

**COURSE DESCRIPTIONS**  
**ADDENDUM**  
Spring 2003

Included:

Advanced Topics Seminar in Criminal Law: The Death Penalty  
Business Entities Taxation  
Criminal Procedure II  
Cybercrimes  
FDA Regulations & Its Impact on Pharmaceutical IP Law  
Science for Lawyers  
Trademarks

**ADVANCED TOPICS SEMINAR IN CRIMINAL LAW: THE DEATH PENALTY**

Professor Chris Johnson

3 Credits  
Spring

Eligibility: Open to second and third-year students.  
Prerequisite(s): Preference is given to those students who have taken prior courses in criminal law.  
Grading: Based on the quality of class participation and written work.

This seminar is designed to satisfy the advanced writing requirement, in that all students will produce a substantial research paper by the conclusion of the semester, will produce drafts of the paper during the semester, and will make a presentation to the class about the subject of the paper.

The seminar examines the principles developed for the regulation of capital punishment by the Supreme Court since its 1972 decision in Furman v. Georgia, drawing on a wide variety of readings. Enrollment is limited to 12 students.

**BUSINESS ENTITIES TAXATION**

Professor Steve Black

3 Credits  
Spring

Eligibility: Second- and third-year students only  
Prerequisite(s): Personal Income Tax  
Grading: Midterm and Final Exam

This course will examine the federal income taxation of pass-through entities and corporations. In short, the course will cover the tax consequences of the formation, ongoing operations, and termination of partnerships, corporations, and various limited liability entities. Emphasis will be placed upon your ability to read and interpret the statutes and regulations, examine the policy underlying our system of federal taxation, and use your new knowledge to solve problems facing a wide variety of clients.

**CRIMINAL PROCEDURE II**

Professor Joe Dickinson

2 Credits  
Spring Semester

Alternate Year Offering: Offered in Spring 2001

Eligibility: Open to all but first-year students  
Prerequisites: Criminal Procedure I  
Grading: Grades are based on examination

The law of the post-investigation criminal process has been in transition since the decision in *Gideon v. Wainwright*. That transition is one in which the criminal process has been pulled away from the anchor of tradition found in the due process model of the criminal process toward the practice of disposing of criminal controversies through negotiation and agreement compelled by the crime control model of the criminal process.

This course will examine that transition by an exposition of the traditional due process model of the post-investigation criminal process to its contemporary evolutionary end in plea bargaining. Cases regulating the **practice of plea bargaining**, cases defining the **discovery process**, and cases defining the **right to a fair trial** will be investigated from the perspective of the crime control model of the criminal process.

The course is particularly recommended for those who have participated, or who intend in the future to participate, in the criminal practice clinics.

## **CYBERCRIMES**

Professor Ronald Weikers

3 Credits

Spring

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

**FDA REGULATION & ITS IMPACT ON PHARMACEUTICAL IP LAW** 1 Credit  
Professor Hoffman Spring

Eligibility:

Prerequisite: Administrative Law, OR special permission of the instructor – see Registrar (prior scientific or technical background NOT required).

Schedule: Friday, March 6 through Sat., March 15, 2003 – Weekdays 3:30-5:30 p.m. (except Wednesday, March 12, 5:15-7:15 p.m.), Saturdays 9:30-11:30 a.m.

The pharmaceutical industry is perhaps the most pervasively regulated in the US, and also among the most IP-intensive. Seeking to balance the twin goals of protecting consumers and encouraging innovation, Congress and the courts have created special rules of patent, copyright, and trademark law unique to the pharmaceutical industry. Whether these rules are contributing unduly to the explosive growth of healthcare costs has become an issue in this year's Congressional election campaigns. This mini-course will cover the statutes and administrative regulations that govern FDA's approval processes for both innovative and generic drugs; the unique IP legal doctrines that reflect FDA's "gatekeeper" role; and current legislative proposals for change (some of which could well become law before classes end). NOTE: The more comprehensive 3-credit Food and Drug Regulation course will NOT be offered this year.

**SCIENCE FOR LAWYERS** 2 Credits  
Professor Craig Pease /Vermont Law School Spring

Eligibility: Open to second and third-year students.

Prerequisite(s): None

Grading:

**MODULE 1: The Science of Forensic Evidence (1 credit)**

Class 1. Introduce the case studies, by reviewing the history of the science of eyewitness identification, gaze nystagmus test (dui evidence) and fingerprints. How the science of these has improved over the last century. Class 2. Introduction and overview of the science of eyewitness testimony. Models in two scientific papers on the reliability of eyewitness memories. Class 3. Errors and research design in these two scientific papers. Class 4. The state of the art: Best practices for ensuring accurate eyewitness identification. Class 5. What do we really know about why innocent men are convicted? Subtle but important issues in interpreting correlations and probabilities. Class 6. Field and sobriety tests. Basic models and concepts. Classes 7 and 8. Studies that assess the validity and accuracy of the horizontal gaze nystagmus test. Class 9. Scientific issues in several recent fingerprint cases.

**MODULE 2: DNA Fingerprinting (1 credit)**

Classes 1-3, Introduction to heredity, genetics and DNA fingerprinting. How our scientific understanding of genetics has changed through the last century and a half. The central role of models in genetics, and more generally, in science. Class 4. The different sources of error in DNA fingerprinting data. Class 5. Most recent protocols to ensure accurate DNA fingerprinting data. Class 6. Proficiency testing of DNA laboratories. Class 7. The probability of a random match: computing it and interpreting it. Class 8. More on the statistics and probability needed to understand DNA evidence. Class 9. Biases in how humans perceive probabilities.

**TRADEMARKS** 3 Credits  
Professor Will Grimes Spring

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

This course seeks to assist the student to develop a critical perspective towards trademark law and the role trademark law plays within the so-called “intellectual property laws” of the United States. To accomplish this, the course builds on the history of trademarks and on the legal arguments which support state sponsorship of trademark registration. The course encourages students to tackle the Lanham Act, in particular, as it affects legal practice - the proving and defending of claims of infringement and of dilution and the developing of an appreciation of the benefits and hazards involved in federal trademark registration. At the same time, the course questions the recent expansions of the scope of trademark protection. In a real sense the course bottoms itself in the continuing contest between those who employ trademarks for their own benefit and the inherent directive of our laws to protect or embody the public good. This course asks the student to examine whether the practice of trademark law “fits” with its underpinnings. The point is to empower the student to become a more thoughtful and creative practitioner. Ancillary areas of the law will be explored but the major emphasis for this course will center on the development, practice and legitimacy of trademarks and the laws that govern them.