

GIFTED EDUCATION

1 or 2 Credits

College of Education, University of Maryland, College Park, MD

Professor Mary Toll-Bruch

Fall Semester

Eligibility: Open to MEL and CAGS students, and others interested in the subject matter. Librarians, teachers, administrators, and others involved with education are specifically welcome in the class. (JD credit not available unless approved by Associate Dean Canning.)

Prerequisites: None

Grade:

This course offers a total of five clock hours of training on this important and often neglected subject. Topics include: Myths, misconceptions about GT; Characteristics, and needs of students; Appropriate curriculum differentiation strategies; and LRE programming.

Additional hours/credits may be earned by writing a paper for Dr. Toll-Bruch or attending selected workshops during the remainder of the Institution.

GRADUATE PROGRAMS RESEARCH & WRITING

3 Credits

Professors Ron Neary, Ron Abramson, Bill Grimes

Fall Semester

Eligibility: Required of non-JD MIP/LLM students only.

Prerequisites: None

Grading: Writing Assignments and exam.

Will introduce the basic skills of legal analysis and relate it to how the U.S. legal system is organized, including principles of jurisdiction, basics of the Federal Rules of Civil Procedure, and strategic use of the sources of law. Will teach the sources of intellectual property authority and strategies of legal research. Three legal writing assignments form the primary basis for the course grade.

HEALTH LAW SURVEY

3 Credits

Professor Mitchell Simon

Fall Semester

Eligibility: Open to second- and third-year students.

Prerequisites: None

Grading: Evaluation is based on: (1) oral presentations or written exercise (one third); and (2) a final exam (two thirds).

The goal of this course is to provide students with an overview of the major issues presented by the health care system. Specifically, issues addressed will include the legal basis for substitute decision making (e.g., guardianship, "the right to die"), the constraints of this power, informed consent, health planning, and cost containment.

Health care is delivered in this country through the complex interaction of private providers, governmental subsidy programs, and insurance payments. In addition to providing substantive knowledge on health issues, the evaluation of this "mixed system" of delivering services will provide a unique opportunity through which students can synthesize and expand their knowledge of other areas of the law, such as administrative, constitutional, and tort law.

HEALTH POLICY - A RESEARCH & WRITING SEMINAR

3 Credits

Professor Mitchell Simon

Spring Semester

Eligibility: Enrollment is limited to eight (8) students. Open to second- and third-year students.

Prerequisites: Successful completion of Health Law Survey suggested, but not required.

Grading: Written work product.

The course is designed to provide an opportunity for intensive work on selected health law topics. Class time will be devoted to discussions and evaluation of ongoing projects. We will try to involve persons from other disciplines whenever possible. There also will be regular individual meetings with the instructor.

Each student or team of students will be required to develop a substantial written work to

satisfy the course requirement. Students will work on projects sponsored by Franklin Pierce Law Center's Institute for Health, Law and Ethics; prepare an article of publishable quality on a selected health law topic; or work on another project mutually agreed upon by the student and professor.

The goal of the course is to permit students to gain skills in legal analysis and writing, to contribute to the body of health law knowledge and to foster interdisciplinary communication.

INFO LIBERTIES (On Lline)

iii

2 credits

Professor Susan Richey

Fall Semester

Prerequisites: None

Eligibility: Open to second and third year students, MEL and CAGS students, and others interested in the subject matter. Librarians, teachers, administrators, university personnel, and others involved with education are specifically welcome in the class.

Grade: The grade will be based upon class participation, worth 40 % of the grade and a final paper, worth 60 % of the grade.

The focus of this course will be on the effect of new technologies on such civil liberties as privacy, free speech, and access to information, particularly as that effect is felt in the educational arena. Civil liberties will be considered in the context of issues faced every day by educators, as, for example, privacy of student e-mail, liability of the institution for student or instructor-published defamation over the Internet, censorship of student publications, etc.

INFORMATION LIBERTIES

iii

2 Credits

Professor Susan Richey

Fall Semester

Eligibility: Open to all but first-year students.

Prerequisites: The course requires some background in U.S. Constitutional Law. If you have not taken U.S. Constitutional Law you must be willing to attend TA sessions devoted to basic concepts in the area.

Grading: Classroom participation, a mid-semester paper or classroom presentation, and a final exam.

The premise of this course is that information technology is changing the world around us in unfamiliar ways. Attempting to apply existing formal legal rules to new technologies may sometimes succeed, but there is no reason to think that it will succeed systematically. The goal of this course is to explore ways in which the new media is likely to drive changes in the law in order to address concerns of privacy, freedom of speech, and access to information.

INTELLECTUAL ASSETS MANAGEMENT ("IAM")

iii

2 Credits

Professor Nermien Al-Ali

Fall Semester

Overview:

IAM emerged as a field in the early nineties with the growing concern about how to succeed in the knowledge economy, where organizational knowledge plays a vital part. Organizations of all sizes and in all industries (private, public and non-profit) are realizing the importance of managing intellectual assets, starting from knowledge in their employees' heads and in their databases, and ending up with intellectual property rights. By leveraging intellectual assets, organizations are able to gain and maintain a competitive edge in the new knowledge economy.

Course:

The IAM course provides lawyers, business and IP professionals the unparalleled opportunity to be on the cutting edge of an emerging field. The course offers hands-on knowledge on use of models and tools (including those available on the Internet) for the effective management of an organization's intellectual assets. The course examines the IAM-related needs of businesses in the knowledge economy, from a business management perspective. Topics include knowledge organizations and management, models and approaches to IAM, innovation management, competitive intelligence, intellectual property rights risk management, and innovation and business strategies. Prerequisite: Participants who have no prior knowledge of IP should consult with the Professor. URL: www.fplc.edu/nalali/iam Nermien Al-Ali.

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INTELLECTUAL ASSETS MANAGEMENT

Professor Nermien Al-Ali

1 Credit
Summer Semester

Examine the emerging field of “IAM”; for the management of knowledge, employees’ brainpower, innovation processes, and intellectual property. Examine the IAM-related needs of businesses in the knowledge economy, from a business management perspective. Develop hands-on knowledge on how to leverage intellectual assets in an organization to gain a competitive edge. Survey IAM models, services and tools available in the US market and on the Internet. Topics include knowledge organizations and management, competitive intelligence, IAM models, intellectual property rights’ risk management, and innovation and business strategies. Prerequisite: Participants who have no prior knowledge of IP should consult with the Professor. URL: www.fplc.edu/nalali/iam Nermien Al-Ali.

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IP & COMPETITION LAW IN THE EUROPEAN UNION

Professor Bryan Harris

2 Credits
Spring Semester

Eligibility: Open to all but first-year students.

Prerequisites: Although the course may be taken on its own, it is complementary to the course on the Constitutional Law of the European Union, which will provide the context into which the present course fits.

Grading: Paper

Lawyers who advise corporations trading in the Member States of the European Union (EU) need to be able to do so in the context of intellectual property law, unfair competition law and competition (or antitrust) law. These areas of law overlap to a large extent. The purpose of the course is to explain the general rules applying at EU level to the respective areas of law, with particular reference to the underlying policies governing the way in which the laws are made, interpreted and applied.

Although there will be a full discussion of the ways in which EU law impinges on patents, trademarks, design rights, copyright, and neighboring rights, the emphasis will be on the relationship between intellectual property rights on the one hand, and on the other hand, the competition rules, the rules on the free movement of goods and services and other requirements of EU law. The course is intended to complement more detailed and technical studies of the individual branches of intellectual property law.

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INTELLECTUAL PROPERTY LITIGATION

Professor Buzz Scherr

3 Credits
Spring Semester

This class meets prior to the start of the Spring semester.

Eligibility: Open to all but first-year students. Limited to 12 students. Selection by Professor.

Prerequisites: Evidence, Trial Advocacy, Pretrial Patent Litigation, and Expert Witnesses & Scientific Evidence.

Grading: Grade will be based on class performance and a possible paper. Credits count toward Spring Enrollment.

This course is a capstone course that culminates a progression of litigation-oriented courses begun in the second year. The core of the course will be an intensive five-day course between the first and second semesters, with periodic follow-up seminars throughout the second semester. Most of the course will be taught by IP litigators drawn from around the country. It will focus on the more advanced substantive, persuasion and lawyering skills necessary for one’s development as a high-quality litigator in the IP realm.

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INTELLECTUAL PROPERTY MANAGEMENT

Professor Karl Jorda

2 Credits
Spring Semester

Eligibility: Open to all but first-year students.

Prerequisites: None.

Grading: Grade is based on two or more class problems or one class problem and a final exam.

Topics included are “harvesting” inventions, invention record practice, employer/employee law as it relates to ownership of inventions and proprietary information, employed inventor incentive plans, dealing with inventors and their inventions, lab notebook keeping, various types of patent searches, criteria and procedures for decisions on whether to file patent applications in the U.S. and other countries or keep trade secrets, public disclosure problems, outside inventor problems, secrecy agreements, IP audits and due diligence investigations, avoiding infringement of the patents of others, policing and enforcing patents of your client or employer, patent infringement and litigation management, IP department organization and operation, dealing with corporate management of your client or employer, etc.

This course will also include overviews of Interference and Trademark practices with emphasis on hands-on aspects.

This course is intended for the sixth semester as it is designed as both a “capstone” course, building on all of the IP courses taken in the second and third years, and a “bridging” course spanning academic and real-life private or corporate practice. As such it is a very practical course on how to get a head start in pro-active counseling in intellectual property practice.

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IP MANAGEMENT

1 Credit

Professor Geoffrey Dellenbaugh

Summer Session

Working with inventors conducting patent and trademark searches, managing, intellectual property and promoting innovation, as well as other aspects of taking the initiative in intellectual property practice.

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IP UNDER THE COMMERCIAL AND BANKRUPTCY CODES

2 Credits

Professor Thomas Ward

Summer Session

Looks at the intersection of IP law and commercial law. Perfection and priority of security interested in IP examined and compared with creative alternatives for financing the development and exploitation of IP.

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INTERNATIONAL BUSINESS TRANSACTIONS

1 Credit

Professor Steve Males

Spring Semester

Eligibility: Open to second- and third-year students.

Prerequisites: None

Grading: Examination

This mini-course will cover international sales and foreign investment. It will run during four weeks, more or less.~ ~ ~

INT’L AND COMPARATIVE COPYRIGHT LAW

2 Credits

Professor Silke von Lewinski

Spring & Summer Semesters

Eligibility: Open to all but first-year students.

Prerequisites: No prerequisites but some understanding of basic copyright law is desirable.

Grading: Examination

This minicourse will cover the principal international conventions, namely, Universal Copyright, Berne, Rome, and Geneva, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty, including current problems in the international *copyright* arena in light of recent tendencies toward greater reciprocity and the emergence of new kinds of works (computer programs, data bases, multi-media works, etc.) and new rights, (digital transmission right, etc.) involving, in particular, problems due to new technologies. It will also deal with WTO/Trips, NAFTA, bilateral treaties and unilateral measures as a new mechanism in international copyright relations. The last part of the course will cover copyright within the European Union (EU) including European Court of Justicejurisprudence and EU harmonization measures. Comparative copyright law in terms of principles, methods and problems as well as the differences between the system of copyright and the system of “droit dauteur” will also be covered.

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INT'L AND COMPARATIVE PATENT LAW2 Credits
Summer Semester
Fall Semester

Professor Hans Goldrian

Professor Winfried Arnold

Eligibility: Open to all but first-year students.

Prerequisites: None

Grading: Examination

This course has two components: international as well as a comparative patent law. Firstly, this course introduces the patent provisions of the Paris Convention, the Patent Cooperation Treaty, the patent part of NAFTA and the TRIPS Agreement of GATT/WTO, as well as the European Patent Convention. Secondly, this course will cover comparative patent law based more on functional than on country-by-country aspects. Nonetheless, important elements of and differences between the American, Japanese and European patent laws will be highlighted.

INT'L AND COMPARATIVE TRADEMARKS LAW1 Credit
Spring Semester

Professor Jose Gomez Segade

Eligibility: Open to all but first-year students.

Prerequisites: No prerequisites but some understanding of basic trademark law is desirable.

Grading: The course grade will be determined from class participation (30 percent) and upon a one-hour, open-book final examination (70 percent).

This course will cover the major international conventions in the field of trademarks, namely, Paris Convention, Nice Agreement, Madrid Agreement and Madrid Protocol on International Registration of Trademarks, Trademark Law Treaty. It will also deal with GATT-TRIPS, as well as with NAFTA and other regional agreements worldwide. Another main issue of the course will be trademark law in the European Union (EU), including harmonization and Council Regulation on Community Trademark. The course will finish with some highlights of appellations of origin, mainly in Lisbon Agreement and in GATT-TRIPS.

INT'L AND COMPARATIVE TRADEMARKS LAW2 Credits
Summer Semester

Professor Gerd Kunze

Eligibility: Open to all but first-year students.

Prerequisites: None

Grading: Examination

Explains the provisions relating to trademarks of the international and regional intellectual property treaties (such as the Paris Conventions, the GATT TRIPS Agreement, OAPI and ARIPO in Africa, NAFTA and the Andean Pact in America, trademark harmonization in Europe) and the 1994 Trademark Law Treaty, and gives a comprehensive introduction to the Madrid System for the international registration of marks and to the Community Trademark System.

INTER PARTES PRACTICE BEFORE THE USPTO1 Credit
Spring Semester

Professor Fred McKelvey

Eligibility: Open to second- and third-year students and LLM candidates.

Prerequisites: Evidence and a prior course in basic patent law or permission of the instructor.

Grading: Papers

Detailed discussion of principles of conception, actual reduction to practice and diligence, as well as discovery, obtaining compelled testimony, presentation of evidence in an interference, presentation of a case-in-chief, objection to admissibility of evidence, obtaining testimony of a witness who does not speak English and presentation of final briefs. The course material is prepared by the instructor and may be purchased in the bookstore.

INTRODUCTION TO INTELLECTUAL PROPERTY3 Credits
Fall & Spring Semester

Professor Tom Field

Eligibility: Designed primarily for first year students. Open to others with no formal IP background. Joint J.D.-M.I.P. students can credit the course toward the M.I.P.

Prerequisites: None

Grading: 70% final examination, 30% quizzes.

Objectives: To introduce basic substantive requirements and procedures for obtaining, maintaining and enforcing patents, copyrights, trade secrets, trademarks and related subject matter. We explore underlying policy goals and conflicts internal and external to intellectual property C for example, the occasional tension between patent and copyright protection or between free speech and trademark protection. We also touch upon matters such as the extent to which “intellectual property” is “property” the responsibilities of various IP agencies and courts, and the relationship between state and federal governments.

iii

INTRODUCTION TO THE UNIFORM COMMERCIAL CODE

3 Credits

Professor Joseph Dickinson

Spring Semester

Eligibility: Open to second- and third-year students

Prerequisites: None

Grading: Grade is based on examination.

This course is offered as an introduction to the Uniform Commercial Code, and is recommended as a foundation for other courses offered in commercial law, including the courses in Commercial Paper and Debtor-Creditor Relations. The substantive focus of the course will be Articles 1 and 2, and the creation and enforcement of security interests governed by Article 9. There will be emphasis on understanding the UCC as a statute which, as an integrated whole, regulates commercial transactions and requires facility with the tools of statutory construction and interpretation.

INTRO/RESEARCH SEMINAR: THINKING LIKE A LAWYER

1 to 3 Credits

College of Education, College Park, Maryland only

Fall Semester

Professor Sarah Redfield

Eligibility: Open to MEL and CAGS students, and others interested in the subject matter. Librarians, teachers, administrators, and others involved with education are specifically welcome in the class.

Prerequisites: None.

Grade: Grades are Pass/Fail based on class participation and short written and oral assignments.

This introductory course that deals with the basics of legal research and analysis in the context of education issues. The specific example followed in the course deals with search and seizure and with sexual harassment, but this is only an example to illustrate the basic principles introduced -- nature and sources of law, the structure of government, and legal research orientation.

Students in this course can expect to: Learn the various sources of law; Understand the differences between primary and secondary sources; Learn about weight and authority given to various sources; Increase their legal vocabulary; Read and analyze the leading US Supreme Court opinions on school searches; Learn about “briefing” cases; Get a brief introduction to the law library and understand the different media available, including print, computer databases, and online; Practice approaching legal research problems using peer sexual harassment as an illustration.

iii

JUDICIAL OPINION DRAFTING

3 Credits

Professor John Greabe

Fall Semester

Professor Bob Finn

Spring Semester

Eligibility: Open to second- and third-year students. Limit 12.

Prerequisites: None. This class is recommended for judicial externs.

Grading: Papers

This seminar will explore opinion drafting in theory and practice. Although designed for any student who wishes to refine writing skills and study opinion theory, it will have special relevance for students interested in working as judicial externs and /or pursuing judicial clerkships

following graduation. The course will be organized around two opinion-drafting assignments: (1) a memorandum and order on a motion for summary judgment for a United States District Judge; and (2) a majority opinion for a United States Appeals Court Judge to be completed on the basis of the records of real federal cases raising federal/constitutional issues. Weekly readings will explore topics of interest to judges and law clerks e.g., judicial candor; principled decision making; the elements of legal style; the holding/dictum distinction; and the judge/law clerk relationship. The course will also feature a visit from Judge Norman H. Stahl of the United States Court of Appeals for the First Circuit.

LAW & BIOTECHNOLOGY

iii

3 Credits

Professor Craig Jepson

Spring Semester

Eligibility: Open to all except first-year students.

Prerequisites: None. Intellectual Property Law and Patent Law helpful, but not required.

Grading: Paper and mid-term

The course begins with a review of the policy concerns animating recent thought on the ownership and protection of biotechnology. We review briefly the applicability and limitations of trade secret, contract, and copyright as means for protecting biotechnology, and then focus on patent law. We review the major facets of patent law through important biotech decisions. We also look at the role of the court and the jury in the assessment of expert scientific evidence, and if time permits we explore the role of the law in regulating cloning, recombinant DNA research, and surrogacy.

iii **LAW AND MENTAL HEALTH:**

2

Credits

A JURISPRUDENT THERAPY PERSPECTIVE

Fall Semester

Professor Eric Drogan

Eligibility: Open to second- and third-year. This course will only be offered if there is an enrollment of at least 10 students. Limit 15.

Prerequisites: None

Grading: Standard letter grade (unlike last year's pass/fail), based on student paper and class participation.

This two credit course, limited to 15 students to preserve an interactive seminar format, equips participants to manage all phases of legal proceedings in which mental health evidence and testimony may be utilized. Students will review theories of law and mental health; assessment, treatment, ethical, credentialing, and practice standards; competency, sanity, and commitment proceedings; mental injury, anti-discrimination, and educational entitlements; delinquency, abuse/neglect, and child custody determinations; and practical aspects of forensic consultation, expert witness dealings, and the lawyer's own mental health. This course will be offered for a letter grade, based upon a student paper and class participation.

The class will meet alternate Mondays beginning August 27.

LAW OFFICE MANAGEMENT

iii

3 Credits

Professor Arthur Greene

Fall Semester

Eligibility: Open to all second- and third-year students. Limit 24.

Prerequisites: None.

Grading: Grading will be based on attendance, class participation, weekly projects and a final exam project. Class attendance is required and one or more unexcused absences may result in a reduced grade.

This course will provide students with a foundation in law practice management. It will acquaint students with information and skills necessary for managing client relationships managing the substantive aspects of their practice, and operating the business aspects of a law office. It will give students necessary background in the various management and administrative functions, procedures and policies that are followed in law firms.

With associate training becoming an increasing problem for many law firms, this course is intended to make students more valuable to the firms that hire them, thereby improving their

chances for long term success with the firm and within the profession. The course is critical for those students considering setting up an office as a solo practitioner or with other recent graduates. Classes will include lecture, discussion and projects.

iii

LEGAL MALPRACTICE: THE LAWYER AS DEFENDANT 1
Credit
Fall Semester

Professor Emily Rice

Eligibility: Third-year students only.

Prerequisites: Successful completion of Professional Responsibility (25%); one written assignment (25%); and a final examination (50%).

The goal of this course is to acquaint students with the unpleasant reality of professional liability lawsuits; and to teach practice techniques that can assist in their prevention.

The course will analyze the potential scope of a practicing lawyer's liability; the standard of care applied in measuring a lawyer's performance; the related torts of malicious prosecution, malicious defense, breach of fiduciary duty and others; and the interplay between professional disciplinary proceedings and legal malpractice actions.

The course will be based on actual malpractice suits in New Hampshire and Vermont and will include presentations by practitioners who specialize in the field. It will provide an excellent opportunity to apply knowledge learned in torts, evidence and trial advocacy classes in the analysis of claims regularly brought against practicing lawyers. It will also highlight risk management lessons that these cases provide in areas such as client selection, conflict avoidance and disclosure, documentation of work product, billing practices, and client communication.

iii

LEGAL PHILOSOPHY 3 Credits
Spring Semester

Professor Hugh Gibbons

Eligibility: Open to all students. Enrollment is limited to 15 students with preference given to first-year students. Fulfills the first-year elective requirement.

Prerequisites: None

Grading: One quarter of the grade in the course will be based upon the student's oral presentation of the problem in class, the balance based upon the written presentation of the problem in a term paper.

Laws change. As the rate at which they change has increased over the past two decades, it has become increasingly important to be able to deal with that change, to predict its direction and to act as a positive force, causing it to evolve in one direction rather than another. The aim of Legal Philosophy is to look for the layers underlying law, for the forces that cause and direct the change.

This course is, in essence, an advanced course in legal reasoning. Each student will tackle a cutting-edge legal problem, one for which the law does not yet provide a satisfying solution, and will propose a solution that is grounded as deeply as possible. Guidance will be provided by a theory of formal jurisprudence, a theory of law that has emerged from prior Legal Philosophy classes.

iii

LEGAL SKILLS I 4 Credits
Fall Semester

Professors Sophie Sparrow, Judy Gire, Cindy Landau, et al

Eligibility: Required first year course.

Prerequisites: None

Grading: Writing and research assignments throughout the semester.

Legal Skills I introduces first-year students to the fundamentals of objective legal analysis, legal research, citation and writing. For research, students will learn the types of legal authorities generated by the American legal system; use basic secondary legal authorities; access and validate primary authority; and cite to legal authorities. Students will practice print and on-line research processes in the library and computer training room, and will focus on cost-effective research. Through written assignments and exercises, students will apply research tools; synthesize cases and extract common doctrine; identify issues and sub-issues; organize issues logically and make analogies between fact patterns in precedents and assigned problems; and practice using clear,

concise prose.

LEGAL SKILLS II

iii

3 Credits
Spring Semester

Professors Sophie Sparrow, et. al.

Eligibility: Required first year course.

Prerequisite: Successful completion of Legal Skills I

Grading: Writing assignments and oral arguments

Legal Skills II builds upon and reinforces the fundamentals of Legal Skills I. This second semester introduces students to more complex research, reasoning and writing, including oral and written advocacy. Students will learn basic advocacy skills and develop them within a particular substantive area. Sections will focus on issues in such areas as criminal procedure, constitutional law, consumer law, employment law and intellectual property.

LEGISLATIVE ASPECTS OF IP LAW

iii

1 Credit
Summer Session

Professor Gerald Mossinghoff

Principles, standards, and strategies for effective drafting of intellectual property legislation.

LICENSING PATENTS, TRADE SECRETS, AND TRADEMARKS

iii

2
Credits

Professor Karl Jorda

Fall & Summer Semesters

Eligibility: Open to all except first-year students.

Prerequisites: A technological background is not a prerequisite, but some knowledge of the law patents, trademarks is necessary for this course.

Grading: Grade is based on an exam and one or more class problems.

The emphasis will be on creative, domestic and foreign licensing arrangements involving licensing patents, trade secrets and trademarks (including franchising), understanding and drafting some of the more important basic clauses, valuations and royalty determinations, actual licensing situations, antitrust and misuse problems and negotiation and administration of license agreements.

This course will include both licensing your client's intellectual property to another, and licensing intellectual property from another to your client.

LIMITED LIABILITY COMPANIES

iii

1 Credit
Spring Semester

Professor John Cunningham

Eligibility: Open to all but first-year students.

Prerequisites: None

Grading: Examination

This course will cover the formation, organization and tax consequences of LLCs.

LITERACY AND LAW (On Line)

iii

2
Credits

Professor Sarah Redfield

Fall Semester

Eligibility: Open to all Law (except first year), MEL and CAGS students and educators, librarians, English students, and all others interested in literacy.

Prerequisites: None

Grading: The course requirements, in addition to participation in class and in the practicum, are to keep a journal and write a paper. Students are encouraged to have the paper take the form of a children's book that reflects their experience and learning in the course, though a more typical research paper is also an option. Grades will be based on student participation, journals, and the final paper/children's book.

This course has been offered at Georgetown Law School for several years and we are "stealing" their format and information. It is an extremely exciting opportunity for which we are grateful to Professor Roe. For more information about the Georgetown course see http://www.law.georgetown.edu/clinics/dcstreet/literacy_law.html.

Introduction (from Professor Roe): The law does not exist apart from those whom it serves. In a very real, sense law itself comes from those whom it serves, and in particular from their ability to articulate their preferences and grievances and to voice their values and concerns. In our society, many people have this ability, whether as the result of education, or affluence, or some other condition, but many others, and too often the disadvantaged, do not. Literacy is at the heart of that meaningful social intercourse which is in turn at the heart of law. Indeed, it is literacy, as much as anything, which feeds the roots of law, so that the ability to read and speak, and above all to do so critically, matters crucially in the discharge of an individual citizen's rights and responsibilities.

The course involves both classroom and practicum components. The practicum involves working with an emerging English reader once a week for the semester. (Information and instruction on tutoring is provided in the first part of the course.) The classroom component focuses on assigned readings and discussion of the tutoring experiences.

Students in this course can expect to: Understand the role of literacy in society; Understand the role that law plays in education and in literacy; Understand the role that literacy plays in individual members of society being able to understand/respect law; Understand how early learning experiences have a life-long impact on an individual's view of law and society; Understand the first and fourteenth amendments in the context of reading and learning theory as well as in their legal settings; Work directly with emerging readers; Synthesize field experiences in literacy with class reading and experience with law; Work with educators as well as law students; Interact with law students and clinicians at another law school; Develop their analytical and synthesizing abilities; Translate their learning into an effective written product for an identified audience.

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MEDIATION CLINIC

Professor Mary Pilkington-Casey

Professor Peter Wright

Eligibility: Open to second- and third-year. Third-year preference more than 10 students apply.

Prerequisites: None

Grading: Based on performance in classroom and development of skills mediating actual cases.

2 Credit

Fall Semester

Spring & Summer Semester

As an introduction to alternative dispute resolution, students will receive classroom training, including role playing, in the mediation process. The classroom work will explore various methods of mediating from the perspective of mediator, participant and advocate. As court schedules permit, students will observe mediation of cases handled by the Civil Practice Clinic. After students have demonstrated proficiency in these skills, they will be given the opportunity to participate in the Small Claims Mediation program through the Concord District Court. This experience enables students to serve as mediators in actual small claims cases. This program has the active support of the District Court as over \$187,000 worth of small claims have been successfully mediated through this program.

Concord District Court mediations are scheduled on Monday mornings from 9:00 to 11:00 PM.

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MEDIATION SKILLS FOR IP AND COMMERCIAL DISPUTES

Professors Nancy Yeend and John Paul Jones

Eligibility: Limited enrollment. Open to all but first-year students.

Prerequisites: None

Grading:

Practical hands-on, interactive learning experience with personal videotape, comprehensive workbook/resource manual, relevant role plays and individualized one-on-one attention by faculty. Highlights include: Mediation Process, Effective Opening Statements, Case Development, Useful Skills and Techniques, Ethical Challenges, Mediator Strategies, Problem Solving and Negotiation.

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1 Credit

Summer Semester

MINING PATENT INFORMATION IN THE DIGITAL AGE

Professor Jon Cavicchi
Enrollment limited to 25.

2 Credits
Summer Semester

Introduction to the manual and computerized search and research tools currently available for intellectual property practice in the US and strategies for their effective use.

iii

NEGOTIABLE INSTRUMENTS

Professor David Van der Beken

2 Credits
Fall Semester

Eligibility: Open to all second- and third-year students.

Prerequisites: None.

Grading: The grade for the course is based on a final exam.

This course focuses on Articles 3 and 4 of the Uniform Commercial Code, each of which are adopted, to some degree, in every state. Article 3 defines the rules for the creation of negotiable instruments, generally any unconditional writing which promises or orders the payment of some fixed amount of money. Sounds like a contract, right? Well what makes negotiable instrument law unique is its occasional transcendence of the usual legal rule that an owner may only give as much ownership privileges as she's got. In negotiable instrument law a good faith purchaser, provided she meets certain restrictions, may take a negotiable instrument with more privileges than her transferor possessed. Our study of Article 4 will give students a practical understanding of the most common type of negotiable instrument, the check, and consider in detail the Bank-Customer relationship and their respective rights and duties. For example, how quickly must a bank make funds deposited into an account available to the depositor? Under what circumstances will a small business owner be held liable for its employee's forgery? And how do the policies behind these principals effect the "electronic-ification" of payment systems in the future?

iii

NEGOTIATIONS WORKSHOP

Professor Kevin Leach

1 Credit
Spring Semester

Eligibility: Open to second- and third-year students. Enrollment limited to 12 students. Drop after the first week only.

Prerequisites: None

Grading: In order to earn the credit for the Workshop, a student must: (1) complete each of the exercises and attend each of the sessions; (2) critique one of the simulation tapes; and (3) keep a running log of his or her progress in learning negotiation skills during the Workshop, turning in the log within two weeks after the final session. The purpose of the log is to both encourage each student to be reflective about his or her learning and to provide an evaluation of the Workshop.

The Negotiations Workshop is a minicourse designed to give students experience in dispute-resolving techniques through a series of simulated negotiation scenarios with evaluation and demonstrations by practicing lawyers.

The Workshop will be held in the evening (6:00 to 9:00) (date to be announced later) and will consist of six sessions, five negotiation simulations plus an introductory program. There are practicing attorneys who participate in the Workshop and critique the students' performance. Their critiques have proven to be one of the most effective elements in the Workshop.

The format will be as follows:

At the first session and each succeeding session until the last, the 12 persons in the course will be paired and will receive the scenario simulation for the next week.

During the week the students will arrange *on their own* to do the negotiation simulation. It will take about an hour. Using library equipment, they will videotape their negotiation and bring the videotape to the next session.

At the session each student pair will review their tape with a practicing attorney. After the review, the students and some of the attorneys will meet for a general discussion of the exercise. Attorney Leach may lead the discussion, using a videotape of the week's simulation that was prepared by the simulation authors. Those simulation tapes will be available in the library throughout the course for student review.

NONPROFIT LAW AND MANAGEMENT ï ï ï

Professor Ellen Musinsky

Prerequisites: None

2 Credits
Fall Semester

Grading: Students will work on drafting and research assignments for hypothetical clients. Grades will be based on these assignments and class participation.

A unique segment of the economy is made up of organizations that are organized for purposes other than profit. While historically, nonprofit organizations precede the existence of this country, the sector has grown in recent years, now accounting for an estimated 6-10% of the economy. Nonprofits, vary enormously in size and structure.

For these organizations, profits or the lack thereof are secondary to the accomplishment of social change, service delivery, educational or cultural enhancement, economic development or scientific advancement. Because of the government's desire to advance these interests, these organizations are afforded special tax treatment and have some different means of raising funds and capital than their for profit counterparts. The need to insure that the organizational resources are devoted to a nonprofit purpose, rather than private benefit raise unique issues regarding control and management of these organization and their assets. Traditional law as it applies to corporate and taxation thus is modified significantly for this sector of the economy.

In this course, students will learn the basics of the law it applied to nonprofits, and develop skills in research, analysis and drafting. The application of traditional nonprofit law and principles to the new economy will be explored. The class will meet once a week and will consist of lecture, discussion and student presentations. We will use Fisher and Schwartz, *Nonprofit Organizations and Materials* as a text. Class participation is expected

PATENT APPLICATION PREPARATION & PROSECUTION ï ï ï

2 Credits
Spring Semester

Eligibility: Open to all except first-year students. Numerous sections will be set up. Each section is limited to five students and led by an experienced patent attorney.

Prerequisites: None

Grading:

This course provides students with a unique opportunity to draft complete patent applications, approximately four during the semester, within the student's particular area of technical ability. Because of the small class size, each student assignment is critically reviewed by the instructor and extensive feedback is offered to improve quality of performance. In addition to application review and discussion of drafting techniques, part of the class time is spent in discussion of related patent prosecution topics.

PATENT LAW ï ï ï

Professor Craig Jepson

Eligibility: Open to all but first-year students.

Prerequisites: None

Grading: Closed – book examination, multiple – choice, short answer, or essay.

3 Credits
Fall and Summer Semesters

This course presents an overview of the policies, history and practice of the United States Patent Law. Students will learn the fundamental patent statutes and how the courts have interpreted those statutes. Students will learn how to apply the fundamentals in both a patent securement (patent prosecution) and a patent enforcement (patent litigation) context.

Students will read a hornbook on United States Patent Law and a collection of significant court decisions selected by Prof. Jepson for historical significance or currency. This course proceeds primarily by lecture with classroom discussion and exercises.

Evaluation is by final written examination. Up to one full letter grade may be added to any student's final course grade to reflect meaningful classroom participation.

PATENT PRACTICE AND PROCEDURE ï ï ï

Professor Kevin Carroll

2 Credits
Summer Semester

Eligibility: Open to all except first-year students.

Prerequisites: None

Grading: Multiple choice examination similar to Registration Examination for PTO Practice.

Simulation of patent prosecution practice; preparing patent claims, completing patent applications, meeting Patent Examiner's objections to patenting, and becoming familiar with the Rules of Practice of the United States Patent and Trademark Office.

PATENT PRACTICE AND PROCEDURE I *iii* 3 Credits
Professor Craig Jepson Fall Semester

Eligibility: Open to all but first-year students.

Prerequisites: No Prerequisite however Patent Law is highly recommended and may be taken concurrently.

Grading: Evaluation will be based on a claim drafting examination and a multiple-choice examination based on the USPTO Registry examination.

Students will learn to draft patent claims that are acceptable to the United States Patent and Trademark Office (USPTO) and to the United States courts. Students will become familiar with the statutes, regulations, practice, and customs that guide the drafting of acceptable patent claims. Students will learn to use the Manual of Patent Examining Procedure and will be introduced to the basics of interacting with the USPTO as a United States patent practitioner. The course format consists of lecture and small section meetings. The entire class meets with Prof. Jepson for lecture 1&2 hours per week to cover theory and general principles. Students meet in small sections with local practicing patent attorneys 1&2 hours per week to practice and review the mechanics of claim drafting.

The small section leaders will review claims drafted by the students in completing weekly assignments.

PATENT PRACTICE AND PROCEDURE II *iii* 2 Credits
Professor Craig Jepson Spring Semester

Eligibility: Open to all but first-year students.

Prerequisite: PPI. Patent Law highly recommended and may be taken concurrently.

Grading: Students will complete four to six extensive drafting assignments for review and evaluation. The final examination may have a multiple-choice component and ask the student to draft a appropriate for filing with the USPTO.

Students will build on their basic claim drafting by learning the rules, regulations, customs, and practices for responding to the United States Patent and Trademark Office (USPTO) in prosecuting patent applications. Students will draft one or more complete patent specifications and associated documents necessary for obtaining a filing date. Students will draft responsive documents addressing USPTO Office actions. Students will also draft additional documents as they follow a case through the USPTO from filing to allowance.

The course format is 2 hours per week of traditional lecture and limited discussion to cover theory and general principles.

PERSONAL INCOME TAXATION *iii* 3 Credits
Professor Steven M. Burke Fall Semester

Eligibility: Open to second- and third-year students.

Prerequisites: None

Grading: Fifty percent (50%) grade is based on an in class mid-term and fifty percent (50%) on a final take-home exam.

An examination of the federal revenue-raising system as represented by the taxation of individual incomes under the Internal Revenue Code of 1986, as amended, and the regulations thereunder; review of congressional policy underlying tax determination mechanisms; analysis of significant Code and regulation provisions affecting individual income tax liability; limited review of tax planning considerations leading to minimizing of tax liability and practice before the Internal Revenue Service.

Professor's Statement

This course is designed to introduce students to the federal income taxation system as it applies to individual taxpayers, to foster a working acquaintance with major provisions of the Internal Revenue Code, and the structure of the Internal Revenue Service and to suggest from time to time the significance of tax considerations as they arise in "other" legal contexts.

The texts in the course are the taxing statute, the Internal Revenue Code of 1986, as amended and a text yet to be determined. One of my hopes for the course is that students may come to develop a tolerance for the statute and see it as rational in function (if not necessarily always in underlying policy). I hope to enable the students to apply the sometimes tortuous mechanics of the Code to representative transactional circumstances, and to show how the income tax works.

I certainly want students to understand the system and be able to work with the statute to the extent reasonably expectable after a course of this duration, but I am particularly anxious that students develop an attitude toward the practice of law generally that is "tax conscious." I have selected for study the provisions of the Code that I have, in large part, to demonstrate the almost infinite variety of circumstances in which tax problems might lurk. I will be at least partially satisfied if students have become disabused of the idea that taxation is an esoteric specialty in the practice of law that can be safely avoided.

iii

PRACTICE & CURRENT ISSUES BEFORE THE FEDERAL CIRCUIT 2 Credits
Professor John Whealan Summer Semester

Eligibility: Open to all except first-year students.

Prerequisites: Knowledge of Patent Law and/or experience in writing appellate briefs

Grading: Written assignments.

Practical aspects of appearing before the Federal Circuit as well as the most relevant substantive issues currently before the Court. The course will cover the history of the Court, the purpose of its creation, the Court's jurisdiction, rules of practice, and the practical working of the Court.

iii

PRETRIAL ADVOCACY 3 credits
Professor Kimberly Kirkland Fall Semester

Eligibility: Open to all but first-year students

Prerequisites: Civil procedure

Grading: Grades are based on students' performance in a series of exercises.

Pretrial Litigation is governed by procedural rules. Within the framework of these rules, litigators make strategic and ethical judgments every day that determine the outcome of their clients' cases. Making these judgments necessarily requires the litigator to take risks, putting their thinking and decision making on the line every day. This course teaches advanced skills critical to making sound judgments throughout the litigation process. Using a complex, multiparty civil case, students will evaluate a potential lawsuit, decide what defendant(s) and legal and factual theories to pursue, draft pleadings, conduct discovery (including taking lay and expert witness depositions, drafting and responding to request for admissions, document requests and interrogatories), prepare for trial and evaluate and negotiate settlement.

iii

PROFESSIONAL RESPONSIBILITY 3 Credits
Professor Mitchell Simon Fall Semester
Professor Kimberly Kirkland Spring Semester

Eligibility: Open to all second- and third-year students.

Prerequisites: None. This class is a prerequisite for Externships.

Grading: The grade for the class will be based on midterm and final exams and classroom participation. The course may not be taken on a Pass/Fail basis.

This course will provide students with the opportunity to learn the "law" governing professional responsibility and to evaluate the merits of this system of self-regulation. We will examine the relationship of the attorney with his or her client, with the courts, and with society at

large. We will also explore whether the ethical rules have properly balanced the sometimes conflicting duties owed to each of the above groups.

The primary methodology will be discussion of problems taken from actual cases. Students are expected to participate fully in class discussion and to demonstrate some reflection on the underlying principles and issues.

PROPERTY

iii

4 Credits

Professor Marcus Hurn

Spring Semester

Eligibility: Required first-year course.

Prerequisites: None

Grading: Examination

This course will introduce and illustrate the fundamental legal concepts and terms involved in the control of three kinds of property: real estate, chattels, and federally created intellectual property (primarily copyrights and patents). With primary emphasis on real property, we will study the rights and powers of ownership, how they are acquired and conveyed, how ownership can be shared (either simultaneously or over time, including future interests), how use or control can be divided (covenants, easements, servitudes, leases, bailments, and licenses), recording systems and the rights of purchasers or lienholders, and sovereign powers (escheat, eminent domain, police power).

PUBLIC INTERNATIONAL LAW

iii

3 Credits

Professor Bill Hennessey

Spring Semester

Eligibility: Open to all students (MIP with permission of professor). This class fulfills the first-year elective requirement.

Prerequisites: None.

Grading: Seventy-five percent of the final grade is a research paper. Copies of papers from previous classes are in the Law Library.

An overview of some of the major considerations to be understood as "ground rules" for dialogue between nation-states, and between practitioners of law in the United States and counterparts in other countries beyond those encountered in domestic ("municipal") law, including but not limited to what is sometimes termed the "foreign relations law" of the United States. Learning the "discourse" of international law is an important component.

Substantive questions in world politics (e.g., US "de-linkage" of Chinese trade and human rights, U.S. intervention or ("adventurism") and covert CIA activities in Latin America, etc.), while occasionally mentioned to elicit comprehension of the "ground rules" alluded to above, are NOT in and of themselves among the topics to be discussed. It is hoped that the methodology of the course will help to further understanding of the dynamics of international cooperation and dispute resolution mechanisms which, when effective, can comprehend and compensate for deep-seated differences in politics and culture without themselves becoming sources of oppression.

NOT COVERED: The law of private international contracts generally adopting the municipal law of some national jurisdiction, and technical questions concerning what law applies to a particular private dispute are covered not in this course but in International Business Transactions, Conflict of Laws, and Transnational Enforcement of Judgments. Trade and Intellectual Property are covered in the World Trade course.

REAL ESTATE TRANSACTIONS

iii

2 Credits

Fall Semester

Eligibility: Open to second- and third-year students.

Prerequisites: None

Grading: Subject to discussion during the first three weeks of the course, it is anticipated that grades will be based upon a final examination. Depending on the size of the class and discussions held during the first three weeks, it is possible that a writing assignment will be required as part of the course.

The course will consider the established law, New Hampshire practice, and current issues relating to

the sale and finance of real estate. The course deals with four major topics concerning real estate transactions and finance. We first examine basic concepts and techniques of financing. This section includes the law of mortgages, installment sales, home equity loans, as well as foreclosure issues. This is followed by a review of some of the more creative and complex forms of real estate financing, including sale and leaseback, and percentage leases.

The course next covers condominium and cooperative ownership of real estate. Furthermore, a section of the course is dedicated to tax considerations impacting upon real estate ownership, use and financing.

A large segment of the course is devoted to analyzing the contract of sale pertaining to real estate transactions. This includes sellers' and buyers' remedies under the contract of sale, warranties connected with new construction, the Real Estate Settlement Procedures Act, damages for breach of contract, and general contract formation principles.

Lastly, the course focuses on real estate title issues and procedures to assure marketable title. This includes a review of title examination standards, the concept of a marketable title, title insurance, and procedures for correcting defects in a real estate title.

The primary focus of the course will be on the complete representation of the average consumer in the typical residential purchase and mortgage. If there is additional time, the course may also deal with other related issues such as the role of the broker and lawyer in bringing about the purchase and sale agreement and in the overall representation of the buyer and seller. The course does not deal with zoning and land use issues. However, it is recommended that a student who is interested in furthering his education in this area, take the Land Use course in conjunction with this course. This will allow the student to better appreciate the overall and major issues facing a lawyer involved in real estate practice.

Classes are held once a week for two hours. This course involves **SUBSTANTIAL READING ASSIGNMENTS**. Readings include a case book: Real Estate Transactions by Goldstein & Korngold. In addition, photocopied materials will be used to supplement the above text.

REMEDIES

iii

3 Credits

Spring Semester

Eligibility: Open to second- and third-year students.

Prerequisites: None.

Grading: The grade in the class will be based upon the problem presentations and the final exam.

This course takes a comprehensive survey of private law from the viewpoint of the outcomes that are available to the private plaintiff. Remedies is a unique combination of substance and procedure because the subject focuses upon the declaration and enforcement of rights, upon compensation for past violations of rights, and upon the prevention of future threatened harms. It draws its rules and principles from all of the private law disciplines. Particularly important will be the remedies of damages, restitution, injunctions, and declaratory relief.

The course will follow a problem format with problems drawn from actual cases that present one or more remedies issues. Each problem will be presented by a student team, with two problems being considered during each class session. The readings in the casebook will provide the substantive law necessary to the solution of the problems.

iii

RESEARCH SEMINAR

1 to 3 credits

Professors Cindy Landau and Sarah E. Redfield

Summer

Semester

This class introduces the tools of legal research in print and online. It also offers advance level research tools and strategies for education issues. The course includes hands-on training in FPLC's law library and online.

iii

SPECIAL EDUCATION LAW - ONLINE

Professor John M. Farago, Esq.

2 or 3 credits

Summer

Semester

City University of New York School of Law, Flushing, NY

Compliance with special education laws remains extremely complex, resulting in contentious and expensive litigation. This course provides a comprehensive understanding of the IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. Topics include identification, evaluation, IEP standards, related services, discipline, and placement matters. The course will highlight recent revisions to the IDEA and its accompanying regulatory changes. Significant caselaw from around the country will be studied and debated.

******NOTE: This course has a \$120 non-refundable technology fee.**

iii

SPORTS LAW

Professor Peter Foley

2 Credits

Fall Semester

Eligibility: Open to all but first-year students. This is an alternate year course and will not be offered again until Fall 2003.

Prerequisites: None

Grading: Dependent on a decision to be made later by the course instructor, there will also be either a mandatory mock contract negotiation project or a mandatory, short (7-10 pp.) Research/analysis paper on a current sports law issue. There will be a final examination that will account for 75% of your grade. Class participation and preparation will also affect your grade. If you do not have the time or inclination to prepare for and participate in class, please do not register for this course.

This course will examine principles of contract, antitrust and labor law within the context of professional, and to a lesser extent collegiate, athletics. Specifically, the course will focus on the practical application of these legal principles to current and past issues in the sports industry.

The course will involve a combination of lectures and group discussion.

The course textbook will be Weiler and Roberts, SPORTS IN LAW (1998) with statutory/documentary supplement.

iii

SPORTS LAW

Professor Martin Silfen

2 Credits

Summer Semester

A study of the law of sports including IP, rights of privacy and publicity, antitrust, labor, contracts, torts, Olympic and International Rules, and sports agency.

iii

START UP ENTERPRISES

Professor John Orcutt

3 Credits

Fall Semester

DESCRIPTION UNAVAILABLE AT THIS TIME.

iii

SUPREME COURT SEMINAR (On Line)

Professor Sarah Redfield

3 Credits

Spring Semester

Eligibility: Open to second and third year students, MEL and CAGS students, and others interested in the subject matter. Librarians, teachers, administrators, university personnel, and others involved with education are specifically welcome in this class.

Prerequisites: Education Law I or equivalent, or permission of the instructor.

Grades: Grades are based on class participation and a student paper.

The course focuses on a series of topics just decided or now pending in the US Supreme Court. Topics from previous years have included governmental programs using public funds to provide services to parochial schools, school prayer, free speech and association, violence, affirmative action, reasonable accommodation, children's internet protection, and others. The Court promises to continue to be equally interesting. The course is designed for all segments of the education community, especially those who need to know the current analysis of issues of great national and

regional import. The class is conducted online using a variety of assignments and media, likely to include audio, threaded discussion, online chat, journals and online feedback.

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SURVEY OF EDUCATION LAW (On Line)

3 Credits

Professor Sarah Redfield

Fall Semester

Eligibility: Open to second and third year students, MEL and CAGS students, and others interested in the subject matter. Teachers, administrators, librarians, child advocates, government personnel, and others involved with education are specifically welcome in the class. (Satisfies MEL/CAGS Ed Law 1 requirement.)

Prerequisites: None

Grade: Grades are based on class participation and a variety of short class assignments and quizzes.

Students in this course can expect to: Understand the sources of law and their relative weight as well as the significance of precedent; Understand the role that law plays in education; Understand the legal issues that affect education in the US; Understand the basic constitutional principles impacting education, particularly the first, four and fourteen amendments; have a preliminary knowledge of legal research; Be generally familiar with the role of government in education, including the role of state and federal agencies and understand some of the political issues relevant to education; Become familiar with the foundational education law cases and statutes that have shaped school law in the US; Apply basic legal research techniques to school law issues; Improve their use of technology; Work collaboratively with other students, most likely including students from several disciplines and backgrounds.

Education is seriously influenced by the Constitution, by judicial opinion and by both state and federal statutes. This course is a basic survey course in law as it relates to schools. It begins with a review of sources of law and research methodology for education law issues. It surveys relevant constitutional principles, legislation, agency regulation and judicial decisions, which have shaped the direction of public education. The topics covered include, e.g., church & state, "right" to education, compulsory attendance and home schooling, curriculum and academic freedom, students' rights, teachers' rights, discipline, school searches, segregation/desegregation, affirmative action, discrimination, special education and accommodation.

The goal of the course is to provide students with the background and tools necessary to understand the context and nature of a legal question in this subject area and to identify a methodology to find the answer. Course methodology includes case analysis, roleplay, and problem solving.

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TECHNO-ADVOCACY

1 Credit

Professor Todd Cheeseman

Fall & Spring Semesters

Eligibility: Open to second- and third-year. The course is designed for students who have taken or are taking Trial Advocacy.

Prerequisites: Trial Advocacy or at least concurrent enrollment..

Grading: A final trial

This course is designed for students who have taken or are taking Trial Advocacy. The objective is to teach students how to use the various tools available in a hi-tech courtroom. **Students who are taking Expert Witnesses & Scientific Evidence are strongly encouraged to take this course concurrently, if they have not already taken it.**

These tools include the use of software programs like Sanction (a courtroom imaging system), Summation (a litigation database) and PowerPoint (a presentation software). It includes learning how to operate the equipment in a hi-tech courtroom effectively understanding the advocacy implications of using visual persuasion tools before a jury. A student would learn to master these various skills and tools through a sequence of written and litigation exercises, culminating in a final trial during which students would be required to use the tools.

A student will significantly deepen her understanding of file and case management, particularly in complex cases, and will expand her understanding visual persuasion beyond the traditional bounds of demonstrative evidence. It used to be that these tools were the wave of the future. With the

Federal Court system's commitment to have 1/3 of all Federal District Courts equipped with at least one hi-tech courtroom by 2003, the acquisition of these skills and tools is a present-day reality.

TELECOMMUNICATIONS LAW

iii

2 Credits

Professor Jerry Kang

Summer Semester

Provides a legal, technological, and policy introduction to communications law and policy, including technological and legal power, market entry (spectrum licensing, cable franchising), pricing of telecommunications services (rate regulation), content control (sex, violence, children's TV), structural separation (break-up of AT & T), and access (interconnection requirements, universal service), as applied in various communication industries, including telephony, broadcast, cable, and the internet.

TORTS

iii

3 Credits

Professor Hugh Gibbons

Fall Semester

Eligibility: Required first-year course.

Prerequisites: None

Grading: Final Examination 85%; Midterm examination 15%. Two short papers, grades not recorded. These two papers are course requirements. No grade will be given in the course unless both are turned in. Extra credit option.

The word "torts" means actionable injuries, injuries for which the one who is injured may sue for redress in a court of law. Many injuries are not "actionable" you can't sue anyone if you cut your hand while peeling potatoes. But some injuries are actionable you definitely can sue someone if they run into your car while it is parked. These are the injuries the we take up in Torts: When may one person recover money form another for an injury?

The quick answer to that question is that one may recover from another when the other is at "fault". That is the central concept in Torts. We will approach it from many angles, beginning with the idea of "negligence" which is fault in the form of ordinary carelessness about the safety of others. We then move into "products liability" which is a different kind of fault, the fault of an expert who designs things that will be used by others. Negligence and products liability will account for two thirds of the work of the semester. During the last third we will take up libel, slander, invasion of privacy, and other torts that involve abstract, nonphysical harms.

In addition to the normal class meetings each week, there will be a meeting in small groups with a teaching assistant.

TRADEMARKS & DECEPTIVE PRACTICES

iii

3 Credits

Professor Susan Richey

Fall and Spring Semesters

Eligibility: Open to all but first year students.

Prerequisites: No prerequisites; pre-law training in marketing, business, languages, communication or psychology may be helpful. No scientific or technical background is necessary.

Grading: Open-book midterm and final exams.

This course examines trademark and other state and federal law designed to protect trade identity (commercial goodwill). Additionally, the course will explore the tension between trademark and related rights as intangible commercial property, on the one hand, and as devices to further competition and to prevent consumer deception on the other hand. Finally, the course will address trademark-related issues raised by the Internet.

TRANSNATIONAL ENFORCEMENT OF JUDGMENTS

iii

3 credits

Professor Dennis Campbell

Spring Semester

Two weeks of classroom meetings. Six weeks of On-Line work.

Eligibility:

Prerequisite:

Grading:

The course will examine the recognition and enforcement of United States court judgments in

selected foreign jurisdictions, the recognition and enforcement of foreign judgments in the United States, and the training and role of lawyers in a number of countries. The course will review the issues critical to executing a judgment in a foreign country, such as jurisdiction, due process, and public policy. The course will begin with a two-week classroom component on campus, followed by six weeks of online instruction, utilizing a passworded bulletin board as well as a live chatroom and other media that will allow students to interact directly with the instructors and with guest practitioners from Europe, Latin America, and Asia.

TRIAL ADVOCACY

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3 Credits

Professor Buzz Scherr, et al

Fall & Spring Semesters

Eligibility: Open to second- and third-year students both semesters. Intellectual Property students are encouraged to participate.

Prerequisite: Completion of or simultaneous enrollment in Evidence.

Grading: Grade will be based upon class exercises, written analyses of exercises, and final trial.

Sections of this course are taught by judges and experienced trial attorneys. If course is over-rolled, selection of students will be made by lottery.

This course provides a foundation for the development of the variety of skills necessary for effective trial advocacy no matter what the forum. Development of a theory of the case, file organization and pretrial preparation are emphasized, as well as the more traditional oral trial skills such as closing argument and cross-examination. Students regularly participate in exercises simulating segments of civil and criminal trials.

UNFAIR COMPETITION

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3 Credits

Professor Tom Field

Fall Semester

Eligibility: Open to any L.L.M. or J.D. student. Up to 21 students may enroll. If the course is oversubscribed, preference will be given to those with the strongest IP background and commitment to research and writing.

Prerequisites: IP Background.

Grading: Grades will be O-S-U, based on a paper (60%, presentations (25%) and participation (15%).

Required materials: Restatement (Third) of Unfair Competition.

Objectives. To fill gaps left by advanced IP courses driven by federal statutes and explore the nature of Restatements.

Some Restatements are nearly primary law. In some legal areas, they are often used by courts, even when statutes govern directly. These also have been cited by the PTO in trademark appeals.

Methodology. At least a third of classes will be devoted to the Restatement. Remaining classes will be devoted to student presentations of research in progress. Each participant will make two oral presentations and will be expected to contribute to others progress.

US COPYRIGHT LAW

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2 Credits

Professor Jon Garon

Summer Session

Eligibility: Open to all but first-year students.

Prerequisites: None

Grading: Examination

This course considers the theoretical, historical, constitutional, and statutory bases of United States copyright; the interest protected by copyrights in literary works, such as books, computer software; music; drama; choreography; art; and motion pictures. The course will explore the technical statutory issues of authorship, ownership, transfer of rights, as well as protection of rights through

litigation.ííí

US TRADEMARK LAW

2 Credits

Professor Susan Richey

Summer Semester

Eligibility: Open to all but first-year students.

Prerequisites: None

Grading: Examination

Federal and state laws protecting commercial good will and preventing consumer deception or confusion about the source or sponsorship of goods and services; management of a trademark portfolio.

iii

US TRADEMARK REGISTRATION PRACTICE 1 Credit
Professor Susan Richey Summer Semester

The objectives of this course are: to familiarize the student with the vocabulary and practices of federal trademark prosecution; to explore the differences between registration on the Supplemental Register; to introduce the student to the U.S. Trademark Office's electronic application filing system; to present the student with strategies for responding to formal rejections and substantive rejections of applications; and to outline the procedures and requirements for maintaining a federal trademark registration once it is obtained.

iii

VALUATION OF IP 1 Credit
Professor Gordon Smith Summer Semester

Eligibility: Open to all but first-year students.

Prerequisites: Basic knowledge of MS Excel. Limited Enrollment.

Grading: Papers

An examination of the financial and economic principles that underlie the valuation and exploitation of intellectual property in business.

iii

WEALTH TRANSMISSION 3 Credits
Spring Semester

Eligibility: Open to second- and third-year students.

Prerequisites: None

Grading: Grade is based on in-class quizzes and a final, take-home exam.

This course examines the various methods by which wealth is transferred and their implications.

The law of wills, decedents' estates and trusts is examined in-depth, as are the provisions of the Internal Revenue Code in the areas of federal estate, gift and income tax which bear upon property transfer. Provisions of state law providing for "formal inheritance" by surviving spouse and children, the law of future interests, and the law of charitable entities are considered. These various realms (each substantial in its own right) are examined in their interrelationships, particularly as the foundations of the estate planning function.

Professor's Statement:

My objective in this course is to describe the structure and the mechanism of the estate planning process, with principal focus on the passage of property at death at the least possible cost. I begin by examining the law of federal estate and gift taxation. Since federal transfer taxation constitutes the most significant potential cost in property transfer, it is examined first to suggest the stakes of intelligent estate planning.

I next examine the mechanisms of property transfer, principally the will and the trust, with focus on the requisites of validity, the uses of each form of instrument, and the potential for federal estate and gift tax savings in such use. I then examine the law of fiduciary income taxation, to establish how skilled trust and estate management can create federal income tax savings.

Finally, we engage in a few brief drafting exercises to focus on the pragmatic application of the above considerations.

I use practice problems throughout, to the extent feasible, in order to give the students the opportunity to practically apply the principles of the course.

iii

WORLD TRADE & WORLD IP LAW & INSTITUTIONS 2 credits
Professor William O. Hennessey Fall Semester

An introduction to international trade law. It introduces some of the major international instruments and institutions regulating international trade and intellectual property which a U.S. lawyer engaged

in international commerce or a foreign lawyer with U.S. contacts is likely to encounter—primarily the agreements administered by the World Intellectual Property Organization [WIPO] and the World Trade Organization [WTO]. The vehicle for illustrating trade law is international intellectual property law. The course will also introduce U.S. laws and institutions which cover the same subject matter, including the Office of the U.S. Trade Representative, the International Trade Commission. Selections are illustrative and not comprehensive. The broader law of the General Agreement on Tariffs and Trade (GATT 1994), including tariff negotiations, subsidies and dumping, customs classification and valuation, and escape clause proceedings cannot be covered comprehensively in a course this narrow in scope.

NOTE: Spring and Summer courses subject to change.