

# GONZAGA UNIVERSITY SCHOOL OF LAW

## COURSE CONTENT DESCRIPTIONS

Updated: 01/09/2019

### **ACCOUNTING FOR LAWYERS**

Credits: 2

Accounting is the language of business. This course introduces students to the principles necessary to oversee a client trust account and prepares students for a career serving clients in business transactions and other litigation, where a basic understanding of the fundamentals of business and an ability to speak the business language are necessary. Coverage includes accrual accounting, the double-entry bookkeeping system, how to prepare and interpret financial statements, the time value of money, generally accepted accounting principles and auditing standards in the U.S., accounting issues in the practice of law, and current ethical issues in accounting. Previous experience in accounting or finance is not required. Students who have earned more than three semester credit hours, or its equivalent, in accounting courses after high school may not enroll in the course, unless given special permission by the Associate Dean for Academic Affairs.

### **ADMINISTRATIVE LAW**

Credits: 3

Prerequisite: Constitutional Law I

This subject concerns the procedures and remedies for resolving controversies between individuals and officials which arise out of the exercise of official powers, the institutions through which those powers are exercised, and the problem of delimiting the areas of law and discretion in a variety of administrative contexts. Some attention is given to state and local, as well as federal administrative action and judicial review thereof.

### **ADVANCED CRIMINAL PROCEDURE: THE PROCESS OF ADJUDICATION**

Credits: 3

This course covers the most significant of the Federal Rules of Criminal Procedure, the body of constitutional case law concerning the criminal trial process (with particular emphasis on the Double Jeopardy Clause), as well as the relevant federal statutes such as the Bail Reform Act and the Sentencing Reform Act. Topics include: Bail and pre-trial detention; prosecutorial charging discretion; the role of preliminary hearings; grand jury proceedings; the requirement of a speedy trial; criminal discovery; indictments and other charging instruments; prejudicial pre-trial publicity; joinder and severance; guilty pleas; double jeopardy; and sentencing.

### **ADVANCED EXTERNSHIP SEMINAR**

Credits: 1

Taken concurrently with Externship Field Credits

The Externship Program provides students with opportunities for professional development, to obtain practical lawyering skills, to create or expand professional networks, and to assess and gain insight to the workings of the legal system. We create these opportunities through exposure to the system with the guidance of a supervising attorney or judge. This seminar is for students who have already taken their first externship. Students in this class will move beyond the foundational questions of professional identity and have an opportunity to continue to develop an individualized

plan for deeper skills, personal and professional development while investigating questions about the current state and the future of the legal profession.

## **ADVANCED LEGAL RESEARCH**

Credits: 2

This class is designed to give students a greater understanding of legal and law-related research. Building upon skills and resources covered in Legal Research & Writing I & II, the class will demonstrate advanced research techniques using a wide variety of research resources in their multiple formats – print, Westlaw, LexisNexis, and the Internet. The course will specifically cover complex sources like legislative history, administrative materials, and specialized sources that are initially introduced in Legal Research & Writing II. The class will also demonstrate how legal and law-related resources, in their various formats, can be effectively and efficiently integrated into one overall research strategy.

## **ADVANCED TORTS**

Credits: 2 or 3

This course will survey torts claims, related defenses, and issues beyond those covered in the first year torts course. Topics will likely include intentional torts to the person and to property, defamation, invasion of privacy, fraud/misrepresentation, deceptive trade practices claims, interference with business/contractual relations and wrongful discharge, and Section 1983 “constitutional tort” claims. This elective course is designed both to enhance coverage of torts claims tested on bar examinations, and also offer students interested in tort law additional advanced coursework.

## **ADVANCED TRADEMARK & UNFAIR COMPETITION LAW**

Credits: 2

Prerequisite: Intellectual Property (completed or concurrent)

This course builds upon the Intellectual Property survey course, using the Lanham Act to address the adoption, registration, maintenance and enforcement of trademarks; false advertising, dilution, counterfeiting and other aspects of unfair competition; and the relevant defenses and available remedies. Students will be introduced to the advantages of federal trademark protection and will learn key aspects of practice before the U.S. Patent and Trademark Office, including trademark prosecution and the handling of opposition, cancellation and concurrent use proceedings. Measures for international protection, including the Madrid Protocol, are covered, as are issues of branding and domain name protection. Rights in trademark at common law and the state law right of publicity are addressed.

## **ALTERNATIVE DISPUTE RESOLUTION**

Credits: 2

The goal of this course is to provide students with an understanding of the full range of dispute resolution processes including interviewing and counseling, negotiation, mediation, arbitration, and mixed processes, such as the mini-trial. The overall objectives are to give the students familiarity with these processes, rudimentary skills in using them, and some experience in how to help a client choose or build the most appropriate dispute resolution or prevention process.

**ANTITRUST**

Credits: 3

This course focuses on the federal rules regarding monopolization and both horizontal and vertical restraints of trade. It provides more of an in-depth analysis of core issues rather than a survey of a broader variety of subjects.

**BANKRUPTCY**

Credits: 3

Recommended: Secured Transactions

This course is designed primarily to introduce students to our system of federal bankruptcy law, a subject which permeates almost every area of legal practice. The course will focus on how the Bankruptcy Code modifies creditors' non-bankruptcy rights and how it protects debtors. The key general concepts studied will include: the bankruptcy estate; the different classifications of claims; exemptions; discharge; the automatic stay; preferences; and fraudulent transfers. In examining the different types of bankruptcy proceedings, the course will begin with the rules for liquidations, then explore individual reorganizations, and then finish with an overview of business reorganizations. Throughout the course certain policy aspects of the Bankruptcy Code will be explored.

**BUSINESS ASSOCIATIONS**

Credits: 4

This course introduces students to a variety of legal concerns involving business enterprises. It covers the basic law of agency and also examines the formation and operation of various legal forms that a business may take. Those include general partnerships, corporations, limited liability companies, and limited partnerships.

**BUSINESS PLANNING**

Credits: 2

Prerequisite: Business Associations

Recommended, completed or concurrent, one or more of: Secured Transactions, Taxation of Business Entities, Taxation of Individual Income

The course will put students in the role of transactional lawyers for a small business. It will take the students through various stages in the formation and development of the business. Students will advise the business owners and draft documents relating to several of the following: (i) the initial formation of the business entity; (ii) the relationship of the owners; (iii) transactions with financiers, customers, or suppliers; and (iv) a sale, merger, or acquisition. Students might do some or all of their work for this course in teams.

**CITIES & TOWNS, LAW OF**

Credits: 3

Recommended: Constitutional Law I, Constitutional Law II and Administrative Law

This course examines types and characteristics of local government units; sources of authority; and limitations on exercise of authority, both legislative and judicial. In addition, the course introduces the student to substantive doctrines which govern major local government activities. Particular attention is given to: (1) exercise of the police power; (2) financing local government; and (3) civil rights suits under 42 U.S.C. § 1983.

**CIVIL PROCEDURE (R)**

Credits: 4

This course examines the operation of the federal and state judicial systems, beginning with a brief look at the structure and organization of the judiciary. It is then divided into two principal parts. In one half of the course students will study personal and subject matter jurisdiction and basic choice of law principles for federal courts in diversity cases. In the other half, students will study the rules of civil procedure, including such things as the various types of pleadings and parties, joinder of actions, pretrial motions, the division of function between judge and jury, and summary judgment. Students will also be introduced to the enforcement of judgments, the doctrines of *res judicata* and collateral estoppel, and the scope of appellate review.

**CIVIL RIGHTS**

Credits: 3

The class examines statutory remedial schemes for enforcement of constitutional and statutory civil rights. The primary focus is on 42 U.S.C § 1983. In addition, other civil rights statutes, including the 1964 Civil Rights law, the Americans with Disabilities Act and other related statutes are introduced and discussed. Similar state laws are reviewed. The class is intended to foster a basic understanding of how to enforce particular citizen claims for violations of civil rights and how to defend against such claims.

**CIVIL RIGHTS LAWYERING**

Credits: 1

Prerequisite: Constitutional Law II (completed or concurrent)

*One-time offering Spring 2019*

The United States has made significant progress in addressing *de jure* discrimination, but persistent *de facto* discrimination and inequality remain. People of color, especially African-Americans, still have unequal encounters with the police and criminal justice system; others remain left off of juries and left out of the political process, through preemptory challenges and voter ID laws; many, too, lack the basic resources to change their status through equal access to education and employment, including in the legal profession. This class focuses on the role of law in both creating and making progress on these problems. In each class, we will compare different legal strategies for achieving (and blocking) civil rights and social justice goals. The class will begin with a look at the Civil Rights Movement and the strategies of the early lawyers, before discussing discrete topics in criminal justice, voting, higher education, and the legal profession. The class will culminate with a discussion of the future of civil rights lawyering and cause advocacy.

**COMMUNICATION AND PERSUASION SKILLS FOR LAWYERS** Credits: 1

Through lecture, student exercises, drills, modeling, and role playing, the course focuses on skills required for success in the practice of law: Persuasion; Gaining Trust; Fostering Client Relationships; Questioning Techniques; Effective Listening; Memory Skills; Organization and Time Management; and Effective Argument.

**COMMUNITY ORGANIZING**

Credits: 1

Community Organizing equips students with the organizational tools to address the social and structural inequities that contribute to and perpetuate disparities among individuals and communities identified as vulnerable, marginalized, or underserved. By working in interprofessional teams, students will hone not only their communication and collaboration skills but also their understanding of different professions' roles, responsibilities and expertise. Students will also address social determinants of equity in underserved populations. The didactic coursework will be complemented by community engagement experiences that allow student teams to apply skills and to collaborate around specific community-identified projects and goals.

**COMMUNITY PROPERTY**

Credits: 2

This course studies the community property system. Character of ownership, management, disposition, voluntary and involuntary transactions between spouses, tort and contract liability are the main areas covered. Limited attention is given to the federal income tax and tax collection issues involved in community property.

**COMPARATIVE WOMEN'S RIGHTS**

Credits: 3

Through a comparative lens using the United States experience as a reference point, this course will explore specific legal issues of concern to women worldwide and the concomitant social and cultural factors that affect policy making. It will also address gender-related human rights issues and the role of international law. Topics will include: (1) marriage and family law, traditions, and rituals; (2) work and education; (3) health care and reproduction; (4) war and peace; (5) violence against women, including sexual harassment, prostitution, pornography, rape, and intimate partner abuse.

**CONFLICT OF LAWS**

Credits: 3

Prerequisite: Constitutional Law I

The rules of conflict of law are examined as they have developed in separate, sometimes unrelated areas (Choice of Law, Constitutional limitations on choice of law, Domicile, Jurisdiction, Enforcement of other state judgments, and Erie problems) in a way to show the need of lawyers to think spatially; to emphasize the multistage characteristic of much of human activities and thus legal problems. An attempt will be made to provide insight that may help to manage these problems of conflicting rules which arise with the constant movement of people and their affairs. It is also hoped that the course will shed light upon how rules of law arise, function, and interact or compete.

A discussion of domicile; jurisdiction of courts with reference to constitutional limitations; foreign judgments and the impact of the Constitution; choice of law problems in general with a more detailed look at problems concerning choice of law in relation to property, family law, contracts, torts, trusts and the administration of estates.

**CONSTITUTIONAL LAW I (R)**

Credits: 3

Formerly Constitutional Law: Structures of Government

Constitutional law embodies the study of federal powers such as war and treaty powers, the Spending Clause, and most especially the Commerce Clause. Federalism issues, including the Tenth and Eleventh Amendments and the Supremacy Clause are addressed in this class.

**CONSTITUTIONAL LAW II (R)**

Credits: 3

Formerly Constitutional Law: Individual Liberties

First Amendment speech and religion clauses, Due Process under the Fifth and Fourteenth Amendments, including the protection of privacy, and the Equal Protection Clause are covered.

**CONSUMER LAW**

Credits: 3

This course reviews statutes and regulations restricting unfair or deceptive marketing and sales practices, as well as remedies available to recover for violations.

**CONTRACTS (R)**

Credits: 4

The law of contracts is examined within the context of the common law and as a foundation for most other areas of the law stemming from voluntary actions. An attempt will be made to examine the lawyer's function as an advisor-planner, predictor, advocate, and lawmaker. The rules of contract will be taught with selected parts of the Uniform Commercial Code Article 2, along with reference to commercial law in general.

Topics include freedom of contracts, offer and acceptance, performance and breach, third-party beneficiaries, the statute of frauds, discussion of concepts such as mistake, misrepresentation, duress, and illegality, coverage of selected portions of the Uniform Commercial Code including Article 1 (definitions), Article 2 (Parts 1, 2 and 3 except warranties), and other related provisions.

**COPYRIGHT LAW**

Credits: 2

Using the relevant statutes and case law, the course examines the requirements for copyright protection, the works that may be afforded copyright protection, and the scope of rights enjoyed by copyright owners. In addition, the particulars of registration, notice, copyright term, ownership, licensing, assignment, and termination will be covered. The course will also discuss the elements of infringement and exceptions to infringement claims, including fair use. Practical applications such as contracts and licenses for the use of copyrighted material, and the use of musical compositions and sound recordings will be explored.

**CRIMINAL LAW (R)**

Credits: 3

This course examines the purpose of criminal law and the varying rationales for punishment, the elements of particular crimes, and the justifications and excuses of various special defenses.

**CRIMINAL PROCEDURE**

Credits: 3

A study of fundamental aspects of criminal procedure. Emphasis will be given to judicial control of police practices by means of the exclusionary rule, including search and seizure, and police interrogation. Consideration will also be given to fundamentals of procedural due process, including defendant's privilege against self-incrimination, the right to counsel, right to trial, and double jeopardy. Additional topics may include decision to prosecute, preliminary examination, bail, discovery, plea bargaining, confrontation, speed trial, the relationship between fair trial and free press, *habeas corpus*, and cruel and unusual punishment.

**e-DISCOVERY AND e-EVIDENCE**

Credits: 2

Recommended (completed or concurrent): Evidence

This class introduces students to the practical, procedural, and substantive legal issues that commonly arise in litigation vis-à-vis the discovery and production of electronically stored information ("ESI"). It also addresses the presentation of ESI as evidence. Topics include the importance of ESI, its sources, and the electronic reference model; ESI law and principals; prelitigation action; ESI preservation; litigation holds; meet and confer obligations; the use of a special master; the e-discovery process; ESI as evidence; Federal Statutes addressing ESI; and ethics and ESI. If time allows, we will explore computer forensics and the potential future of ESI.

**EDUCATION LAW**

Credits: 3

Recommended (completed or concurrent): Constitutional Law I &amp; Constitutional Law II

A study of the constitutional doctrines, statutes and case law governing public schools, with emphasis on the legal relationships among the school, its employees and its students. Topics will include: special education law; student speech, records, search and seizure, and discipline; teacher tenure, certification, and termination; collective bargaining issues; employee non-discrimination; and constitutional rights, liability, and religion in schools. Selected educational concepts will be introduced, and class will explore the impact of legal regulation on school system operations and the law's treatment of educational issues.

**ELDER LAW**

Credits: 2

Recommended: Wills &amp; Trusts

This course deals with the legal issues generated by increased life expectancy. These issues include the growth of certain medical conditions affecting physical and mental capacity, such as Alzheimer's Disease; the protection of assets prior to death; elder abuse issues (both physical and financial); autonomy versus protection; age discrimination; long-term care; and end-of-life choices.

**EMPLOYMENT DISCRIMINATION**

Credits: 2

This course focuses on the laws that prohibit discrimination in employment such as Title VII, and the Americans with Disabilities Act. We will learn about statutes and case law regarding discrimination on the basis of race, creed, color, national origin, sex, pregnancy, disability, sexual

orientation, and genetics. While some attorneys practice primarily in the employment area, most lawyers deal with employment discrimination during their careers no matter what their specialty is. Class participation is important in the course. We will talk about some of the procedural aspects but the emphasis will be on the substantive law. Employment Law is NOT a prerequisite.

## **EMPLOYMENT LAW**

Credits: 3

This course will focus on those employment issues most commonly confronted by attorneys. Topics should include: The employment-at-will doctrine and its exceptions; negligent hiring, defamation and other job-related torts; employment discrimination under both federal and state statutes; and protections for employee privacy.

## **ENTERTAINMENT AND MEDIA LAW**

Credits: 2

Prerequisite: Intellectual Property

Introductory course addressing legal issues raised in the entertainment industry, with a focus on film/television, music, gaming, publishing and marketing. Topics include constitutional, contract, tort, ethical and intellectual property issues of significance in these arenas. The course will also provide basic background on how deals are typically structured, the major types of contracts used, and the unique ways in which standard contract issues arise in these sectors of the entertainment industry.

## **ENTREPRENEURIAL MANAGEMENT AND LEADERSHIP (R) for Accelerated Program Only**

Credits: 3

This course will focus on conceiving, creating, building, growing, and sustaining new ideas. In this course, we will explore the structure of ideas and innovation, the development of value propositions and business models, how to manage and grow an organization, learning from failure and developing an organizational culture. Students will develop their own ideas for innovative products, services, or opportunities, work with their colleagues to evaluate these ideas, and develop their own business models over the course of the semester.

## **ENVIRONMENTAL LAW - NEPA, ESA, CAA & CWA**

Credits: 3

This course introduces basic principles of ecology, economics, and administrative law. The course content focuses on four federal statutory schemes: the National Environmental Policy Act, the Endangered Species Act, the Clean Air Act, and the Clean Water Act. The course emphasizes skill on statutory analysis and problem solving applied to real environmental disputes.

## **ETHICAL ISSUES IN REPRESENTING CHILDREN**

Credits: 2

This course examines ethical issues that arise in the process of representing children. We explore the ethical constraints of each model of child representation (i.e., guardian ad litem, attorney for child, attorney for situation) as well as ethical issues that arise when an attorney's representation of adults or agencies also affects children. The instructors present introductory material on



professional responsibility, legal issues affecting children, and child development. The students build from the introductory material to make class presentations. The course is highly reflective and interactive.

**EVIDENCE (R)**

Credits: 3

This course surveys the law governing the admission of evidence, with an emphasis on the federal rules of evidence. Topics include foundational and other requirements for presenting and ensuring the reliability of various types of evidence (such as witness competence, proper format for questions, objections, authentication and best evidence requirements for documents, and judicial notice); the relevance requirement and its limits; the general rule excluding hearsay evidence and its many exceptions; the admissibility of scientific evidence; and the exclusion of evidence for policy reasons such as privilege. The course also examines procedural issues such as burdens of proof and appealing evidentiary issues.

**EXTERNSHIP SEMINAR**

Credits: 1

Taken concurrently with Externship Field Credits

The Externship Program provides students with opportunities for professional development, to obtain practical lawyering skills, to create or expand professional networks, and to assess and gain insight to the workings of the legal system. We create these opportunities through exposure to the system with the guidance of a supervising attorney or judge. This seminar will supplement those experiences, providing students with opportunities for personal and professional skill development through self-assessment and reflection.

**FAMILY LAW**

Credits: 3

An introduction to both the law governing family relationships and the types of court proceedings that can create or terminate family relationships, such as paternity, adoptions, legal separations, declarations regarding validity of marriage, dissolutions, and termination of parental rights.

**FEDERAL INDIAN LAW**

Credits: 3

This course is a comprehensive survey considering the unique body of law affecting American Indians and American Indian property interests. Topics covered include the competing claims to jurisdiction by state, federal and tribal governments, treaties and the abrogation thereof, civil rights of tribal members, powers of tribal self-government, water rights, fishing rights, Indian education programs, and patterns of Indian property ownership.

**FEDERAL JURISDICTION**

Credits: 3

The basic principles of judicial review and federalism under the Constitution of the United States. The theory and practice of federalism and the separation of powers, the broad problems of distribution of judicial power between state and federal courts and jurisdictional conflicts created by the existence of federal system of government. The appellate and original jurisdiction of the federal courts in terms of review of state court decisions, *habeas corpus*, appeal and certiorari,

federal question, admiralty, diversity jurisdiction, injunctions against suit, removal choice of law problems which raise questions of federalism.

## **FOUNDATIONS OF APPELLATE LAW**

Credits: 2

Prerequisite: Legal Research & Writing IV, or equivalent Moot Court experience

This course focuses on the values involved in appellate decision-making, how these values conflict, and the interplay of these values in the quest for a just system. More particularly, the course examines the substantive foundations of appellate law, including the doctrines of *res judicata*, collateral estoppel, and law of the case, along with the law regarding preservation of error, *stare decisis*, justiciable controversy, mootness, *dicta*, and related concepts. The course also includes an orientation regarding the state and federal appellate systems and the practical workings of the Washington appellate system. Lastly, the Washington Rules of Appellate Procedure are surveyed.

## **GAMING LAW**

Credits: 2

Prerequisite: Federal Indian Law and Administrative Law

This course is designed to introduce students to the law of the rapidly growing area of gaming. Areas of study include determining whether an act constitutes gaming; the social harms of gaming; private law issues in gaming such as contracts and the enforcement of judgments; regulation of gaming by the federal government, the states, and the tribes; consumer protection of the gamer; and possibly, taxation of gaming.

## **HEALTH CARE ORGANIZATION AND FINANCE LAW**

Credits: 3

This class provides a solid grounding in the financing and organization of health care delivery in the United States, the legal and public policy issues raised by the current structure of health care delivery, and their implications for health care reform. The course will begin with a historical overview of the American health care system, identification of the various stakeholders in the health care arena, and a discussion of how health care is currently financed, accessed and delivered. It then focuses on the financing of health care, including review of the major payers (private health insurance, self-insured health plans, Medicare, Medicaid), and the necessity for and breadth of regulation and reimbursement of health care providers, including hospitals, physicians, medical equipment suppliers, other individual traditional providers, and providers of alternative medicine. The class will then consider health care reform options, underlying policy considerations, and political obstacles to health care reform. This will include a discussion of prior efforts to reform health care, and their successes and failures.

## **IMMIGRATION LAW**

Credits: 3

This is a course on the substantive law regulating immigration to the United States and the regulation of non-citizens. Topics covered include the constitutional law aspects of the immigration and removal process, admission, conduct of hearings, relief from removal, and asylum. In addition, the operation of the Immigration Acts of 1996 and other new laws will be discussed.

**INSURANCE LAW**

Credits: 3

Property and casualty coverages along with the unique rules involved in analyzing and construing policies, claims handling, regulations, and bad faith law are covered in this class. Course work addresses the rights of parties, representations/warranties, waiver/estoppel, subrogation, uninsured/under-insured motorist coverages, statutes, and recent developments.

**INTELLECTUAL PROPERTY**

Credits: 3

This course provides a general survey of the domestic legal protections available for intellectual property, focusing upon the key areas of patent, copyright, trademark and trade secret. The elements of infringement claims, defenses and remedies will be examined, as will the interaction between the federal intellectual property statutes and competition law. The course will also consider the policies underlying the laws of intellectual property and the ways in which organizations and businesses can protect their intellectual property.

**INTERNATIONAL & COMPARATIVE INTELLECTUAL PROPERTY LAW**

Prerequisite: Intellectual Property

Credits: 3

This course, a follow-up to the Intellectual Property survey course, provides an understanding of the processes for acquiring and maintaining intellectual property rights across national borders as well as the regulations for and issues concerning the enforcement of those rights. Students will examine the key international conventions and agreements governing rights in copyright, trademark and patent, discuss states' compliance with the obligations imposed by those agreements, and review the ongoing effort toward harmonization of intellectual property laws. Students will also explore the significance of intellectual property laws in the realms of international trade and international human rights, including the role of the World Trade Organization, the consequences of international piracy, and related human rights issues concerning traditional knowledge and biodiversity.

**INTERNATIONAL BUSINESS TRANSACTIONS**

Credits: 3

This is a course on how to do transnational business in a globalized economy. Course content is directed to customs, MFNs, sales contract considerations such as the CISG and other applicable law, letters of credit, counter trade, and dispute resolution, including forum and law selection with an emphasis on arbitration, foreign currency problems, protection of technology and other forms of intellectual property, restrictions on direct foreign investment as well as repatriation or profit problems, international and U.S. laws, regulating trade, and the developing trading blocs-EC and NAFTA.

**INTERNATIONAL ENVIRONMENTAL LAW**

Credits: 3

This course is designed to introduce students to the concept of international environmental law with particular focus on law of sustainable development and climate change. While developing an understanding of international environmental law students will become familiar with the principles of the law of sustainable development and its social, economic, and political dynamics. The second

part of the course will focus on law of climate change, its ongoing development process, and obstacles thereof. This part explores different legal and other policy aspects (such as trade, investment, and intellectual property) of resolving climate change issues.

## **INTERNATIONAL HUMAN RIGHTS**

Credits: 3

This course provides an awareness of the critical concepts and issues of human rights in a concurrent historical and contemporary context. General topics include: an overview of the history and background of the human rights movement; an exploration of the term “human rights” and the type of rights to be protected; an investigation into the causes of human rights violations; an introduction to the institutions established to safeguard, monitor, and enforce human rights; and an exposure to the principal international human rights agreements and instruments. Specific current topics to be addressed will be selected on an on-going basis throughout the semester.

## **INTERNATIONAL LAW**

Credits: 3

An introduction to international law as applied between independent nations and in American courts including selected problems dealing with: the sources, development, authority and application of international law; the making, interpretation, enforcement and termination of treaties; recognition and territory; nationality; jurisdiction and immunities; the United Nations and other international organizations in which the United States holds membership; state responsibility and international claims for wrongs to citizens abroad; Laws of the Sea; International Human Rights; international environmental issues.

## **JURISPRUDENCE**

Credits: 2

A survey of the nature and history of legal thought. Beginning with the development of natural law, the course will analyze the consequent rise of 19<sup>th</sup> century positivism and 20<sup>th</sup> century realism. Non-western jurisprudential tradition is briefly introduced. Modern jurisprudential trends are carefully explored. All of this material is explored with one purpose in mind: to determine and understand the actuating principles of ethics and philosophy which underlie legal decision making, both contemporary and past.

## **JUVENILE LAW**

Credits: 2

This course will cover the history and theory of the juvenile court system; its jurisdiction; investigation, detention and hearing procedures; and the constitutional rights of persons in the juvenile courts. Special attention will be given to the role of the attorney in these matters.

## **LABOR LAW (Private Sector)**

Credits: 3

This is a study of the National Labor Relations Act which governs the relationship between most private employers and unions. Topics addressed include representation and campaign issues, collective bargaining, strikes and picketing, contract enforcement, and federal preemption.

**LANDLORD/TENANT LAW**

Credits: 2

This course will focus on the substantive state and federal law applicable to residential and commercial tenancies. The state component will include an examination of Title 59 of the Revised Code of Washington, which includes tenancies in mobile home parks. The federal law component will include an examination of the rights of tenants in public housing and issues related to housing discrimination.

**LAW AND RELIGION**

Credits: 3

*One-time offering Spring 2019*

This course examines the First Amendment's Establishment and Free Exercise Clauses. The two Religion Clauses have been and continue to be a focus of extensive controversy in the legal and political arenas. The course will examine Supreme Court opinions interpreting the Religion Clauses. Topics arising under the Establishment Clause include prayer in public school classrooms, religious symbols on public property, and government funding of parochial school education. Topics arising under the Free Exercise Clause include the rights of religious objectors to be exempt from a vaccination requirement, the rights of members of a religion to engage in animal sacrifice as part of a religious ritual, and the rights of prisoners to practice under incarceration. Students will study the interplay between religion and the Free Speech Clause, as well as state and federal legislation, including the Religious Freedom Restoration Act (RFRA), the Religious Land Use and Institutionalized Persons Act (RLUIPA), and the Affordable Care Act. By the end of the semester, students will learn the deep structure of religious liberty law and policy on the federal and state levels and will gain skills in advocacy, legislative analysis, and the strategies and tactics used in developing both reactive and proactive interventions.

**LAW AND SEXUALITY**

Credits: 2

Recommended: Constitutional Law I

This course explores a variety of topics such as gender, sexuality, and identity construction and discrimination, sexualized violence, the intersections of race, sexuality and class, disputes over custody, adoption, and reproductive technologies, liberty interests versus equality claims, defining consent, and alternate forms of marriage. The reading assignments are centered on United States case law while drawing on critical theory, current events and popular culture sources to contextualize the topics in the current legal landscape.

**LAW PRACTICE MANAGEMENT**

Credits: 2

Prerequisite: 3L students

This course is designed to introduce students to the various components of operating a law practice. Areas of study include the public's perception of the legal profession, legal profession trends, small law office survival, products and services, office accounting, case planning, fee contracts, fee arrangements, common ethical complaints and methods to avoid them, civility in the profession, marketing and promotion of legal services, firm performance evaluation, financial analysis of the firm, strategic planning, modern law office technology, use of law clerks and paralegals, pro bono obligations, and human resource management.

**LAWYERS AS AGENTS OF CHANGE  
(R) for Accelerated Program Only**

Credits: 3

How can lawyers change the world? This course makes the case that our capacity for reasoning about fairness and justice can help us create change in the world as practitioners, and as leaders and innovators. It explores the variety of disciplines within and beyond the law that deepen our capacities to reason, deliberate, and argue about what is fair. It asks how this understanding can help us create change for clients – as advocates in court, as negotiators, and in designing structures for clients. The course next explores how these capacities can make us effective leaders in government, business and social enterprises, and social movements. It then considers how our knowledge can ground our own innovation efforts in business and social settings.

**LEGAL ANALYSIS  
(R) for Accelerated and Early Start Programs Only**

Credits: 1

The course provides an introduction to principles of sound legal analysis for incoming first-year students. Topics include: structure of the legal system, critical reading, analysis of rule creation and rule application, legal argument, and basic legal citation. Through readings, cases, lectures, and assignments, students develop elementary skills in legal analysis.

**LEGAL RESEARCH AND WRITING (LR&W) I & II (R)**

Credits: 2 &amp; 2

The first two terms of the four-term research and writing program focuses on:

1. Developing familiarity with research materials including the development of an individualized research process;
2. Learning to use basic analytical skills to synthesize and apply legal rules; and
3. Drafting accurate, complete, and concise research reports.

First Term: simple analysis, closed synthesis, single-issue open memo, and complex major memo.

Second Term: the second term will continue to focus on expository writing and increasingly complex research assignments.

**LEGAL RESEARCH AND WRITING (LR&W) III (R)**

Credits: 2

Prerequisite: LR&W I & II

The third and fourth terms of the writing program (LR&W III and LR&W IV) are designed to enhance and refine research and writing skills. The emphasis is on persuasion and precision in drafting litigation documents and other written material common in practice.

LR&W III focuses on litigation-oriented persuasive writing, including both pre-trial and appellate briefs. Students work on a series of increasingly complex research and writing projects to increase their skills while learning persuasive organization and the use of persuasive rhetoric in support of a hypothetical client's position.

**LEGAL RESEARCH AND WRITING (LR&W) IV (R)**

Credits: 2

Students choose one of three course options that will fulfill LR&W IV:

**ADVANCED ADVOCACY**

Prerequisite: LR&W I, II, & III; Litigation Skills & Professionalism Lab

This course will further hone persuasive writing skills. It will also introduce oral advocacy. Students will research and write a preliminary trial memorandum in support of, or in opposition to, a motion and then present oral argument on that motion. Students will then work with co-counsel to research and write a complex appellate brief based on a record, and then present oral argument on that brief.

**DRAFTING FOR LITIGATION**

Prerequisite: LR&W I, II, & III; Litigation Skills & Professionalism Lab

This course will focus on the skills necessary for drafting in litigation. Students will draft various pleadings that could include any of the following: complaint, answer, discovery requests/answers, motions, notices, proposed orders, and jury instructions.

**TRANSACTIONAL DRAFTING**

Prerequisite: LR&W I & II; Transactional Skills & Professionalism Lab

This course is designed to develop skills necessary to draft effective transactional documents and legislative materials. Transactional documents include a wide array of documents that you will be called upon in practice to draft, amend, interpret, enforce, defend, or litigate. Legislative materials include statutes, regulations, personnel rules, and other rules that describe, prohibit, or regulate conduct. The course will emphasize organization, accuracy, precision, and clarity by using simple and plain English to effect a desired outcome.

**LITIGATION & DISPUTE RESOLUTION SKILLS (LECTURE & LAB)**

Prerequisite (completed or concurrent): Evidence

Credits: 3

This class will focus on: (1) the variety of dispute resolution methods that are available to lawyers and their clients; (2) the skills, craft, and techniques associated with each; and (3) a set of approaches for identifying the dispute resolution method most appropriate to a particular dispute. Because litigation is a central method of dispute resolution, because its component conduct is technically complicated, and because alternative dispute resolution processes are conducted in the shadow of litigation, the larger part of this course will focus on: case planning, formal and informal fact investigation, and formal evidentiary hearings. Some class time, however, will be devoted to an understanding about and the skilled conduct of alternative processes.

**LITIGATION SKILLS & PROFESSIONALISM LAB (R)**

Credits: 2

This course involves a case study approach to the development of litigation skills and

professionalism values. The case study will follow the life of a tort case, taking students through a series of skills exercises and professionalism problems. The course will acquaint students with litigation skills in such areas as pre-filing case investigation, client and witness interviews, discovery planning and execution, pretrial motions, and settlement negotiations through the use of role-playing, simulation and case assignments. In the process, the students will learn the elements of the applicable law of civil procedure, torts, and damages. The course will confront students with issues of professional responsibility and professional identity.

## **MENTAL DISABILITY LAW (LECTURE & LAB)**

Credits: 3

This course is designed to explore the relevant legal processes and the civil, constitutional, and criminal issues affecting persons with mental health disabilities. Possible topics include: involuntary civil commitment, institutional rights, the right to refuse treatment, deinstitutionalization, the Americans with Disabilities Act, competencies, the insanity defense, sexually violent predator acts, and the impact of mental disability in the criminal trial process on issues such as confessions and sentencing including the death penalty.

## **MILITARY LAW**

Credits: 2

This course studies the U.S. Armed Forces military legal system. Students will acquire an understanding of specific substantive areas which include constitutional law as it relates to the armed forces, history of the development of the military legal system, military criminal and civil legal jurisdiction, the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial, the tort claims process, the War Powers Act, law of armed conflict (to include Geneva Conventions), and judge advocate operations. Significant court decisions are explored to support course goals.

## **MULTISTATE PRACTICE REVIEW**

Credits: 3

Prerequisite: 3L students

This course is designed to improve performance on the Uniform Bar Examination by providing an intensive, yet extended time for bar review. The course will concentrate on three-four subjects tested on the Multistate Bar Exam to give students a head start on bar review. The course will provide students with a structured format to understand, master and apply principles of law in multiple-choice, essay, and MPT formats. Classes will be led by GU faculty and bar exam experts. The course is graded on a pass-fail basis. There will be an exam after each subject which will include both essay and multiple choice questions and could include an MPT-type question.

## **NEGOTIATIONS**

Credits: 3

*One-time offering Spring 2019*

This interactive class is designed to help students improve their skills in negotiation, joint decision making, and joint problem solving. Each week students will read about some skill, strategy, or type of negotiation, which we will then discuss in class. The simulation for each week is also specific to the reading and in-class lecture subject to help students put into practice the concepts and theories that they studied. Topics covered include learning and developing true interests,



exploring different avenues to get to a win-win settlement, strategies to seize more of the negotiation spoils for a client, and the impacts of culture and traditions on negotiation style and outcomes. Students will receive one-on-one feedback with the professors on their negotiation style and skills twice during the semester, as well as weekly observations from the professors during simulations. While there is no course final test, students will prepare weekly pre-negotiation analyses, be quizzed and expected to participate based on the reading, have two video-negotiation assessments, and a final project stemming from one of the simulations.

## **NON-PROFIT ORGANIZATIONS**

Credits: 2

This course provides an organizational and operational overview of nonprofit organizations, including but not limited to general requirements, types of organizations, formation, structure, operation, and dissolution. The course also examines a number of tax law considerations, including but not limited to obtaining and maintaining tax exempt status under the Internal Revenue Code.

## **OIL AND GAS LAW**

Credits: 3

A systematic survey of the law governing interests in oil and gas, including an introduction to reservoir mechanics; classification of property interests; conservation and administrative regulation of drilling and production; a detailed examination of the oil and gas lease; conveyance; pooling and utilization; and federal taxation of oil and gas income.

## **PATENT PROSECUTION & LITIGATION**

Credits: 2

Prerequisite: Intellectual Property

A follow-up to the Intellectual Property survey course, this course provides an in-depth examination of the practice of patent law. The course will focus on the legal issues that arise in the patent application process, post-issuance review of patent validity, the litigation of patent cases, and the interplay between patent prosecution and litigation. Students will be introduced to the drafting of patent applications and to the issues and considerations that arise in the prosecution of patents before the U.S. Patent and Trademark Office. The specialized arena of patent litigation will also be covered, including issues such as infringement, validity, and the claim construction; preliminary injunction practice, damages, and appeals; and the role of expert witnesses. The relationship between patent prosecution and litigation is such that an understanding of one permits a more thorough understanding of the other. For that reason, this course is intended not only for students with technical backgrounds who intend to take the Patent Bar, but also for those students interested in pursuing a career in patent litigation, for whom a technical background is not required.

## **PERSPECTIVES ON LAW AND JUSTICE**

Credits: 2

The emphasis in this course is on the ethical, historical and political contexts in which legal rules arise. Students will compare and contrast a variety of conceptions of the nature of law and justice, in an effort to identify and articulate “why” certain results would be appropriate in the context of disputes raising questions with indeterminate answers. A non-exhaustive list of sources include the works of classical (Kant, Mills, Locke) legal and political science philosophers; significant

modern jurisprudential developments (Law and Economics, Critical Race Theory, Rawl's Theory of Justice); and aspects of Sociology (Hardin's Tragedy of the Commons) and the hard sciences (e.g., neuroscience) that could inform the choices to be made in both judicial and legislative processes.

## **PRIVACY LAW**

Credits: 3

Prerequisite: Constitutional Law I

*One-time offering Spring 2019*

Today's headlines are filled with reports of new threats and invasions of privacy from governments, corporations, and hackers (both individual and collective) who have access to and control over our personal information. Under the auspices of national security and fighting crime, governments wiretap computer and telephone networks; corporations track our digital footprints to sell us targeted advertising; and hackers hack into our computers and mobile phones to spy on us and steal our identities. All of these actors take advantage of new technology, using the Internet and breaches in "Big Data" security, to effectively victimize citizens. Why does the public seem so indifferent about many of these new threats? How should policymakers respond to these privacy dangers? How do we strike a balance between privacy and security? This course will explore all of these question and more.

## **PROFESSIONAL RESPONSIBILITY (R)**

Credits: 3

Analysis of the role of an attorney, including responsibilities to client court, society and the profession; emphasis on the ethical questions facing attorneys and judges and upon the Model Rules of Professional Conduct and the ABA Code of Judicial Conduct.

## **PROPERTY (R)**

Credits: 4

Introductory course including property as an institution; possession and ownership; bailments; adverse possession; nuisance; estates in land; future interests; landlord and tenant; covenants and equitable servitudes; easements; real estate contracts; deeds and titles; eminent domain and zoning. Several topics, particularly estates in land, future interests; real estate contracts; deeds and titles; eminent domain and zoning are intended to be more fully covered in advanced courses.

## **PUBLIC LANDS LAW**

Credits: 3

A review of various federal public lands topics such as the source and scope of federal authority, forestry, grazing, hardrock mining on federal lands, federal oil and gas leases, fish and wildlife recreation, and wilderness issues.

## **RACE & THE LAW**

Credits: 2

A study of the many and various ways in which race and the American legal system interact, drawing on both history and contemporary debates to better understand how the law influences the lives of racial groups. Particular emphasis will be placed on the role the law played in reinforcing slavery, shaping Reconstruction, and influencing the development of the West. The seminar

culminates with an examination of some of the current issues surrounding the legal treatment of race, including reparations, affirmative action, and immigration.

## **REAL ESTATE TRANSACTIONS**

Credits: 3

A basic course covering the elements of real estate transactions. Topic areas covered will relate to: mortgages, deeds of trust, real estate contracts, title insurance policies, liens, in so far as they relate to real estate closings. Students will also be directed to consider certain state tax aspects of real estate closing, but federal income tax implications are beyond the scope of this course. Various federal and state land use laws and regulations will also be mentioned in relation to the closing of any real estate transaction.

## **REMEDIES**

Credits: 2

Development and use of judicial remedies that give relief for past or potential injuries to the person, and to interests in real or personal property. Remedial approaches include compensatory and punitive damages, injunctions, unjust enrichment, constructive trusts, equitable liens. Emphasis on comparing remedial options to place the harmed party in its rightful position.

## **SALES**

Credits: 3

This course examines sales of goods and the law which governs them by analyzing Article 2 of the Uniform Commercial Code in greater depth than was possible in the first-year Contracts course. After a brief overview of the structure of the Uniform Commercial Code, the course will explore what transactions come within the scope of Article 2. It will then focus on certain key general concepts, including: contract formation; warranties; risk of loss; acceptance, rejection, and revocation; and remedies for breach. The course will also examine the United Nations Convention on Contracts for the International Sale of Goods, and how its provisions differ from those of Article 2. Throughout the course the policy aspects of the Uniform Commercial Code in general and of Article 2 in particular will be discussed.

## **SECURED TRANSACTIONS**

Credits: 3

This course is designed to introduce students to secured transactions and the law which governs them. After a brief overview of some of the difficulties in collecting unsecured debts generally, students will explore the role collateral plays in collecting debts by reviewing the procedures for enforcing real estate mortgages and Article 9 security interests. Students will then study certain key general concepts of Article 9, including: the requisites for attachment of a security interest; the Code's treatment of proceeds, after-acquired property, and future advances; the different classifications of property; the various methods of perfecting security interests; and the Code's resolution of common priority disputes. Throughout the course the class will consider the effect of federal bankruptcy law on the debt collection process and explore certain policy aspects of the Uniform Commercial Code.

**SECURITIES REGULATION**

Credits: 3

This course provides students with a basic understanding of the Federal Securities Act of 1933 and the registration of securities or the exemption of securities from registration. Particular attention is given to the roles, relationships, responsibilities, and liability exposure of the various persons involved in the offer and sale of securities. The course also examines the various types of investment transactions that constitute the sale of securities.

**SPORTS LAW**

Credits: 2

This course examines issues respecting amateur and professional sports, including sports league decision-making, labor and sports, negotiation of player contracts, and enforcement of sports contracts, NCAA matters, drug testing, and torts in sports.

**STATE CONSTITUTIONAL LAW**

Credits: 2

Prerequisites: Constitutional Law I; Constitutional Law II (completed or concurrent)

The purpose of this course is to give students a grounding in the history, structure, content, and role of state constitutions. The historical study traces the evolution of American Constitutionalists, the role of state constitutions in the federal system, the roots of state constitutions prior to the federal Bill of Rights, and the rebirth of interest in State Constitutional Law identified largely with Justice Brennan's watershed 1977 Harvard Law Review article. The theoretical study includes an understanding of the nature and function of state constitutions, how to make a state constitutional law argument, and a basic understanding of the approaches to interpretation. These themes will be developed in part through analysis of particular provisions of state constitutions, focusing principally on the Washington State Constitution.

**TAXATION OF GIFTS AND ESTATES & ESTATE PLANNING**

Credits: 3

This is a survey course, involving the federal tax effect of gifts during life, and transfers at death, as well as combining all aspects of the transmission of wealth, both by testate and intestate methods from the viewpoint of drafting exercises and from consideration of tax and non-tax problems inherent in property transmission. Some work is done in actual planning principles and how federal transfer taxes can be reduced by proper planning.

**TAXATION OF INDIVIDUAL INCOME**

Credits: 3

Students deal with the Internal Revenue Code and the administrative and judicial interpretations of that Code in the context of personal income taxation. A general overview of gross income, deductible items, and capital gains and losses is presented with some attention given to timing problems of taxation such as the concept of constructive receipt and deferral of tax impact.

**TRANSACTIONAL SKILLS AND PROFESSIONALISM LAB (R)** Credits: 2

This course focuses on the skills needed by lawyers involved in transactional practice. Students will learn the distinctions among the various types of contract terms (*e.g.*, representations, warranties, covenants, conditions), and which type or types to use to best achieve a client's objective. They will gain experience drafting contract language with precision and practice how to spot and avoid ambiguity. The course will also introduce students to the concept of due diligence, the importance of contractual boilerplate and of knowing the law that applies to it, and to the lawyer's role in identifying risks associated with a transaction. In doing so, the course will present students with issues of ethics and professional responsibility.

**TRANSNATIONAL FAMILY LAW** Credits: 2

This course explores a variety of family law issues from an international and a comparative law perspective. This course will include an introduction to international laws that most directly affect families, and compare national approaches to traditional family law topics. Specific topics will include marriage regulations, international adoption, custody dispute, support orders, and the U.N. Convention on the Rights of the Child.

**TORTS (R)** Credits: 4

The study of private lawsuits which seek compensation or other redress for personal injury, property damage, or certain intangible harms such as damage to reputation and mental distress. The course surveys a variety of tort claims involving strict liability, intent and negligence, including products liability, and the concepts of duty, causation, and harm involved in tort claims. Defenses to tort claims such as comparative negligence and immunity are explored, as are practical and procedural considerations such as the role of insurance and statutes of limitation.

**TRIAL ADVOCACY (LECTURE & LAB)** Credits: 3

Prerequisite: Evidence (completed or concurrent)

This is a hands-on class and small-group seminar which takes the student through the basics of trying a case. Lecture is once a week for all students. Small session labs each meet weekly to practice trial skills. Topics such as jury selection, openings, direct exam, cross-exam and closing argument will be covered. Good command of evidence is also taught.

**WATER LAW** Credits: 3

This course will include a study of basic water law, including riparian and appropriation rights; groundwater; the public trust doctrine; interstate allocation of water; the navigability concept and federal regulation including reclamation and flood control laws; water, irrigation and drainage districts; and environmental protection.

## **WILLS & TRUSTS**

Credits: 3

This course examines (1) the law of gratuitous transfers and decedent's estates, including intestate and testate succession and the probate process, (2) the nature and elements of the modern trust and other will substitutes, and (3) some aspects of powers of appointment, perpetuities, problems and fiduciary powers, duties and liabilities.

## **WILLS & TRUSTS SKILLS LABS I & II**

Credits: 1

Prerequisite: Wills & Trusts (completed or concurrent)

These skills labs will involve some of the following: interviewing clients; preparing documents for probating an intestate estate; drafting wills, durable powers of attorney and/or trust documents; exploring guardianship requirements for the elderly; and/or exploring settlement options in a will contest case.

## **ZONING AND LAND USE REGULATION**

Credits: 3

Land use controls at the local level, especially zoning and zoning flexibility devices such as variances, special use permits and rezones; modern approaches, particularly transfer of development rights (TDR), planned unit developments (PUD) and contract zoning; administrative procedures and judicial review; subdivision regulations; exclusionary zoning and growth control; constitutional issues including taking without just compensation, due process; equal protection and first Amendment.