

Academic Year 02-03  
COURSE LISTING  
(Alphabetical)  
(10/25/02 published)

**MANAGING KNOWLEDGE ASSETS IN THE UNIVERSITY** 2 Credit  
Professor Karen Hersey Spring

Eligibility: Open to second- and third-year students.  
Prerequisites(s): Introduction to IP and Copyrights. Concurrent enrollment acceptable.  
Grading:

Whether through invention or authorship, new knowledge emerges every day on the university campus. How new knowledge is used and shared to advance scholarship and improve lives depends largely upon the internal problem-solving and management capabilities of the university. This course will explore turning knowledge into assets for both academic creators and institutions. Particular attention will be paid to issues and policies governing ownership, the interplay of institutional external funding obligations and faculty rights of academic freedom, the role of agreements between universities and faculty concerning use of faculty-owned educational materials and the effects of recent legislation such as the Digital Millennium Copyright Act, the TEACH Act and the Patriot Act on how universities use and manage knowledge assets.

**MEDIATION CLINIC** 2 Credit  
Professor Spring, Summer

Eligibility: Open to second- and third-year. Third-year preference more than 10 students apply.  
Prerequisite(s): None  
Grading: Based on performance in classroom and development of skills mediating actual cases.

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.

**MEDIATION SKILLS FOR IP AND COMMERCIAL DISPUTES** 2 Credit  
Professors Nancy Yeend and John Paul Jones Summer

Eligibility: Limited enrollment. Open to all but first-year students.  
Prerequisite(s): None

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.

### **MERGERS & ACQUISITIONS**

Professor John Orcutt

3 Credits

Spring

Eligibility: Open to all but first-year students – limited to 75 students  
Prerequisites: Successful completion of Business Associations. 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: 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) different acquisition methods; (d) acquisition documents; (e) legal duties of the board of directors, senior executives and controlling shareholders; (f) federal securities regulations; (g) basic tax and accounting consequences; 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.

### **MINING PATENT INFORMATION IN THE DIGITAL AGE**

Professor Jon Cavicchi

2 Credits

Summer

Enrollment limited to 25.

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.

### **MUSIC MANAGEMENT & LICENSING**

Professor John Garon

2 Credits

Alternate Spring

IPSI

Eligibility: All but first-year students.  
Prerequisite(s): None. Copyright Law strongly suggested.  
Grading: Class projects and final written analysis.

This course will cover ethics of representation, band formation (LLC's, etc) music licensing, sound recordings agreements, and music infringement litigation. This will also include aspects of IP valuation and management as well as limited aspects of labor law. The objectives of this course are: (1) to explore the application of laws related to copyright, contract, small-business corporate law, labor law, and antitrust law to the music industry; (2) to track the legal and business structure of the music publishing and sound recording industries, and music groups in particular; (3) to apply rules of professionalism and ethics regarding the representation of talent; (3) to participate in the litigation of both contractual and copyright based intellectual property assets using real world examples; and (4) to develop the students' problem solving skills using issues related to the entertainment industry and business planning.

**Methodology:** The course will emphasize problem solving, contractual analysis, and case analysis as the methods to achieve these objectives. Students are expected to be very familiar with the materials assigned each week and use those readings to guide your research in outside materials. The initial section of ethics and representation will be taught using traditional case-book materials. Thereafter, the course will employ hands-on drafting of band organizational documents, management agreements, and recording contracts. These agreements will be structured against the backdrop of applicable labor laws, intellectual property laws, and industry custom. Finally, students will participate in a simulation of litigation exercise involving a band's action for copyright infringement and breach of contract, allowing students to simulate various stages of the legal action. A final examination will also be utilized.

### **NATURAL RESOURCES LAW & POLICY**

3 Credits

Professor Jeffrey Roy

Fall

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

Prerequisites: None

Grading: Based on a written paper on a topic of natural resources law or policy and class participation

This course will survey legal controls over the use and ownership of natural resources, including wildlife, water, minerals, and public lands. We will study both specific statutory and regulatory schemes and general policy goals for resource management. The course will use a "case method" approach, focusing on specific regulatory problems and solutions. In lieu of an exam, each student will write a 30-45 page paper on a natural resource law or policy issue of his or her choice.

This course will supplement the Law Center's offerings in the area of environmental law.

### **NEGOTIABLE INSTRUMENTS**

2 Credits

Professor Tug Ghiden

Fall

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

Prerequisite(s) 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?

### **NEGOTIATIONS WORKSHOP**

Professor Donna Daneke

1 Credit

Spring

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

Prerequisite(s): 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 mini-course 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 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 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**

Professor Ellen Musinsky

2 Credits

Fall

Prerequisite(s): None

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. Non-profits, 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 non-profits, 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.

### **NONPROFIT TECHNOLOGY TRANSFER**

3 Credits

Karen Hersey

Fall

Eligibility: Open to second- and third-year students. Limited to 25 students.  
Prerequisites: Introductory course in intellectual property and/or intellectual property management. Some knowledge of US patent and copyright law is necessary.  
Grading: Final examination, midterm paper, manuals, and quizzes.

This course will equip students with the background necessary to effectively perform as a technology transfer professional within the nonprofit sector or as an outside professional capable of advising the nonprofit sector or those wishing to do business with it on the legal and intellectual property licensing issues, strategies and customary business practices in commercializing nonprofit technology.

Required Materials: There is no casebook or other recognized legal resource directly on the topic of nonprofit technology transfer. Consequently, students will be required to make extensive use of a course reader as well as required outside readings in advance of each class session on the topics to be covered in that class. Cases for discussion will be provided to the students where there is case law that is relevant to each topic. Students will also be required to become familiar with relevant United States statutes and federal regulations dealing with the commercialization of nonprofit intellectual property. A listing of citations for applicable sections of the US Code and Code of Federal Regulations will be provided prior to commencement of the course.

**Methodology:** Lectures will form a significant portion of each class meeting since there is basic information that must be learned and understood to provide the student with a credible background. Students will be expected to have gained some knowledge of each class topic prior to the class meeting that will enable them to discuss issues in response to situations presented by the instructor. Students will be expected to develop and maintain an on-going practice manual of reference materials for use in future practice. A midterm paper on a relevant issue chosen by the student will be required to enhance writing skills.

**PATENT LAW**

Professor Craig Jepson

3 Credits

Fall

Eligibility: Open to all but first-year students.  
Prerequisite(s): None  
Grading: Closed book examination, multiple choice, short answer, or essay.

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**

Professor Kevin Carroll

2 Credits

Summer

Eligibility: Open to all except first-year students.  
Prerequisite(s): 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**

Professor Craig Jepson

3 Credits

Fall

Eligibility: Open to all but first-year students.  
Prerequisite(s): No Prerequisites. 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**

Professor Craig Jepson

3 Credits

Spring

Eligibility: Open to all but first-year students.  
Prerequisite: PPI and Patent Law.  
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 plus some optional and some mandatory mentoring sessions in small groups.

**PERSONAL INCOME TAXATION**

Professor Steven M. Burke

3 Credits

Fall

Eligibility: Open to second- and third-year students.  
Prerequisite(s): None  
Grading: Final examination and midterm paper.

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 expected 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.

### **PRACTICE & CURRENT ISSUES BEFORE THE FEDERAL CIRCUIT**

Professor John Whealan

2 Credits, Summer

Eligibility: Open to all except first-year students.  
Prerequisite(s): 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.

### **PROFESSIONAL RESPONSIBILITY**

Professor Mark Howard

3 Credits

Professor Mitchell Simon

Fall

Spring

Eligibility: Required for second- and third-year students.  
Prerequisite(s): None. This class is a prerequisite for Externships.  
Grading: Final examination, midterm examination, and class participation.

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**

Professor Marcus Hurn

4 Credits

Spring

Eligibility: Required first-year course.  
Prerequisite(s): 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**

Professor Bill Hennessey

3 Credits

Spring

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

Prerequisite(s): None.

Grading: Research paper.

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**

2 Credits

Fall

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

Prerequisite(s): 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**

Professor William Grimes

3 Credits

Spring

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

Prerequisite(s): None.

Grading: Final examination and presentations.

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.

**SECURITIES REGULATION**

Professor John Orcutt

3 Credits

Fall

- Eligibility: Open to all but first-year students – limited to 75 students
- Prerequisites: Successful completion of, or current enrollment in, Business Associations. Students who have not satisfied the prerequisites, but have a business-related background, may seek a waiver from Professor Orcutt.
- Grading: Final examination, midterm examination, and memo assignment.

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 – public offerings (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 type of law you intend to practice and is core to many business law practices.

This course is a prerequisite for the Start-up Companies advanced writing seminar.

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.

**SPECIAL EDUCATION LAW**

Professor Sarah Redfield

3 credits

Spring

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.

**SPORTS LAW**

Professor Peter Foley

2 Credits

Fall

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

**SPORTS LAW** 2 Credits  
Professor Martin Silfen Summer

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.

**SPORTS LAW II: Individual Rights in Collegiate and Professional Sports** 2 Credits  
Professor Peter Foley Spring

Eligibility: Open to all but first-year students. This is an alternate year course.  
Prerequisite(s): None  
Grading: Dependent on a decision to be made later by the course instructor.

This course will study and explore some of the numerous individual rights raised by intercollegiate and individual professional sports. Description to follow.

**START-UP COMPANIES: Formation and Financing Seminar** 3 Credits  
Professor John Orcutt Spring

Eligibility: Open to all but first-year students – Limited to 14 students  
Prerequisites: Successful completion of Business Associations and Securities Regulation  
Grading: Written assignments.

This course will walk students through the formation and early round financing of a start-up company. Possible topics may include: (a) the mechanics for forming a corporation (including drafting of the formation documents); (b) the basics of start-up financing, including sources of capital; (c) the drafting and negotiation of the core legal documents involved in a typical start-up financing; (d) the preparation of a business plan/offering memorandum; (e) liquidity events for investors; (f) corporate governance issues; and (g) relevant current legal issues impacting start-ups and their investors. In order to place the lessons taught in context, a hypothetical start-up company will be used and students will be required to take this company through the various stages taught in the course. The approach for this course is heavily weighted towards the practical, with students taking on the role of deal attorneys. This course will involve a combination of lectures, group discussions and negotiation exercises. Active class participation is a critical component of this course. Grades will be based on a substantial written assignment that will require multiple drafts. This class is an advanced writing seminar.

**STREET LAW**

Professor Brigette Siff-Holmes

3 Credits

Spring

Eligibility: *Limited enrollment by instructor's permission.*

Prerequisite(s):

Grading: Classroom participation, instructor's evaluation during in-class observations, journal and class outlines, and the final project.

During this class each student will teach a 10 class course on rights and responsibilities under law to New Hampshire High School students. These law student-taught classes will focus on civil, criminal and constitutional themes, providing practical legal information and teaching the underlying concepts of our constitutional democracy. Students teach not only about the law, but also about human rights and democratic values upon which a legal system should be based. Before teaching, students will be trained in effective teaching methods and will participate in peer teaching exercises within the law school classroom setting. The goals of this course are two fold - to effectively teach a law related education course to a lay audience, while at the same time gaining a better understanding of how law is applied, developing trial skills, and improving oral advocacy skills and knowledge of legal procedures and concepts.

Students will be required to prepare for each student-taught class by reading lesson plans and any related materials, outlining their class presentation and keeping a journal of preparation and teaching experiences. Student journals and class outlines will be reviewed by the instructor and will make up part of the course grade. A final project - either a reflective paper of 5-7 pages of or a "Law for Laypersons" guide (5-7 pages) in specific area of law (e.g. family law, etc.), or an original curriculum for a single Street Law class, will be due during the last week of class.

**TORTS**

Professor Hugh Gibbons

3 Credits

Fall

Eligibility: Required first-year course.

Prerequisite(s): 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 we take up in Torts: When may one person recover money from 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.

**TORTS**

Professor Mitchell Simon

3 Credits

Fall

Eligibility: Required first-year course

Prerequisites: None

Tort law has been described as an "elusive concept." Put simply, this bastion of the common law" seeks to make actionable injuries for which one party is legally at fault.

The course will help students develop a sense of how the law allocates responsibility for injuries and will provide an overview of the major tort doctrines--such as negligence and products liability. We will also, through the leading cases and through skills-based exercises, develop our skills in legal analysis and understanding jurisprudential concerns.

**TRADEMARKS & DECEPTIVE PRACTICES**

Professor Susan Richey

3 Credits

Fall, Spring

Eligibility: Open to all but first year students.

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

Grading: Final examination and midterm examination.

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**

Professor Dennis Campbell

3 Credits

Spring

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

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**

Professor Buzz Scherr, et al

3 Credits

Fall, Spring

- Eligibility: Open to second- and third-year students both semesters. Intellectual Property students are encouraged to participate.
- Prerequisite(s): Completion of or simultaneous enrollment in Evidence.
- Grading: Final trial and class exercises.

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**

Professor Tom Field

3 Credits

Fall

- Eligibility: Open to any L.L.M.. or J.D. student. Limited to 21 students; preference will be given to those with a strong IP background and commitment to research and writing.
- Prerequisite(s): IP Background
- Grading: Grades will be O/S/U. A paper will count 60%. Each participant will make two oral presentations; these will count 40% toward the grade.

Objectives. To consider the role of non-statutory IP law in the U.S.

Description: Most classes will be devoted to student presentations of research in progress on topics taken from the Restatement (Third) of Unfair Competition. Its importance is indicated by the frequency with which it (and earlier Restatements on which it builds) is used by state and federal courts, as well as the U.S. Patent Trademark Office, to guide statutory construction.

**US COPYRIGHT LAW**

Professor Jon Garon

2 Credits

Summer

- Eligibility: Open to all but first-year students.
- Prerequisite(s): 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.

**US TRADEMARK LAW**

Professor Susan Richey

2 Credits

Summer

Eligibility: Open to all but first-year students.  
Prerequisite(s): 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.

**US TRADEMARK REGISTRATION PRACTICE**

Professor Susan Richey

1 Credit

Summer

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.

**VALUATION AND THE LAW**

Professor William Murphy

3 Credits

Spring

Eligibility:  
Prerequisite(s):  
Grading:

Description to Follow

**VALUATION OF IP**

Professor Gordon Smith

1 Credit

Summer

Eligibility: Open to all but first-year students.  
Prerequisite(s): 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.

**WEALTH TRANSMISSION**

Eligibility: Open to second- and third-year students.  
Prerequisite(s): None  
Grading: Final examination and quizzes.

3 Credits

Spring

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.

**WHITE COLLAR AND CORPORATE CRIME SEMINAR**

2 Credits

Professor Will Delker

Spring

Eligibility: All but first-year students.

Prerequisite(s): None. Criminal Law and Criminal Procedure I recommended.

Grading: 75% based on a 20-page scholarly research and advocacy paper, in which the student takes a position on some topic covered by the class and advocates why the law is developing in the proper or improper direction. The remaining

White Collar and Corporate Crime is designed as an upper-level seminar for those students interested in prosecution or defense of white collar, corporate and public integrity cases. The course presents an in-depth focus on several topics that are frequently encountered by prosecutors and defense lawyers in the area, including bribery, and sentencing considerations. The goals of the course is to teach the students to think critically about these subjects and to learn how to make arguments for and against different positions. Students are encouraged to explain the holdings of the cases, and more importantly, explain *how* and *why* the courts reached their conclusions.

**WORLD TRADE & WORLD IP LAW & INSTITUTIONS**

2 credits

Professor William O. Hennessey

Fall

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.