also providing plausible deniability. A space cyber-attack can precede a military offensive, as it did with the Russian invasion of Ukraine, and even itself trigger a war. But such attacks may also be – and already have been – launched by criminal organizations and terrorist groups.

This is the nation's first course to explore the emerging – and still inchoate – governance responses to the militarization of the space-cyber nexus at both the international and national levels. During the course, we will review the disjointed responses at the international level and the efforts to introduce an integrated, flexible, multilateral regime. We will also review the evolving national responses, including the Presidential decree, the

guidelines of the National Institute of Standards and Technology, the Department of Homeland Security's space policy, the Satellite Cybersecurity Bill discussed in Congress, the German baseline protection profile for space infrastructures, the Space Attack Research and Tactic Analysis (SPARTA) framework, and the work on an ISO standard.

For more information on IU's space law and governance research and teaching see: IU Bloomington [Space Governance Lab](#). Students of this course will have priority in registering for the upcoming IU Space-Cyber Security Certificate Program designed to train the first generation of space-cyber security experts.

Time & place

Every Tuesday & Wednesday 8:15 - 9:40 AM, starting Tuesday, August 15, 2023, and through Tuesday, November 21, 2023, except for the week of October 9 (fall break).

The course will be delivered as an online synchronous course, with the first and last week in person at the Maurer Law School Room 216, also broadcasted via Zoom.

B771 Mediation ^^ (2) – Stafford, C.

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

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

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

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

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

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

Grades will be based primarily on a take-home final exam. There are class participation requirements as well. There is no prerequisite required for this course, though Administrative Law is very helpful, even if taken concurrently.

The required casebook, Glicksman et al., Environmental Protection: Law and Policy (9th ed. 2023) (ISBN 978-1-5438-5783-2) 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.

Seminars:

B592 Law & Political Theory: Institutional Analysis of Social-Ecological Systems ** (3) – Cole, D.

This 3-credit seminar, which the IU Nobel Laureate Elinor Ostrom taught for many, many years, examines how, when, and why individuals engage (or fail to engage) in collective action to resolve (or not) the social and social-ecological problems that confront them. The seminar will focus, as it did when Professor Ostrom taught it, on the "Bloomington School of Political Economy" and its approach to Institutional Analysis, which she developed over the course of more than 40 years, along with her husband Vincent and colleagues in the Ostrom Workshop in Political Theory & Policy Analysis at Indiana University. Though the "Bloomington School" will be highlighted, we will also address other approaches, both complementary and competing, throughout the semester. The Seminar in Fall 2022 will be co-led by Professor Eduardo Brondizio (Anthropology) and Professor Daniel Cole (Law & SPEA).

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

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

Before the start of the semester, participants are expected to have read Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge 1991). Weekly discussions will be based on a half dozen or so papers and book chapters, which will be made available on CANVAS. In addition to attending weekly seminar meetings, students taking the course for credit must:

(1) Write a short (2-3 page) biweekly memo to the instructor and other members of the class, reflecting on what they are currently reading, how they are progressing on their seminar paper, and related topics. These memos are not individually graded. However, they will factor into the final grade as part of class participation. The faithfulness and quality of the memos will be reflected in this part of the grade. In Week 1, Professors Brondizio and Cole will divide the students in class into two sections, A & B. Students assigned to Section A will complete the first set of memos, due a day before Week 2's meeting. Students assigned to Section B will complete their first memos for Week 3. And so on.

(2) Complete a final paper. Each student is expected to select either a type of problem (such as that of providing or conserving a particular type of public good or common-pool

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

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

The Seminar will meet each Tuesdays during Fall 2022 from 3:00 pm to 5:00 pm in the Tocqueville Room at the Ostrom Workshop. A complete syllabus for the course will be made available on the CANVAS site around the start of August.

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

Climate change touches on so many aspects of legal practice that it has become a new, rapidly emerging field of law. Almost every major law firm in the U.S. is adding capacity to advise companies on climate change and its business implications, to address voluntary and required climate and environmental, social, and governance (ESG) disclosure, and to represent companies in litigation. Conversely, an emerging global network of NGOs and public-interest law firms is using corporate and securities law to motivate changes in companies' behavior regarding climate change, collaborating with activist investors to use advocacy tools such as shareholder proposals, regulatory complaints, litigation, and books and records requests.

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

Evaluation

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

Paper: 90%. The paper for the seminar will qualify for upper-level writing credit for the J.D. students.

L710 Seminar in Law & Language ** (3) – Marinotti, J.

This seminar serves two functions. First, it provides a practical advanced workshop in legal interpretation for those interested in appellate litigation and in the interpretation of constitutions, statutes, contracts, patents, etc. Second, the seminar addresses 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). Students will be graded on a term paper (5k-10k words), a set of two judicial opinions, and in-class participation. The judicial opinions are written collaboratively with other students in the context of two mock appeals where the students are the judges/justices (not the advocates).

This class does not have any pre-requisites. However, the class is run as an advanced level seminar and is geared toward students who want to learn more than surface level advocacy. Instead, students should be ready to dive into the meta-level discussions about law and interpretation. These discussions play a crucial role in judicial reasoning, especially in the appellate context, but require significantly more knowledge and background. Therefore, students should be ready and excited to engage with academic, judicial, scientific, and philosophical reading assignments. Sample readings include: Lawrence B.

Solum, *Communicative Content and Legal Content*, 89 Notre Dame L. Rev. 479 (2013); Stephen Neale, *Determinations of Meaning*, in 2 Oxford Studies in Philosophy of Language 104 (Oxford Univ. Press, 2022); Michael Steven Green, *Dworkin's Fallacy, or What the Philosophy of Language can't Teach Us About the Law*, 89 Va. L. Rev. 1897 (2003).

L710 Seminar in Collective Liberation ** (3) – Butler, Y.

Scenario 1: A law school focuses its minority recruitment on black students to address a history of oppression at that specific school. Latin American students want an increased emphasis on recruiting more Latin American students to increase diversity overall. Additionally, affirmative action policies, which seek to be intentional about recruiting and enrolling a well-qualified, diverse group of students, face many challenges. One of these challenges alleges that Asian American and Pacific Islander (AAPI) students are harmed by affirmative action policies and that Black and Latin students benefit at the expense of AAPI students.

Scenario 2: Whether one is discussing access to bathrooms, athletics, or the workplace, cisgender and transgender women and girls and gender nonconforming individuals are often perceived to be at odds. For example, in the 2020 Supreme Court case, *Bostock v. Clayton County*, held that Title VII's prohibition of discrimination "on the basis of...sex," is inclusive of sexual orientation and gender identity. Some groups have alleged that recognizing "gender identity" under Title VII is harmful to the broader fight for women's equality, in part, because it enshrines harmful gender stereotypes into the law. Others argue that it does the exact opposite.

Scenario 3: Since the COVID 19 pandemic and the 2020 murder of George Floyd, there is a renewed energy for penal abolitionist strategies in the United States. Many groups have called for a number of systemic reforms and transformative changes. These changes include advocacy to “defund the police” and invest in other forms of service provision. While many of these calls are driven by intersectional coalitions (black, brown, indigenous, immigrant, cis and trans women, and gender nonconforming people, among others), other intersectional coalitions also resist the complete abolition of police. Those against abolishing or defunding the police cite the fact that communities of color and other “outsiders” are often not public safety priorities.

Scenario 4: In the battle against sex trafficking, some feminists refer to sex workers who advocate for the full decriminalization of prostitution as members of the “pimp lobby,” say they are too traumatized to know better, or otherwise argue that their efforts are harmful to the violence against women movement. Sex workers and their allies argue that they do not suffer from “false consciousness,” they are not members of a fictional “pimp lobby,” and they are members of the violence against women movement. Sex workers argue that the anti-trafficking movement, with its carceral focus, has led to a variety of tangible harms.

This course considers how the law, the legal profession, and legal system actors can work toward our “collective liberation.” Collective liberation considers how a variety of struggles (including the above scenarios) are inextricably interconnected. Students will learn about several theoretical frameworks that analyze power, prejudice, dominance, and subordination from the perspectives of race, gender, class, sexual orientation, dis/ability, and more. Students will also learn how those frameworks advance or detract from the goal of pursuing justice for marginalized groups without sacrificing the wellbeing of any individual group. After leaving this course, students will understand how to reframe a perceived conflict between two or more groups that seem to be at a socio-legal impasse.

L712 Seminar in Int'l Law: World War I ** (3) – Waters, T.

Before anyone knew there would be a second world war, the first was known as the Great War. It was a war of the modern era: industrialized, mass-mobilized, drawing on all the resources of the bureaucratic state and altering profoundly the societies that fought. This seminar recovers the overshadowed memory of this, perhaps the most disruptive event of our era, with special attention to the way law shaped and was shaped by the shock of a violent modernity.

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

L713 Seminar in Law & Economics ** (3) – Dau-Schmidt, K.

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

L714 Seminar in Judicial Conduct ** (3) – Geyh, C.

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

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

This seminar will focus on the law's role in shaping technology and creative expression. The central theme of the class is intellectual property with a special focus on patents, copyrights, trademarks, and trade secrets. Around that theme, the class explores related fields and disciplines such as privacy, economics, informatics, and health. Approximately six scholars/commentators will visit campus during the semester to present wide-ranging examples of interdisciplinary works-in-progress to seminar students. Drawing upon these examples of interdisciplinary IP scholarship, students will craft their own articles over the course of the semester. During class sessions, students will study and discuss the visiting scholars' works-in-progress and relevant background readings, and attend the visiting scholars' presentations and pose questions to each presenter. Prior or concurrent enrollment in at least one intellectual property course is a prerequisite.

L756 Seminar in Critical Race Theory ** (3) – Butler, Y.

This course will examine critical race theory, a theoretical framework developed in the 1980s that questions law and society at its juncture with race, power, and the law. Critical race theory is critical of the traditional legal doctrine's assumptions about the law's race neutrality and colorblindness and openly discusses the role of law in (re)producing racial and ethnic subordination. This seminar will address the way race is embedded in our legal system and engage in an analysis of issues including: the legal construction of race, structural racism, white privilege, the intersections of "race and..." (sex, gender, class, religion, disability), health, education, the criminal system, and more.

The primary objective of this course is for students to understand and apply general concepts developed within the critical race theory scholarship and to be able to apply these concepts in varied legal contexts and settings. Ideological labels and political affiliations are immaterial in this course, in the sense that not all CRT scholars see the issues the same way. In this course, respectful disagreement is valued. Students can expect to thoroughly engage with one another and the professor to prepare them to wrestle with these issues at a higher level.

Grading will be based on a seminar paper, an oral presentation to the class, and weekly participation.

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

This course examines the law's response to the developmental understanding of childhood, with particular focus on distinguishing the rights of youth from those of adults. Much of our efforts center on understanding the myths and realities of legal doctrine governing childhood, particularly the transition to adulthood. To do so, students explore how the legal system responds to youth's needs in a variety of social contexts and institutions (e.g.,

families, media, intimate relationships, schools, and religious institutions) and sociolegal systems (juvenile, child welfare, medical, mental health, and criminal justice systems). Supreme Court cases serve as our main texts, although students do consult empirical research and substantive areas of law in their writing projects. Students' grades are based on class participation relating to assigned readings as well as oral and written presentations describing the results of independent research projects.

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

This seminar will cover assorted topics relating to the law, theory, and policy of taxation and public finance—both in the United States and internationally, and at both the federal and the state and local levels. The specific topics covered will depend primarily on students' interests and choices for paper topics. Students will be required to write a seminar paper of at least twenty pages in length. Students will be expected to present their seminar papers to the class and also to write and present a series of short critical reaction papers analyzing supplementary readings and sources found while researching their seminar papers.

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

**L776 Seminar in Criminal Law: Identity, Punishment & Wrongful Convictions
** (3) – Beety, V.**

The emergence of DNA testing over the past thirty years has exposed the wrongful conviction of thousands of factually innocent people. Yet women and LGBTQ+ people are most likely to be wrongly convicted where *no crime occurred* – where there is no DNA that can point to another perpetrator. How many people are wrongly convicted, or wrongly sentenced, in the United States based on their identities? This course provides an opportunity to learn about the systemic errors in our legal system that lead to wrongful convictions, as well as exploring more broadly the justice or injustice of our criminal legal system. We will question whether defendants can be wrongfully convicted or wrongfully sentenced and punished regardless of their factual innocence, and what that means. This is also a seminar course that focuses on what happens after an individual's criminal conviction becomes "final," that is, after he or she has exhausted the appeals process. Students will therefore learn fundamental basics of post-conviction law (habeas law), and broadly about incarceration in the United States.

L782 Seminar in Administrative Law ** (3) – Hammond, A.

Seminar on Administrative Justice: This is a three credit seminar that will satisfy the advanced research requirement. This course offers a bottom-up, individual-centered perspective on the administrative process that is designed to complement the top-down, court-centered perspective of a traditional administrative law class. The field of administrative law typically focuses on the role of federal courts in reviewing and constraining agency action. While the field's focus is understandable and valuable, it obscures many of the legal issues that lawyers encounter when they practice in or before administrative agencies. The primary goal of this seminar is to expose students to a wide range of these often-overlooked legal issues. We will pay particular attention to those legal issues that impact those individuals who lack the resources to influence and contest agency decisionmaking. This seminar will not be limited to federal administrative law, but rather will also draw on case studies from state administrative law and comparative administrative law.

This class has no pre- or co-requisites, although students may get more out of it if they have taken or are simultaneously enrolled in Administrative Law. Reading assignments and lectures will summarize the core administrative law doctrines that students must know to participate in the discussion, but prior or simultaneous study of those doctrines may offer students greater ease and nuance.

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

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

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

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

L799 Seminar in Con Law: Law & Democracy ** (3) – Almendares, N.

Through judicial review, unelected judges can overrule choices made by the elected branches of the government. This "countermajoritarian difficulty," has been a key issue in constitutional jurisprudence. This seminar examines the role of courts in a democracy. We will also look at the way law affects democracy and participation in government through things like campaign financing and political protest. Readings will consist of articles, book selections, and cases. Course requirements include active class participation and writing assignments.

