
Addendum to the 2000-2001 Course Description Booklet (updated 11/30/2001)

Eskills: Developing Interactive Media in Law, 3 Credits
SK0046 SEM
Professor Hugh Gibbons, Spring Semester

Enrollment is limited to 12 students.

Electronic technology have created new ways of delivering legal information to clients, colleagues and students. The PC and on-line legal research led the parade of electronic media into law; that is now being followed by multimedia- video, audio, text- and the broadband communication channels to deliver the media. The new media vastly improve the ability of the lawyer to inform and educate clients and citizens; this course aims to develop the skills for delivering effective electronic media in the practice of law.

Students will work in project teams to develop useful applications that use multimedia to convey understanding of law to a specific target group. Projects may be proposed by students in the course, by faculty members, or by attorneys and others outside the school. Projects will be evaluated, in part, by their sponsors, or, in the case of projects proposed by students, by a designated mentor attorney. Students will have access to video, audio and authoring resources provided by the school. Completed projects will be the property of the students who create them, according to whatever terms they agree upon, with a shop right retained by the school to use the project for its own non-commercial purposes.

Grading will be done on an O, S, U basis.

Essential Business Concepts, 3 Credits
BS0022 LEC
Professor Marcus Hurn, Spring 2002

This course is for those who lack business school or substantial commercial experience. You will

learn how to value assets and businesses, basic accounting concepts, how to read and use common financial statements, how to estimate working capital needs and some basic tax rules for common transactions (incorporation, reorganization, sale of a business). If time permits we may take up some types of distribution /franchise, distributorship, etc.

Genetics & the Legal System, 2 Credits
GP0068 LEC
Professor Buzz Scherr, Spring Semester

Grade will be based on at least one and perhaps two papers.

This course is a survey of some of the varied and interesting intersections of the new genetic knowledge with the legal system. Topics will include genetic discrimination, a physician's duty to warn third parties, the use of behavioral genetics in criminal cases, DNA databanks, eugenics, genetic testing, genetic causation in civil cases, forensic DNA evidence, etc. The two major themes of the course will be (1) genetic information and privacy and (2) how new complex scientific information and principles interact with established legal doctrines.

There are no prerequisites for the course. The course does not overlap with Biotechnology & Law, which primarily addresses commercial genetics. There is no requirement of any science background to take the course. Whatever understanding of scientific issues is needed for the course will be provided.

Human Rights
PI0030, 3 Credits
Professor Joseph Dickinson, Spring Semester

This course is a seminar committed to an investigation of the contemporary concept of Human rights, its sources, articulations and mechanisms of vindication all from the perspective of law through assigned reading, formal class presentations by students and discussion.

Grades will be based on a formal class presentation and a paper.

International Enforcement of Foreign Judgments, 3 Credits
aka - Transnational Enforcement of Judgments IP0079 LEC, Spring Semester
Professor Dennis Campbell

International Enforcement of Judgments will examine the procedures for recognizing and enforcing foreign money judgments in selected jurisdictions (inter alia, United States, Germany, United Kingdom, European Union, the Draft Hague Convention) and factors to be considered (asset identification, forum, service, procedure, award) prior to obtaining judgment or initiating litigation with a view to facilitating the recognition and enforcement process. The course will consist of a standard classroom component and an online component.

The online component will utilize assigned readings and questions, a (mandatory) bulletin board and a (mandatory) chat room. The bulletin board and chat room will be supported by guest faculty who are litigation practitioners in the various jurisdictions. Students will have the opportunity to view a video of an international panel debating issues of international recognition and enforcement of judgments, as well as other online resource material from the February 2002 Crossborder Litigation Conference.

Law & Economics, 3 Credits
BS0028 LEC, Spring Semester
Professor Hugh Gibbons

Enrollment limited to 18.

In 1960 Ronald Coase published "The Problem of Social Cost," applying economic reasoning to law in a novel way. That article spawned the development of Law and Economics as a field that, while often controversial, has become enormously influential in law. By generating deep explanations of law, the theory has given lawyers powerful ways to argue their cases and to shape law and public policy. No field of law - from antitrust to racial discrimination - escapes trenchant analysis, offering at minimum a lively perspective from which to view the field and often an insight into it that clarifies confusion.

The first six weeks of the course are devoted to economic reasoning itself (no prior experience with economics is assumed), applying economic analysis to business problems by studying a series of Harvard Business School cases. The subject matter then switches to law, focusing first on the common law areas, then on constitutional and statutory subject matter, finally upon the methods of legal problem-solving themselves. Emphasis will be placed on the nature and financing of the firm, financial markets, and competition.

Grading will be based upon (20%) class presentations of business and legal cases; (10%) class participation; (20%) a take-home midterm examination; (50%) and a take-home final exam. Both exams aim to assess the reasoning process, presenting several new legal and factual situations for solution.

Lobbying and the Legislative Process, 2 Credits
PI0029 SEM
Professor Jennifer Frizzell, Spring Semester

A 2-credit seminar designed to introduce students to the legislative process and the role of lawyers in legislative advocacy and policymaking.

The course will offer students a fundamental overview of the processes and steps for the enactment of legislation, the manner in which legislative intent and history are important to lawyers and the courts, and the connection between lawyers, legislation and the creation of public policy.

In addition, students will be directly exposed to lawmaking in action by attending legislative hearings at the NH State House, meeting with state legislators, and interacting with lawyers who advocate before the state legislature.

Through practical exercises, students will develop skills in drafting written testimony and presenting oral testimony to legislative committees, and conducting policy analysis as background for lawmaking. This class is particularly appropriate for students who want to enhance their exposure to lawyering for social justice.

MERGERS & ACQUISITIONS, 3 Credits
BS0039 LEC
Professor John Orcutt, Spring Semester

Eligibility: Open to all but first-year students - limited to 75 students

Prerequisites: Successful completion of Business Associations or Start-up Companies. Students who have not satisfied the prerequisites, but have a business-related background, may seek a waiver from Professor Orcutt. Students who take this course will not be permitted to take Professor Orcutt's summer M&A course at Tsinghua University.

Grading: Grades will be based on an open book final examination, a take-home mid-term examination and possibly one or two homework assignments. Additional credit will be received for above average performance in classroom participation.

This course will introduce students to U.S. mergers & acquisitions ("M&A") law. This course will provide students with a fundamental understanding of the legal aspects of corporate M&A transactions. This course will cover the following topics: (a) business considerations for

conducting M&A transactions; (b) mechanics of an acquisition; (c) acquisition documents; (d) legal duties of the board of directors, senior executives and controlling shareholders; (e) federal securities regulations; (f) basic tax and accounting consequences; (g) different acquisition methods; and (h) antitrust issues.

A solid understanding of M&A is core to students who wish to practice as business lawyers. The buying and selling of companies is a fundamental concept to almost every business in the world. Students will be pushed to understand both the business and legal concepts involved in M&A transactions.

This course will involve a combination of lectures, group discussions and potentially some negotiation exercises. Students will be expected to read the *Wall Street Journal* or the Business Section of a good newspaper (e.g., the New York Times) on a regular basis as a source for class discussions. Active class participation is a critical component of this course.

Law of Motion Picture & Performing Arts, 2 Credits

IP0102 LEC

Professor Jon Garon, Spring Semester

This course would cover the legal and transactional issues involved with live performance (theatre, dance), motion picture licensing, finance, and development, and transactions involving television, cable and new media. Other issues include idea submissions and negotiating personal service agreements.

SECURITIES REGULATION, 3 Credits

BS0040

Professor John Orcutt, Spring Semester

Eligibility: Open to all but first-year students - limited to 75 students

Prerequisites: Successful completion of Business Associations or Start-up Companies. Students who have not satisfied the prerequisites, but have a business-related background, may seek a waiver from Professor Orcutt.

Grading: Grades will be based on an open book final examination, a take-home mid-term examination and possibly one or two homework assignments. Additional credit will be received for above average performance in classroom participation.

This course will introduce students to U.S. securities regulation. The primary focus of the course

will be, in broad categories: (a) the Securities Act of 1933 and the Securities Exchange Act of 1934; (b) an introduction to capital markets; (c) the basic principles of securities law; (d) Section 5 - going public (as well as exemptions to Section 5); (e) deal mechanics for a public offering; (f) disclosure, including the concept of "materiality"; and (g) securities regulation liabilities (*e.g.*, antifraud provisions and insider trading).

Capital markets have taken on an increasingly important role in society. The profile of investors in capital markets has changed dramatically over the last 25 years from being almost entirely large institutions and the very wealthy to including a majority of the population. With the incredible growth of mutual funds, 401(k) plans and on-line trading, trading in securities has become common place for most Americans. A basic understanding of capital markets and securities regulations is useful regardless of what you type of law you intend to practice and is core to many business law practices.

This course will involve a combination of lectures and group discussions. Students will be expected to read the *Wall Street Journal* or the Business Section of a good newspaper (*e.g.*, the New York Times) on a regular basis as a source for class discussions. Active class participation is a critical component of this course.

Supreme Court Seminar - Online, Spring 2002
Professor Sarah Redfield, 2 Credits - possibility of 3

NOT OPEN TO JD STUDENTS

Grades are based on class participation and a student paper and presentation on an ed law topic of constitutional dimension. (Note for those taking the course online, final grades are generally mailed by the registrar when all grades for that term are complete; anyone needing information sooner should contact the registrar individually.)

Prerequisite: The Survey of Education Law or its equivalent, or permission of the instructor is required.

Credits: 2 credits, optional 3rd credit for accompanying research paper.

Dates: Spring 2002: Class starts January 14, 2002. Add/drop period ends January 23, 2002; changes after that date need approval of Associate Dean Fran Canning and may result in failing the course.

Vacation week, February 25- March 3. Class ends and all final papers are due April 26, 2002.

Registration: For registration information, please contact the Franklin Pierce Law Center Registrar's Office, Dianna Powers at 603-228-1541 ext. 1103 or dpowers@piercelaw.edu. For general information, please contact Professor Redfield @603-228-1541 or 207-363-0624 or sredfield@maine.rr.com or Linda Dragon or Melody Stockton at 603-228-1541 or ldragon@fplc.edu or mstockton@fplc.edu.

Supreme Court Seminar, Professor Sarah E. Redfield, 2 credits

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. ŠToday (education) is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."

This is the Supreme Court speaking in *Brown v. Board of Education*, the most powerful of its education opinions, but still just one among many. Law is so very much involved in the day to day life of schools -- from kindergarten to professional schools --it's hardly surprising that so many school board members or university trustees are lawyers; hardly surprising that a large number of small and large law firms now devote a growing amount of their practices to this field; hardly surprising that school issues reach the high court. As one school law attorney put it, "The more responsibility that we place on schools, the higher the expectation of the consumer. When the impossibly high expectations are not met, which we know that they can never be based upon the societal pressures and financial limitations Š parents turn to litigation to try to solve the problems with education." And they litigate about their kids' progress, grades, discipline, graduation, and about prayer at football games, and public money for private school computers, and student activity fees, and on and on.

This course focuses on cases involving education law and public policy, which are now before the Supreme Court. These cases offer a certain window on society's major issues. Two cases to date are: *Owasso Independent School District v. Falvo* dealing with the Family Education Rights and Privacy Act and its protection (or not) of student grades, and *Zelman v. Simmons-Harris*, dealing with the constitutionality of the Ohio school voucher program. Other cases may be added, or, the class **may** discuss some of the tangential cases that will have significance for education, or other cases for which Supreme Court review is likely, e.g. affirmative action in university admissions, or aspects of special education.

The format of the class is designed to encourage student participation and direction. Because school issues are always changing -- indeed it is an area of law where the Court overrules itself -- it is especially important to learn how to research and understand the issues and anticipate future concerns. The class reviews policy, background, and precedent in an attempt to understand the issue.

Grades are based on class participation, which will most likely include roleplay, mock appellate

argument, and a student paper/presentation on an ed law topic of constitutional dimension. In addition to in-class time, the class will offer students the opportunity to continue discussion via threaded discussion and other online potentialities.

The Survey of Education Law or its equivalent, or permission of the instructor is required.

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URL: <http://www.piercelaw.edu/registrar/descriptionbooks/00-01descbook/addendum.htm>

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