

1/3/2012

**Brigham Young University  
J. Reuben Clark Law School  
Course Descriptions  
2011-12**

Law 505 §§01 and 02. Torts (4.0 hours)

Exam: Final exam

Study of the judicial process in civil actions for damages or equitable relief for physical, appropriational, and defamatory harms to personality, property, and relational interests, with some consideration of alternative reparation systems such as workers' compensation.

Law 510 §§01 and 02. Contracts (4.0 hours)

Exam: Final exam

An examination of the kinds of promises that are enforced at law, and the nature of the protection given. Inquiry will be made into the formation, performance, and discharge of contracts; their assignment, termination, and modification; and the variety, scope, and limitations on remedies. Attention will be given to Article 2 of the Uniform Commercial Code.

Law 515 §§01 and 02. Civil Procedure (4.0 hours)

Exam: Final exam

A basic study of the operation of courts including an introduction to the organization of state and federal courts and relationships between them. Topics studied will include jurisdiction over persons, things, and subject matter; venue; the scope of litigation as to claims, defenses, and parties; pleading, pretrial motions, discovery, and pretrial conferences; trials and the functions of judges, juries, and lawyers; appeals and the role of appellate courts; and the enforcement and finality of judgments and decrees.

Law 520 §§01 and 02 and 03. Property (4.0 hours)

Exam: Final Exam

An inquiry into the nature of "property" and "ownership" of land and structures on land, and the ways in which ownership may be established, restricted, transferred, and divided among various persons.

Law 525 §§01 and 02 and 03. Criminal Law (3.0 hours)

Exam: Final exam

Problems in defining what conduct should be subjected to criminal penalties; the limitations of criminal law as a means for prevention and control of undesirable conduct.

Law 530 §§01 and 02. Structures of the Constitution (3.0 hours)

Exam: Final exam

The Constitution's distribution of sovereign power between the federal government and the states; its allocation of federal sovereign power among Congress, the president, and the judiciary.

Law 535 §§01 and 02 and 03. Legislation and Regulation (3.0 hours)

Exam: Final Exam

Introduction to lawmaking in the modern statutory and administrative state. Examining the way Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the way the implementing institutions - courts and administrative agencies - interpret and apply these laws. Considering the theories and justifications behind modern legislative and regulatory behavior, the incentives that influence the behavior of various actors, and the legal rules that help structure the relationships among Congress, the agencies, and the courts.

Law 545 §§01, 02, 03, 04, 05, and 06. Intro. Legal Res. and Writing (3.0 hours)

Exam: Final exam

Introduction to tools and techniques essential to law practice and legal scholarship: legal analysis, research using print sources, and objective writing. Student will write three predictive office memoranda based on library research, and complete a series of legal research quizzes and a legal research final exam.

Law 546 §§01, 02, 03, 04, 05, and 06. Introduction to Advocacy (2.0 hours)

Prerequisite: Introduction to Legal Research and Writing (Law 545)

Focuses on appellate legal writing and oral advocacy. Student will prepare an appellate brief and orally argue the case. Also includes training for online legal databases, and introduction to administrative law and legislative history research.

Law 549 §§01 and 02 and 03 and 04. Professional Seminar (0.5 hour)

Exam: No exam  
Enrollment: Limited to 30 students; elective course  
Grading: Pass/fail

Readings and discussion sessions explore the intersections of law, religion, values, and professionalism, and the relations between legal education, the legal system, the practice of law, and the roles of lawyers in society. The objective is to consider how lawyers should think and act. This course will meet for one hour weekly throughout the semester.

Law 549 §03. Professional Seminar (0.5 hour)

Exam: No exam  
Enrollment: Limited to 30 students; elective course  
Grading: Pass/fail

The primary text for the course will be Life in the Law: Answering God's Interrogatories, a compilation of speeches and essays delivered at the law school and at law school related functions over the past 15 years. Discussions will center on practical problems encountered in the study and practice of law and how to turn those potential problems into opportunities for growth. The course will meet for one hour weekly throughout the semester.

Law 550 §01 and 551 §01. Professional Development Lecture Series (0.5 hour)

Exam: No exam, short assignments  
Enrollment: Elective course  
Grading: Pass/fail

So many career options are available for law school graduates. Without working in a variety of practice settings, how do you know which option is most attractive to you? This course is specifically designed to assist law students in determining which career path they want to pursue. Each session features a different practicing attorney who will discuss the nuts and bolts of practicing law in areas such as real estate, law office management, part-time employment options, tax, bankruptcy, international corporate law, alternative dispute resolution, family law, natural resources and environmental law, personal injury, medical malpractice, law school teaching and administration, intellectual property, immigration, and employment law. Different specialties will be featured in each semester, so students may register for both the fall and winter lecture series.

Law 552 §01. Professional Development Skills Training (0.5 hour)

Exam: No exam, short assignments  
Enrollment: Elective course  
Grading: Pass/fail

Looking for legal employment can be frustrating if you lack the tools for a successful job search. This course will help students to create successful resumes, business correspondence and marketing plans; to understand ways to effectively interview and build a professional network; and to strategically incorporate technology and published resources in the job search.

Law 599R §01. Externship (prior approval by Hoagland) (Up to 3.0 hours)

Exam: No exam  
Grading: Pass/fail

Students are able to earn one credit for each 50 hours of work performed in an approved externship.

Law 599R §02. Law Firm Externship (prior approval) (Up to 12 hours)

Exam: No exam  
Grading: Pass/fail

Students are able to earn one credit for each 50 hours of work performed in an approved externship.

Law 599R §03. Youth in Mediation Extern. (prior approval) (1.0 hours)

Exam: No exam  
Prerequisite: Professor's approval  
Enrollment: Limited to students enrolled in Law 795R or 796R, Youth in Mediation  
Grading: Pass/Fail

This hands-on externship will give you an opportunity to practice the mediation skills that we discuss in class (Youth in Mediation, 795R or 796R). You will have opportunities to mediate real cases, observe and dialogue with a master mediator, attend Juvenile Court hearings, teach conflict resolution classes in the Youth Detention Center, research restorative justice topics, and/or work with youth in families that are currently in the juvenile justice system. This externship allows for flexibility that can be tailored to fit your schedule. You will be provided with a meaningful law school experience where in you will make a difference in the lives of at-risk youth.

Law 602 §01. Administrative Law (3.0 hours)

Exam: Fall Semester (Olson) Take-home exam; Winter Semester (M. Baradaran) final exam

An examination of the administrative process. The course examines why administrative agencies are created, how they obtain information and the uses of that information, what proceedings (rulemaking/adjudication) agencies can commence, and what controls over agency action (political/judicial) exist. The role of the attorney in this process is emphasized.

Law 603 §01. Criminal Procedure (3.0 hours)

Exam: Final Exam

Problems in administering a system of criminal law; constitutional and policy limitations upon public officers in dealing with suspected, charged, and convicted offenders.

Law 610 §01. Business Associations (3.0 hours)

Exam: Fall Semester (Scharffs) Final Exam; Winter Semester (Smith) Take-home Exam

An introduction to ways of structuring business relationships (agency, partnerships, corporations, limited liability companies, limited liability partnerships, etc.) and the substantive issues that arise from these forms of doing business. Topics include types of agency, fiduciary duties of agents, employees, partners, officers and board of directors, partnership rights, partners at loggerheads, corporate promoters, duties of officers and directors, tightly held corporations, inside information, mergers, acquisitions, and takeovers.

Law 613 §01. Community Lawyering (3.0 hours) (Substantial Writing Option) (Professional Skills Course)

Exam: Paper/take-home exam  
Enrollment: Limited to 12 students

During 2008-2009 Community Lawyering (CL) will conduct generic legal information sessions for children in juvenile detention. Too often these children are not prepared for meaningful participation in their detention hearing and are taken by surprise by the brevity and outcomes of the hearings. Using a generic brochure and video on detention hearings, along with role play and other interactive material, CL will work in tandem with detention staff to explain to groups of detainees how detention hearings differ from trials and how detention hearing judges weigh risk factors and protective factors as set forth under Utah statutes, administrative codes, the United States Constitution, and US Supreme Court cases.

CL will not offer legal advice or counsel to any party. We will not provide legal assistance on any pending matter or with regard to any specific charge or procedure. When we attend detention hearings, we will not make court appearances or otherwise act as a legal representative.

CL will meet at the Law School for the first weeks. Thereafter, the class will meet at Slate Canyon Youth Center.

Law 615 §01. Secured Transactions (3.0 hours)

Exam: Final exam

This course will be a study of loan and other credit transactions in which personal property is given as collateral for payment. The core of the course will be Revised Article 9 of the Uniform Commercial Code, which has been adopted by statute in all fifty states. The discussions will focus on the contractual relationship between debtor and creditor as well as the competition between creditors claiming rights in the same collateral. The course can be summarized in three terms: attachment, perfection and priority.

Law 617 §01. Comparative Law (3.0 hours)

Exam: Paper

Non-common-law legal tradition, emphasizing civil law. Legal traditions of Islamic and socialist countries.

Law 619. Conflicts of Law (3.0 hours)

Exam: Take-home exam

Jurisdiction, choice of law, and recognition of judgments in cases involving interstate and state-federal conflicts.

Law 621. The Fourteenth Amendment (3.0 hours)

Exam: Final exam  
Prerequisite: Law 530, Structures of the Constitution

Express and implied individual rights guaranteed by the privileges or immunities, equal protection, and due process clauses of the Fourteenth Amendment.

Law 623 §01. Business Reorganization Under Bankruptcy (3.0 hours) (Professional Skills Course)

Exam: Paper  
Prerequisite: Recommended, but not required: Debtors and Creditors

A practical analysis of the law and policy underlying business reorganizations in Chapter 11: from filing of the petition to the confirmation of the plan.

Law 624 §01. Environmental Law (3.0 hours)

Exam: Final Exam

A study of the major federal laws relating to environmental protection, including the Endangered Species Act, the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, and CERCLA. The course will focus on crosscutting issues of environmental and regulatory concern, including the strengths and limitations of the differing regulatory approaches; the role of states, agencies and private litigants in administering and enforcing such laws, and the extent to which economic analysis is appropriate to formulating environmental policies.

Law 625 §01. Evidence (3.0 hours)

Exam: Final Exam

An examination of the law of evidence, including the principles governing the admissibility of evidence, the competency of witnesses, and the function of lawyer, judge, and jury in the presentation and evaluation of evidence.

Law 626 §01. The First Amendment (3.0 hours)

Exam: Final exam  
Prerequisite: Law 530, Structures of the Constitution

Rights guaranteed by the speech, press, and religion clauses of the First Amendment.

Law 628. Remedies (3.0 hours)

Exam: Final Exam

A study of the general principles and basic rules governing the rich inventory of remedies available through American courts. The principles associated with the law of remedies cut across substantive fields and guide the lawyer in fashioning or defending against various remedial schemes in any substantive contest. The course emphasizes issues and developments of contemporary importance and includes public as well as private law remedies. In this course we will study the law of remedies through the traditional caselaw method and by use of practice-oriented litigation exercises.

Law 630 §01. Criminal Trial Practice (2.0 hours) (Professional Skills Course)

Exam: A final simulated jury trial  
Prerequisite: Evidence and Criminal Procedure recommended  
Enrollment: Limited to 28 students  
Grading: Pass/fail

This course will develop the art and practical skill of trial advocacy. It will focus on typical situations that arise in the trial of a criminal case. Emphasis will be placed on the academic theory, as well as the technique of the whole range of advocacy skills. The developed skills will be transferable to general civil litigation.

Law 632 §01. Family Law (3.0 hours)

Exam: Take-home exam

This class is an introduction to the state, federal and international laws regulating the family. Topics include the creation (marriage, adoption, etc.), on-going relations (marital property, emancipation, parental rights, partner abuse, etc.), and dissolution (divorce, TPR, alimony, property division, custody, visitation, child support, etc.) of actual and quasi-spousal relations and parent-child relations. The class materials are case-oriented, with some emphasis on statutes, public policies, current trends and reforms, and the principles that underlie legal rules and doctrines. Some practical issues are noted, but the class is not a clinical class. Grading is based on a mid-term, class participation, and a final exam; a paper option may be offered. Family Law is a prerequisite for several other courses including Children and the Law and Advanced Family Law, and strongly recommended for Domestic Relations Lawhelp Seminar, which is a valuable practical follow-up to Family Law.

Law 634 §01. Law and Public Education (2.0 hours) (Substantial Writing Option)

Exam: Paper

An examination of the constitutional issues affecting public education in the United States: free speech, religion in the schools, student conduct, teachers' rights, teacher discipline, special education, home schooling, etc.

Law 635 §01. Federal Courts 1 (3.0 hours)

Exam: Final exam

The Federal Courts course provides an important foundation for litigation, civil rights, and government practice careers and for judicial clerkships. It provides an advanced study of the federal structure of our judicial system, with emphasis on the relationship and respective powers of federal and state courts and the relationship between the legislative, executive, and judicial branches of the federal government.

Topics studied include the power of Congress to define and limit the jurisdiction of the federal courts, the use of "legislative courts" and administrative agencies, Supreme Court review of state court decisions, the scope of federal question and other "heads" of federal judicial power, supplemental jurisdiction, removal jurisdiction, the power of federal courts to create federal common law, civil rights litigation, Eleventh Amendment immunity of the States from suit in federal court, federal governmental and officer immunity, problems of judicial federalism arising from our dual federal-state court system such as federal injunctions of state court proceedings, federal abstention in favor of state court proceedings, and inter-jurisdictional federal-state preclusion, and federal habeas corpus.

Law 639 §01. International Business Transactions (3.0 hours)

Exam: Final exam

A three-part introduction to the making, regulating and breaking of international business transactions. Part one covers the formation of international business transactions, focusing upon contracting for and financing the international sale of goods, licensing and distributorship agreements, and foreign direct investment. Part two considers the regulation stage of international business transactions, including the transnational reach of U.S. government regulation, the regulation of corrupt payments to foreign officials, international protection of intellectual property, and securities and antitrust aspects of international transactions. Part three concerns the breaking of international business transactions, and will cover transnational dispute resolution through arbitration and through transnational litigation in U.S. courts.

Law 640 §01. Federal Taxation 1 (4.0 hours)

Exam: Final exam

A study of federal personal income tax, with an introduction to business and corporate income tax, and federal tax procedure. Emphasis is placed on developing the student's ability to examine and understand statutory, judicial, and administrative tax law and to apply the law in solving specific problems.

Law 641 §01. Federal Taxation 2 (4.0 hours)

Exam: Final exam  
Prerequisite: Law 640, Federal Taxation 1  
Enrollment: Limited to 25 students

This course covers in detail the federal income tax consequences flowing from the creation, operation, dissolution, and sale of partnerships, limited liability companies and corporations and examines federal tax considerations bearing on the choice between conducting a business in partnership, limited liability company or corporate form.

Law 645. Federal Indian Law (3.0 hours)

Exam: Paper final

The law relating to Indigenous Peoples challenges many fundamental assumptions about legality and the rule of law. For example, in a leading case dealing with Indigenous Rights, Chief Justice John Marshall observed, "it is difficult to comprehend the proposition that the inhabitants of either quarter of the globe could...give the discoverer rights in the country discovered, which annulled the pre-existing rights of its ancient possessors". Yet, despite the challenge with "the doctrine of discovery", the entrenchment of this principle is seemingly the foundational principle in Federal Indian Law. This course will examine how the acceptance of "discovery" has impacted upon Indigenous Nations in the United States to simultaneously preserve and dispossess them of their rights. It will survey U.S. law governing the relationship between the United States, the States and Indian Nations, and will focus on the constitutional, statutory and jurisprudential rules which make up the field of Federal Indian law. Topics to be addressed include: the history of federal-tribal relations; the origin and scope of federal power over Indian affairs; the source and scope of tribal powers recognized under federal law; the limits of state authority in Indian country; Indian land claims; and contemporary Indian policy. The course will at times be comparative, but the readings will be almost exclusively drawn from the U.S. jurisprudence related to Federal Indian Law.

Law 650 §01. Real Estate Finance (3.0 hours)

Exam: Final exam

Review of real estate transactions. Real estate finance including mortgages, trust deed, installment sales contracts, other mortgage substitutes, receiverships, transfer of real estate security interests, discharge, deeds in lieu of foreclosure, foreclosure, foreclosure sales, redemption, deficiency payments, priorities, mechanics liens, judgment liens, purchase money mortgages, and ground leases.

Law 653 §01. Legal Interviewing & Counseling (3.0 hours) (Professional Skills Course)

Exam: No final exam  
Enrollment: Limited to 24 students  
Grading: Pass/Fail

Interviewing and counseling skills are among the most frequently used legal skills and an essential component of almost all lawyering tasks. This course emphasizes the acquisition of these skills through a semester long series of in-class and out-of-class "deliberate practice" exercises. These exercises give students the opportunity to become proficient in handling a variety of interviewing and counseling tasks. In order to expedite skill development, students video record most practice exercises and then analyze these recordings using MediaNotes, a computer program that facilitates the analysis of recorded performances. Recorded exercises are also reviewed by virtual adjunct faculty who provide students with individualized feedback. The theory component of the course draws upon material from the assigned textbook, the findings of cognitive scientists and observations from audio and video recordings of real lawyer-client consultations. The course will be graded on a pass/fail basis. In order to qualify for a pass grade, students must satisfy course attendance requirements, prepare diligently for class exercises, and satisfactorily complete all in-class and out-of-class assignments and exercises.

Law 656 §01. Public Lands and Natural Resources (3.0 hours)

Exam: Final Exam

This course surveys the field of natural resources law, primarily in the context of the federal public lands. Topics covered include public land law, water, wildlife and biodiversity, grazing and range management, recreation and preservation.

Law 659 §01. Public International Law (3.0 hours)

Exam: Paper/Final exam option

An examination of the nature of public international law including custom and treaties as sources of law, international responsibilities and remedies, and jurisdictional issues.

Law 660 §01. Professional Responsibility (2.0 hours)

Exam: Final exam

The course uses the Model Rules of Professional Conduct as a backdrop for an examination of issues in ethical lawyering.

Law 662 §01. Securities Regulation (3.0 hours)

Exam: Final Exam

Prerequisite: Business Associations (Law 610) or professor's permission

This course covers the regulation of securities offerings and trading under the Securities Act of 1933 and the Securities Exchange Act of 1934 (together, the "Acts"). It examines public (e.g., IPOs) and private (e.g., venture capital financings) offerings of securities and the registration process under the Securities Act, including the recent public offering reforms, along with reporting requirements under the Exchange Act. The course will also cover fraud and civil liabilities under both Acts, as well as the Private Securities Litigation Reform Act of 1995.

Law 663. State & Local Government 1 (3.0 hours)

Exam: Final exam

This course addresses the basic governmental relationships among the federal, state and local governments. It also considers separation of powers issues on the state and local level, as well as the role of the people in the process (controls that citizens themselves have over the actions of state and local governmental policies, as well as limits governments can impose on such citizen controls).

Law 666 §01. Wills and Estates (3.0 hours)

Exam: Final exam

Transfer of property through intestate succession; wills and will substitutes; the effect of community property ownership; legal and ethical issues surrounding end-of-life decisions including living wills, medical directives, and medical powers of attorney; and the administration of decedents' estates. (Wills and Estates, and Trusts are prerequisites for Basic Estate Planning.)

Law 668 §01. Negotiation (3.0 hours)

Exam: Paper exam  
Enrollment: Limited to 50 students

Negotiation is the process of communication by which most conflicts are resolved and virtually all transactional agreements are arrived at. Negotiation is central to the legal, economic, and social life of the nation. There is no more important skill for lawyers and business people to master than the art and science of negotiation. The negotiation course focuses on three areas: (1) learning the fundamentals of negotiation, (2) learning strategies and methods for dealing with difficult people and difficult situations, (3) getting enough practice in applying the strategies and methods that you become skillful in using them. The purpose of the course is to help each class member move significantly in the direction of becoming an expert in the theory and practice of negotiation. A more complete description is available on the course web page.

Law 674 §01. Law Office Management (2.0 hours)

Exam: Final exam

This course is designed to introduce law students to issues that arise in the private practice of law. The underlying thesis is that a law office is a business, and that success in private practice is as much a function of effective management as it is a function of mastering substantive legal knowledge. The course looks at the organization of the law firm: the partnership, the professional corporation, and the proprietorship including the partnership or shareholder agreement. The roles of partners/shareholders and associates will be addressed, particularly with respect to income production and compensation. One segment examines non-lawyer personnel: secretaries, paralegals, and other employees. Another segment addresses the law office itself: equipment, library, layout and design, supplies, and furniture. An important aspect of any office is the effectiveness of its systems, both substantive and administrative, and the class will study how to implement such systems. The course will emphasize practical information as opposed to theoretical concepts.

Law 683 §01. Trusts (2.0 hours)

Exam: Final exam

The course examines the legal framework of private and charitable trusts as vehicles for the donative disposition and management of personal wealth, both inter vivos and testamentary, with emphasis on the nature of the fiduciary obligations of trustees and the rights and obligations of trust grantors and beneficiaries.

Law 684. Water Law (3.0 hours)

Exam: Final Exam

The course will consider state, federal and international law respecting water resources allocation, development, and conservation. More specifically, the course will address: state law regimes for the allocation of water, with a focus on the prior appropriation doctrine employed in the western United States; public rights in the use and conservation of water; allocation of water resources between the federal government, states, and Indian tribes and their respective jurisdiction to control the water resource; and, finally, international law regarding transboundary watercourses.

Law 685 §01. Introduction to American Law (LLM only) (3.0 hours)

Exam: Paper  
Enrollment: Limited to LL.M. students only

A survey of basic concepts and institutions in the American legal system. The survey is designed for persons who have received their law degree or its equivalent from a university outside the United States.

Law 703 §01. Real Estate Development (3.0 hours) (Professional Skills Course)

Exam: Two papers  
Prerequisite: First-year Property  
Enrollment: Limited to 20 students

This is a skills course designed to teach the dynamics of real estate development through practical experience. During the class, each student will select a site, pick a use, and complete the transactional and planning stages of real estate development. Each project will be presented for approval to two public bodies--once to a mock city planning commission, and later to a mock city council. (Reports are prepared and submitted to each body.) **The student projects are treated as research projects and require some independent student work.** As students progress towards completion of their project, they will begin to understand the intricacies of development, including concepts such as risk taking, zoning, general land use controls, the role of the public sector, site planning, consensus building, landscaping, development financing and site infrastructure. The class utilizes experts within the industry to provide student contact. Attendance and class participation are required.

Law 705 §§01 and 02. Civil Trial Practice 1 (2.0 hours)

Exam: No exam  
Prerequisite: Law 625, Evidence, is strongly recommended  
Grading: Pass/fail

The skills of interviewing, drafting, negotiating, and using time efficiently in the context of preparing a legal matter; carrying a case through all the stages of preparation and litigation.

Law 706 §§01, 02. Civil Trial Practice 2

Exam: No exam  
Prerequisite: Law 705, Civil Trial Practice 1, is strongly recommended  
Grading: Pass/fail

The skills of interviewing, drafting, negotiating, and using time efficiently in the context of preparing a legal matter; carrying a case through all the stages of preparation and litigation.

Law 708 §01. Comparative Constitutional Law (2.0 hours) (Substantial Writing Option)

Exam: Paper  
Prerequisite: Constitutional Law recommended

While the field of comparative constitutional law dates back to Aristotle, it has taken on an invigorated new life since the collapse of communism. Sparked in part by the rapid evolution of new legal systems in Eastern Europe and by the emergence of a homogeneous body of constitutional human rights law in the European Court of Human Rights, it is rapidly becoming clear that one cannot have an adequate view of constitutional law without taking a comparative constitutional perspective. The course

Law 710 §01. Adv. Comparative Law 1 (2.0 hours) (Substantial Writing Option)

Exam: No exam  
Prerequisite: Editing experience or completion of an international or comparative paper prior to the start of the course  
Grading: Pass/fail

Third in a three-part series. This course will take papers written on transnational and comparative topics during Fall Semester and prepare them for possible inclusion in a symposium issue of the Law Review. **IMPORTANT:** Because of the need for substantial background and because of time deadlines, students must have taken or be concurrently enrolled in at least one of the following: Comparative Constitutional Law, International Business Transactions, International or European Human Rights, Comparative Church and State, International Protection of Religious Freedom, or other international courses cleared by Professor Durham. In addition, they must have completed a paper on a topic relevant to the seminar prior to the beginning of the Winter Semester. While it is anticipated that additional research, writing, and editing of papers will be done during the course of the seminar, it is critical that participants have completed a draft of a paper in sufficiently final form to meet the requirements of the course offered in the previous semester. The only exceptions to these prerequisites will be for students who have Law Review editing experience. In the event it is necessary to restrict enrollment in the seminar, priority will be given to those who have written the most promising papers during the prior year.

Law 715 §01. Alternative Dispute Resolution (2.0 hours)

Exam: Paper  
Enrollment: Limited to 24 students

This two-hour survey course is designed to provide an overview of and experience with the processes of dispute resolution other than litigation. These include negotiation, mediation, arbitration, and hybrids of these approaches, as well as early neutral evaluation and summary jury trial. In addition to learning theory and assessment methods, students participate in simulated exercises that will allow them to better match their future clients' needs with the appropriate legal method of resolution. The skills taught in the course are useful outside of client work in any situation involving people.

Law 720 §01. Legal Research and Writing (LLM only) (2.0 hours)

Exam: No exam  
Enrollment: LLM students only

Non-United States attorneys will learn basic research in the American legal tradition and receive personalized training in writing legal documents in English.

Law 724. Basic Mediation (3.0 hours) (Professional Skills Course)

Exam: Take-home final project/paper

Fundamental communication and mediation skills. Simulated exercises and role playing. Participation in community mediation or small claims court.

Law 726 §01. Basic Estate Planning (2.0 hours) (Professional Skills Course)

Exam: No exam  
Prerequisite: Law 666, Wills and Estates, and Law 683 Trusts  
Enrollment: Limited to 36 students  
Grading: Pass/fail

A problem-based examination of the planning strategies commonly used with respect to the accumulation, management, and disposition of family wealth. The course is designed to give students experience with lawyers' methods and tools for handling the basic estate planning needs of clients whose estates do not require tax planning. Students work in teams throughout the semester on problems requiring consideration of professional responsibility issues for estate planning attorneys, the fact gathering required for competent estate planning, the development of satisfactory estate plans, and the drafting of necessary instruments, i.e., wills, living wills, powers of attorney, and trusts.

Law 790R §01. Directed Research (1.0 or 2.0 hours)

Grading: Pass/Fail or Graded

All full-time law faculty are authorized to approve academic credit for Directed Research for students who have completed their first year of law study. No more than two credit hours may be approved for a student in any semester, with no more than four cumulative credits. Directed research credit may be approved only for a project in which the research proposal, the grade rule and the credit hours have been agreed upon in advance by the supervising faculty, and where that faculty member can give guidance during the development of the project. Students taking Directed Research must submit to the faculty supervisor written work consisting of a completed draft of a research paper or memorandum of law containing either criticism of the law relating to the topic area or synthesis of legal source materials into a statement of the law in the topic area. A minimum of 50 hours of work is required for each hour of credit awarded. Notification of faculty supervisor and grade rule must be given to the Law School Registrar within the first two weeks of each semester.

Law 792R §01. Co-Curr Law Review (1.0 hour)

Grading: Pass/Fail

Credit for this authorized co-curricular program is in the amount of one credit per semester for successful completion of the Basic Work Assignment in the program. The governing body of the program, together with the faculty advisor, shall establish the Basic Work Assignment of the program. Participation in the program is limited to students who have completed their first year of law study and who have a cumulative grade-point average of 2.7 or higher.

Law 792R §02. Co-Curr Moot Court (1.0 hour)

Grading: Pass/Fail

Credit for this authorized co-curricular program is in the amount of one credit per semester for successful completion of the Basic Work Assignment in the program. The governing body of the program together with the faculty advisor, shall establish the Basic Work Assignment of the program. Participation in the program is limited to students who have completed their first year of law study and who have a cumulative grade-point average of 2.7 or higher.

Law 792R §03. Co-Curr Journal of Public Law (1.0 hour)

Grading: Pass/Fail

Credit for this authorized co-curricular program is in the amount of one credit per semester for successful completion of the Basic Work Assignment in the program. The governing body of the program together with the faculty advisor, shall establish the Basic Work Assignment of the program. Participation in the program is limited to students who have completed their first year of law study and who have a cumulative grade-point average of 2.7 or higher.

Law 792R §04. Co-Curr Education & Law (1.0 hour)

Exam: No exam  
Grading: Pass/Fail

Credit for this authorized co-curricular program is in the amount of one credit per semester for successful completion of the Basic Work Assignment in the program. The governing body of the program together with the faculty advisor, shall establish the Basic Work Assignment of the program. Participation in the program is limited to students who have completed their first year of law study and who have a cumulative grade-point average of 2.7 or higher.

Law 792R §05. Co-Curr Trial Advocacy (1.0 hour)

Exam: No exam  
Grading: Pass/Fail

Credit for this authorized co-curricular program is in the amount of one credit per semester for successful completion of the Basic Work Assignment in the program. The governing body of the program together with the faculty advisor, shall establish the Basic Work Assignment of the program. Participation in the program is limited to students who have completed their first year of law study and who have a cumulative grade-point average of 2.7 or higher.

Law 792R §06 Co-Curr International Law and Management Review (1.0 hour)

Credit for this authorized co-curricular program is in the amount of one credit per semester for successful completion of the Basic Work Assignment in the program. The governing body of the program together with the faculty advisor, shall establish the Basic Work Assignment of the program. Participation in the program is limited to students who have completed their first year of law study and who have a cumulative 2.7 or above grade-point average.

Law 793R §01. Co-Curr Writing LR - special assignments (2.0 hours)

Two hours of credit can be authorized for each third-year student who is a member of the Law Review co-curricular program. The governing body of the program will recommend to the faculty advisor the names of student to receive credit under this provision.

Law 793R §02 Co-Curr Writing MC - special assignments (1.0 hour)

Exam: No exam  
Grading: Pass/Fail

One hour of credit can be authorized for second or third-year students who are members of the Moot Court co-curricular program, for participation in one or more Moot Court competitions during the academic year. No more than one extra hour of credit shall be awarded for each academic year regardless of the number of competitions entered, making students eligible for a total of two hours of additional credit during their second and third years. The governing body of the program will recommend to the faculty advisor the names of students to receive credit under this provision.

Law 793R §03. Co-Curr Writing JPL - special assignments (2.0 hours)

Two hours of credit can be authorized for each third-year student who is a member of the Journal of Public Law co-curricular program. The governing body of the program will recommend to the faculty advisor the names of student to receive credit under this provision.

Law 793R §04 Co-Curr Writing Educ & Law - special assignments (1.0 hour)

Grading: Pass/Fail

The management committee receives one additional credit for producing a publishable article or satisfactory participation in the Journal's Street Law Program. Members other than the management committee of the Law and Education Journal may receive this credit for writing, editing and mentor work.

Law 793R §05. Co-Curr Writing Trial Adv.-special assign. (1.0 hours)

Exam: No exam  
Grading: Pass/Fail

One hour of credit is authorized for second-year students who, in addition to successfully completing the Basic Work Assignment of the Trial Advocacy program, travel to a trial advocacy competition during the Winter Semester of their second year. One additional hour of credit is authorized for third-year students who, in addition to successfully completing the Basic Work Assignment of the Trial Advocacy program, travel to a trial advocacy competition during the Winter Semester of their third year.

Law 793R §06 Co-Curr Writing ILMR - special assignments (1.0 hour)

Grading: Pass/Fail

Two hours of credit can be authorized for each third-year student who is a member of the International Law and Management Review co-curricular program. The governing body of the program will recommend to the faculty advisor the names of students to receive credit under this provision.

Law 795R §01. Estate and Gift Taxation (3.0 hours)

Exam: Take-home exam  
Prerequisite: Wills and Estates, or prior approval from the professor

An examination of the effective disposition of wealth by inter vivos gift and testamentary transfer; income, estate, and gift tax considerations; use of the trust form; use of insurance; use of jointly help property; planning for the continuation or disposition of the client's business interests.

Law 795R §02. Appellate Practice and Procedure (2.0 hours) (Substantial Writing Option)

Exam: Final exam

This course explores a range of procedural issues that arise in appellate litigation in the federal and state courts, including preservation of issues (objections, post-trial motions, and plain error); appealability (Finality, collateral orders, and interlocutory appeals; parties on appeal (standing, intervention, and amicus curiae); perfecting an appeal (timing issues related to notice of appeal); relief pending appeal (stays and injunctions pending appeal; and standards of review (clear error, de novo, and abuse of discretion). Students will consider these issues as they arise in cases and rules in federal and state appellate systems, with some comparative analysis of the differences between the two systems.

Law 795R §03. Civil Discovery (2.0 hours) (Professional Skills Course)

Exam: No exam  
Grading: Pass/fail

Students will learn about the discovery process in civil litigation, including depositions, the production of documents, interrogatories, requests for admissions, mandatory disclosures, subpoenas, expert witnesses, and electronic discovery.

Law 795R §04. Civil Rights (2.0 hours) (Substantial Writing Option)

Exam: Paper

This course focuses on the current importance and application of the civil rights laws enacted after the Civil War and examines the Reconstruction statutes with particular emphasis on 42 U.S.C. § 1983. These laws provide the essential foundation for modern litigation on a wide range of constitutional and statutory protections and provide the basis for "structural reform" litigation seeking to alter the operation of governmental institutions. The course also addresses related topics such as government official liability, qualified and absolute immunities from suit, and other procedural and remedial issues that frequently arise in civil rights actions.

Law 795R §05. Computer-Based Practice Systems (2.0 hours) (Professional Skills Course)

Exam: Take-home exam

Computer-Based Practice Systems is the first part of a two-part offering that examines the role of practice systems in the delivery of legal services and teaches students to design and author practice systems employing a widely used practice system authoring program called HotDocs Professional. Practice systems assist lawyers in data gathering, decision making, and document drafting tasks. During the past two decades, practice systems have become a pervasively used tool for legal service delivery. As a result, practice system authoring skills are becoming ever more useful and valuable. This course provides students with the fundamental design and authoring skills needed (1) to build practice systems to support their individual practice needs and (2) to be effective consumers of commercially available practice systems. In order to learn fundamental authoring skills, students will complete a required set of weekly authoring assignments. Grades will be determined by student performance on the weekly authoring exercises, a midterm, and a final examination. The required HotDocs Pro authoring software, with its accompanying documentation, can be purchased at educationally discounted pricing from the BYU Bookstore. Students completing this course, who wish to author more advanced practice systems or to build systems for Internet distribution, will also need to take the Advanced Computer-Based Practice Systems seminar.

Law 795R §06. Debtors and Creditors (2.0 hours)

Exam: Final Exam

A basic course for business and personal lawyers. The course introduces federal bankruptcy and business reorganization law. Bankruptcy issues important to contractual relationships, debt management, business operations, and domestic law disputes are illuminated.

Law 795R §07. Disaster Law (3.0 hours)

Exam: Paper

The fatally flawed government response to Hurricane Katrina underscored the need for a robust legal structure for dealing with disasters. This course will examine the legal framework -- both federal and state -- for preparing for, responding to, and mitigating natural disasters. We will also consider the human contributions to "natural" disasters, including social vulnerability and the ways that existing legal structures exacerbate disaster risk. In addition, we will confront the difficulties of legislating in the face of uncertainty, developing fair compensation and insurance schemes, and rebuilding communities devastated by disaster.

Law 795R §08. Domestic Violence Intervention (2.0 hours) (Professional Skills Course)

Exam: Paper  
Grading: Pass/fail

Learn about the dynamics involved within abusive families and how those dynamics play out in court. Learn how domestic violence is treated in each context that might be brought to court: criminal actions, protective and restraining orders, personal injury cases, custody and divorce actions and within the juvenile court system. Students will have the opportunity to work with real cases through the Family Justice Center on Tuesday evenings from 5:00-9:00 p.m. Students do not need to be available every Tuesday or for the full range of hours. However, if you're not available to work at the Family Justice Center on any Tuesday evenings you should contact the instructor to work out alternative arrangements.

Law 795R §09. Elder Law (2.0 hours) (Professional Skills Course)

Exam: Take-home exam  
Prerequisite: Estate Planning is recommended  
Grading: Pass/fail

Learn how to handle legal issues common to the elderly: estate planning and medical directives; consumer fraud; public benefits such as Medicaid, Medicare, Social Security; nursing homes; property issues; and elder abuse. Students will meet with elderly clients on a weekly basis at local senior citizen centers. Students will have the opportunity to draft simple wills, medical directives, and deeds in behalf of actual clients.

Law 795R §10. Employment Discrimination Law (2.0 hours) (Substantial Writing Option)

Exam: Paper

An in-depth study of the dynamics of race in the context of the American legal system. We will discuss the law in both its practical and philosophical dimensions. By reading multiple authors in a variety of literary styles, we will address the experience of race in the real life situations that find their way into the courts. We will conclude by studying the jurisprudence of Critical Race Theory.

Law 795R. Int'l Environmental Law & Policy (2.0 hours)

Exam: Final Exam

This course examines the development of international regimes and norms relating to the protection of the global environment. It applies these regimes and norms to a few exemplary contexts such as ozone layer deterioration, climate change, the preservation of wildlife, biodiversity, and natural heritage, and the law of the sea. In reviewing these issues attention is also given to broader cross-cutting themes such as intergenerational equity, the precautionary principle, the polluter pays principle, and the relationship between environmental protection and economic development ("sustainable development").

Law 795R §12. Hispanic Street Law (2.0 hours) (Professional Skills Course)

Exam: Paper  
Grading: Pass/fail

Students will learn about basic legal issues encountered by the Hispanic population in the community. Students will help people at Centro Hispano with their legal problems under the direction of a faculty member. The ability to speak Spanish is recommended but not required.

Law 795R §13. Intellectual Property Moot Court (2.0 hours) (Professional Skills Course)

Exam: No exam  
Prerequisite: Recommended: Patent Law 1 and Copyright, Trademarks, and Trade Secrets  
Grading: Pass/fail

This course is directed toward preparing students to compete in the local, regional and national Giles Sutherland Rich Moot Court Competition which focuses on the specialized area of intellectual property law. Students who participate in this course will be required to write a brief and prepare oral arguments for participation in the local Giles Rich Moot Court Competition. Those who do well in the local competition will be invited to compete in the Regional Giles Rich Moot Court competition with the opportunity to advance to the National Giles Rich Moot Court competition.

The Giles Rich problem focuses on issues currently facing the Court of Appeals for the Federal Circuit. Generally, these issues relate to patent law, although a trademark issue, trade secret issue or other intellectual property issue is usually involved. Each student will be required to write a full brief for either the appellant or the appellee. Each brief should be substantially the student's own work and should comply with the Rules for the Giles Rich Moot Court Competition. Students may work in teams. However, each member of the team is required to write a brief for the appellant or appellee so that each team produces a pair of briefs for each side. Briefs will be due in December. The Local Competition, judged by local practicing patent attorneys, will take place in January. Thus, students should expect additional work in January to prepare for the local competition. Those students who are invited and agree to compete in the Regional competition should expect additional work in February and March. Students advancing to the National competition should expect additional work in April.

An additional one (1) credit hour of Directed Research credit is available Winter Semester to students competing in the Regional or National Giles Rich Competition.

A pass grade will be based upon a list of required assignments including, but not limited to, completion of a brief which substantially complies with the Rules of the Giles Rich Moot Court Competition, preparation for oral arguments and participation in local Giles Rich Moot Court Competition arguments, and submission of a time report. Satisfactory to exceptional work will be given a pass grade, while a low pass grade will be given for submission of poor quality work.

Law 795R §14. Int'l Public & Commercial Arbitration (2.0 hours) (Professional Skills Course)

- Exam: Exam will be done in class in October, when we move from academic to practical portion of the course
- Prerequisite: None, but prior or concurrent enrollment in Public International Law, Human Rights Law, or International Business Transactions is preferred
- Grading: Pass/fail

The seminar is primarily aimed at members of the Jessup and Vis moot court teams. The course will cover basics of international arbitration in both public and commercial disputes, including research and writing.

Law 795R §16. Law and Logic (2.0 hours) (Substantial Writing Option)

Exam: Paper

The proposition that judges are primarily logicians, with precedent and statute providing the major premises and the facts of the case providing the minor premises, was for all intents and purposes pronounced dead when Justice Oliver Wendell Holmes, Jr. declared, "The life of the law has not been logic: it has been experience." Holmes observed that while "in form its growth is logical," and while the "official theory is that each new decision follows syllogistically from existing precedents," the reality is that the judges' views of public policy "are the secret root from which the law draws all the juices of life." Nevertheless, while judicial choice is not a matter of syllogistic deduction, we do expect judges to "follow" precedent, and to explain and justify their choices in ways that are persuasive. We also expect them to avoid logical error.

This seminar will examine the resources that informal logic brings to our ability to evaluate the work of judges. The seminar will introduce students to logical reasoning and to fallacies and biasing influences that undermine sound reasoning and justification. While there is no developed theory of fallacies (perhaps because the number of ways in which we can go wrong in our reasoning is vast and multifaceted), there are various catalogs, some listing as many as seventy different types of logical fallacies. We will focus our attention on logical mistakes that are most likely to appear in judicial opinions, including verbal vexations such as ambiguity, vagueness in meaning or reference, complex questions, loaded language, the fallacy of equivocation, and the fallacy of affirming the consequent; fallacies of irrelevance, including the appeal to pity, the appeal to force, the ad hominem argument, and the appeal to ignorance; inductive infelicities such as the presupposition, the hasty generalization, the slippery slope, and the false analogy; and argumentative strategies that create practical problems such as the misleading choice, the straw man fallacy, the quick fix fallacy, and logical moves such as reconstruction and classification.

The goal of the seminar is to refine our ability to evaluate and criticize judicial choice and justification. Students should expect periodic assignments, class presentations, and a 20-page term paper analyzing a particular logical fallacy or infelicity.

Law 795R §17. Law of Higher Education (2.0 hours) (Substantial Writing Option)

Exam: Final Exam

A comprehensive review of the legal principles and practices involved in the administration of institutions of higher education in the United States.

Law 795R §19. Legislation (3.0 hours)

Exam: Final Exam

This course considers the method by which public policy comes to be enforced by statutes in our legal system. It focuses primarily on issues raised by different theories of statutory interpretation, but also addresses various political theories of legislation and the impact of administrative agency enforcement of statutes.

Law 795R §20. Mediation Practicum (1.0 hours)

Exam: No Exam  
Prerequisite: Law 724 Basic Mediation  
Grading: Pass/Fail

The course will examine the processes of what it takes for a bill to become a law, including its origination, development, and constitutional requirements for passage. The course will also look at statutory interpretation, and develop and revise a bill with small groups.

Law 795R §21. Patent Law 1 (2.0 hours)

Exam: Final exam

A consideration of what subject matter is eligible for patent protection and the conditions that must be satisfied to secure patent protection. Specifically, this course will explore the case law which has evolved in connection with the interpretation of several key statutory sections of Title 35 (the 1952 Patent Act), including section 101 (eligible subject matter and utility), section 102 (prior art, novelty, and loss of right), and section 103 (non-obviousness).

Law 795R §22. Presidential Power (3.0 hours)

Exam: Paper  
Prerequisite: Law 530, Structures of the Constitution

This course examines the constitutional law that creates, defines, and limits the power of the American presidency. Emphasis will be given to the debates that preceded the drafting of Article II and accompanied the ratification of the Constitution, and the history of the exercise of presidential power. Special emphasis will be given to the administrations of Lincoln, the two Roosevelts, and the presidents since the emergence of the United States as the pre-eminent nation in the global community after World War II.

Law 795R §23. Public Speaking for Lawyers (3.0 hours)

Exam: Short papers and substantial speaking assignments

This course serves as an introduction to natural resources law and policy. It begins with consideration of the the basic drivers that shape virtually any natural resource conflict--e.g., the tragedy of the commons, problems with political and biophysical scale, clashes of values, and scientific uncertainty. It outlines the policy instruments to overcome these challenges--such as prescriptive regulation, market mechanisms, information, etc. The course then investigates the historical geography of natural resource management in the United States, explaining how we have arrived at a situation where one-third of the nation s lands are publicly owned and the consequences of that distribution for natural resource management. The course considers the key constitutional doctrines that shape natural resource regulation. It also gives a brief introduction to administrative law, with a special focus on the National Environmental Policy Act (NEPA) and the Federal Land Policy Management Act (FLPMA), both of which impact so many natural resource and public land decisions. The course then applies these broader principles to two specific areas: the law regulating wildlife and biodiversity and the law governing federal protected lands such as national parks, national monuments, and wilderness.

Law 795R. Sentencing (2.0 hours)

Exam: Final exam

Study of the statutory and constitutional issues relating government regulation of broadcasting, cable television, the internet, and other electronic media.

Law 795R. Substantive Due Process (2.0 hours) (Substantial Writing Option)

Exam: Paper

This seminar is about fiduciary duties which arise in a broad array of relationships, including those involving trustees, lawyers, directors, officers, partners, agents, employees, and brokers. Justice Frankfurter wrote, "To say that a man is a fiduciary only begins analysis; it gives direction to further inquiry. To whom is he a fiduciary? What obligations does he owe as a fiduciary?" The goal of the seminar is to provide students with a capstone course that will provide an in-depth study of the law governing fiduciary duties and that will empower students to approach and evaluate problems involving fiduciary duties in an analytically sophisticated and quantitatively nuanced way.

The Delaware Supreme Court has noted that fiduciary duty is subject to "no fixed scale." While fiduciary duties are often categorized ({e.g}., duty of loyalty, duty of care), in reality any analysis of fiduciary duties must take place on a sliding or graduated scale that is influenced by and accounts for a very broad array of classifiable factors. The seminar will introduce students to this scaled framework for analyzing fiduciary duties, breaches, and remedies by focusing on a series of considerations, including such elements as: the relative scope of duty owed by a particular fiduciary to a particular beneficiary; the type of character of an alleged breach of fiduciary duty; the quantifiable magnitude of the alleged breach of duty; and the suitability of various possible remedies. Historical, jurisprudential, and judicial materials will be carefully examined. The approach adopted and pursued in this seminar is innovative and exploratory.

Students will be required to read the assigned materials, to apply the new analytical approach to several cases and judicial opinion, to present the findings of their case studies in class, to prepare two brief (3-5 page) papers on assigned features of fiduciary duty analysis, and to write a short (10 page) paper on a relevant topic of the student's choice. Students may expand their projects to satisfy the Substantial Writing requirement.

Law 795R. Transactional Lawyering (2.0 hours)

(Insert Description Here)

Law 795R §27. U.S. Foreign Relations (3.0 hours) (Professional Skills Course)

Exam: Final Exam  
Enrollment: Not available to students who took Law 659, Public International Law (Moore) last year.  
Grading: Pass/Fail

This course examines constitutional, statutory, and common law doctrines that govern the United States conduct of foreign relations. The course focuses on the allocation of foreign relations authority, both among the branches of the federal government and between the federal and state governments. Specific topics include the scope of the treaty power, the constitutionality of executive agreements, the judiciary's role in deciding foreign relations questions, and the domestic legal status of international law.

Law 795R §28. White Collar Crime (2.0 hours)

Exam: No exam

The class curriculum will essentially be a survey of white collar crimes. We will be covering various types of fraud and white collar offenses including, but not limited to, ponzi schemes, money laundering, cyber crimes, healthcare fraud, securities fraud, and even public corruption. We will cover the major state and federal statutes which are used to prosecute these crimes, as well as reviewing key principles in the investigation of white collar crime such as investigative guidelines. Federal mail and wire fraud statutes, as well as the state communications fraud statute would be reviewed in some detail. Likewise, there will be a thorough examination of how to accurately assess and determine mens rea in a white collar case, which is much more important than in street crime cases. The class will be presented primarily by lecture, with some real world case studies, and a number of guest lecturers including state and federal prosecutors, defense lawyers, and law enforcement agents. It is anticipated it will be two credit hours, graded, with either an exam or a paper.

Law 795R §29. Work Law (3.0 hours)

Exam: Take-home exam

(Insert Description Here)

Law 795R §30. Youth in Mediation (2.0 hours)

Exam: No Final  
Prerequisite: Concurrent enrollment in Law 599, Youth in Mediation Externship, recommended.  
Enrollment: Limited to 24 students  
Grading: Pass/fail

Work with the juvenile justice system and learn the aspects of restorative justice. This class will discuss the impact youth crime has on victims, offenders, families and communities. You will become familiar with various ways in which the Juvenile Justice System assists youth offenders through alternative dispute resolution, which has long been considered an effective way not only to rebuild relationships but to strengthen and heal communities. This skills-based class teaches both basic and advanced techniques for mediation, specially focusing on parent/teen and victim/offender mediation. Completion of the course will give you 28 training hours toward court qualification for mediation in the State of Utah.

No prerequisite is needed for this class. You will have an opportunity to develop and strengthen your mediation skills by participating in one-on-one instructor feedback, video tape review, lecture, role play, and other activities. We will explore topics such as co-mediation dynamics, questioning strategies, power imbalances, future focus, and relationship-based mediation techniques. In place of a final exam, there will be a reflective paper on mediation skill development due the last day of finals.

There is a highly recommended and OPTIONAL 1-credit, 50-hour externship. See Law 599R, Youth in Mediation Externship.

Law 796R §01. Accounting for Lawyers (2.0 hours)

Exam: Final Exam

This course will teach students about generally accepted accounting principles, practices, and standards. The course will include information about accrual accounting and revenue recognition, double-entry record keeping, development of accounting principles and auditing standards, the time value of money, financial statement analysis, and contingencies. Students will learn about financial statements (balance sheets, income statements, statements of cash flows, and statements of stockholders equity), footnotes to financial statements, auditors' reports, and certain Securities and Exchange Commission rules and regulations, including certain aspects of the Sarbanes-Oxley Act.

This course is intended for law students who do not have an accounting background. Students who have a substantial background in accounting or who have recently taken an introductory accounting class are ineligible to take or receive credit for this course. However, students who took only an introductory class in accounting some time ago may obtain permission from the instructor to take the class.

Law 796R §02. Adv Appellate Brief Writing (3.0 hours) (Professional Skills Course)

Exam: Paper  
Prerequisite: Grade of 3.3 in Introduction to Advocacy (or prior approval from the professor)  
Enrollment: Limited to 14 students

As the name suggests, this course will cover appellate brief writing through the vehicle of a pending U.S. Supreme Court case. Students will refine their persuasive appellate writing skills. Discussion topics will include such things as appellate process, persuasive writing techniques, organization, strategy--priority of arguments, handling a circuit split, policy arguments, standards of review, persuasion techniques, handling adverse authority, and effective counter argument. In addition to learning advanced persuasive writing, students will learn to evaluate and edit the work of their classmates.

Law 796R §03 Advanced Comparative Law 3 (1.0 hour)

- Exam: No exam  
Prerequisite: Editing experience or completion of an international or comparative paper prior to the start of the course  
Grading: Pass/fail

This seminar will take papers written on transnational and comparative topics during Fall Semester and prepare them for possible inclusion in a symposium issue of the Law Review. **IMPORTANT:** Because of the need for substantial background and because of time deadlines, students must have taken or be concurrently enrolled in at least one of the following: Comparative Constitutional Law, International Business Transactions, International or European Human Rights, Comparative Church and State, International Protection of Religious Freedom, or other international courses cleared by Professor Durham. In addition, they must have completed a paper on a topic relevant to the seminar prior to the beginning of the Winter Semester. While it is anticipated that additional research, writing, and editing of papers will be done during the course of the seminar, it is critical that participants have completed a draft of a paper in sufficiently final form to meet the requirements of the course offered in the previous semester. The only exceptions to these prerequisites will be for students who have Law Review editing experience. In the event it is necessary to restrict enrollment in the seminar, priority will be given to those who have written the most promising papers during the prior year.

Law 796R §04. Adv. Comparative Law 3 (1.0 hours) (Substantial Writing Option)

- Exam: No exam  
Prerequisite: Editing experience or have completed an international or comparative paper prior to the start of the course to be edited for publication  
Grading: Pass/fail

This seminar will take papers written on transnational and comparative topics during the fall and prepare them for possible inclusion in a symposium issue of the law review. **IMPORTANT:** Because of the need for substantial background and because of time deadlines that will be faced, students wishing to participate in the seminar must take or have completed (at least) one of the following: Comparative Constitutional Law, International Business Transactions, International or European Human Rights, Comparative Church and State, International Protection of Religious Freedom, or other international courses cleared by Professor Durham. In addition, they must have completed a paper on a topic relevant to the seminar prior to the beginning of the Winter Semester. While it is anticipated that additional research, writing, and editing of papers will be done during the course of the seminar, it is critical that participants have completed a draft of a paper in sufficiently final form to meet the requirements of the course offered in the previous semester. The only exceptions to these prerequisites will be for students who have law review editing experience. In the event it is necessary to restrict enrollment in the seminar, priority will be given to those who have written the most promising papers during the prior year.

Law 796R. Adv Computer-Based Practice (2.0 hours) (Professional Skills Course)

Exam: Term Project  
Enrollment: Limited to 20 students

The Advanced Computer-Based Practice Systems, a joint offering with students attending other law schools, provides students with the opportunity to refine the skills learned in the basic course by planning and overseeing semester-long practice system development projects. These real world projects will be done in consultation with cooperating law firms, legal service organizations, government law offices, courts, and corporate legal departments located throughout the world. Students will use video conferencing technology to coordinate project activities with participating firms located away from the law school. In addition to working on term projects, students will review the design of alternative development and delivery platforms, and be introduced to advanced practice system authorizing skills such as: (1) project planning and management; (2) online practice system applications; (3) advanced practice system design and development strategies; (4) forms automation; and (5) the integration of practice systems with databases. Grades will be based on term project performance and assigned exercises.

Law 796R §06. Adv Contracts (2.0 hours)

Exam: Take-home exam

One third of this course covers some of the more complex issues not fully explored in the basic contract course, such as third-party beneficiaries and assignees. One third offers an advanced and nuanced treatment of some difficult current issues in contract law, particularly with respect to online services and intellectual property licensing, including shrink-wrap, click-wrap, and browse-wrap contracts. One third focuses on drafting complex business contracts.

Law 796R §07. Adv Legal Research (1.0 hours)

Exam: Paper  
Grading: Pass/fail

This course will cover research topics and advanced techniques in the following areas: administrative law, legislative history, practice materials, government documents, non-legal databases, internet resources, tax research, treaties, and family law. There are assignments for each area and a bibliography that is to integrate the topics and techniques learned in the course.

Law 796R §08. Ancient Near Eastern Law in the Bible and (2.0 hours)

Exam: Paper

Comparative study of various topics in the procedural and substantive laws of the Sumerians, Babylonians, Hittites, Assyrians, Greeks, and Israelites, as well as in the legal cases found in the Book of Mormon, such as the trials of Abinidi, Nehor, Korihor, and others. Special attention is given to the narratives and prophetic speeches in the Old Testament and Book of Mormon. The overriding purpose is to identify and analyze the jurisprudential principles, legal rules, social values, and judicial procedures that regulated and shaped the early Israelite experience, including the religious, ethical, legal and political settings of their governments, families, economies, international relations, armies and temples.

Law 796R §09. Banking Law (3.0 hours)

Exam: Final exam

This course will survey the evolution of banking regulation, as well as recent developments that have intensified scrutiny on banks. The primary focus will be on Federal regulation of banks in regard to both traditional and non-traditional banking activities as well as the potential conflicts between state and Federal law.

Desired course outcomes: 1) learn the complex laws under which banks operate and why banks have traditionally been regulated much more heavily than other industries; 2) understand how those regulations are structured, how compliance is monitored, and how to recognize potential regulatory issues that arise in banking environment; 3) appreciate the ethical responsibilities that banks have to customers and the communities that they serve.

Law 796R §10. Child Advocacy (2.0 hours)

Exam: Paper  
Enrollment: Limited to 22 students  
Grading: Pass/fail

Learn about the juvenile court system and how issues of abuse, neglect and delinquency are handled. Professionals from different parts of the juvenile court system will make presentations. Learn how the judicial system affects the lives of children and how advocates can make a difference in the system. Students will have the opportunity to "shadow" actual attorneys from the Guardian Ad Litem's office, the Public Defender's and Attorney General's offices, and to sit in court with a Juvenile Court Judge. Students will have the opportunity to tour the Detention Center, the House of Hope, Independence High School, Lightning Peak, Family Support and Treatment and the Children's Justice Center

Law 796R §11. Civil Discovery (2.0 hours)

Exam: No exam  
Grading: Pass/Fail

Students will learn about the discovery process in civil litigation, including depositions, the production of documents, interrogatories, requests for admissions, mandatory disclosures, subpoenas, expert witnesses, and electronic discovery.

Law 796R §12. Community-Based Legal Research (2.0 hours) (Substantial Writing Option)

Exam: Paper  
Enrollment: Limited to 20 students  
Grading: Pass/Fail

Students will study principles from community-based and service-learning literature. Research projects will be planned and developed in collaboration with a governmental or non-profit agency serving the community. As a result of the course, students will produce a paper, presentation, materials, report, grant proposal, or some other tangible product that will be used by the community-based partner.

Law 796R §13. Copyright & Trademark (3.0 hours)

Exam: Final exam

Study copyright and trademark law, with attention to issues common to both and the relationship between them.

Law 796R. Corporate Finance (3.0 hours)

Exam: Take-home exam

This course examines methods used by corporations and investors to value firms, raise capital, and regulate conflicting interests among managers, shareholders, and creditors. The first third of the course is devoted to basic principles of finance, including efficient markets theory, the time value of money, risk and return, basic portfolio theory, and hedging. The final two-thirds of the course covers more expressly legal materials, including the legal rights and duties associated with debt and equity securities and the legal rules regulating mergers and acquisitions. Prior completion of an introductory course in Business Associations is a required prerequisite. Students with substantial background in finance and accounting will find some overlap with course materials, as this course is available to students with no background in finance related studies.

Law 796R §15. CyberLaw (3.0 hours)

Exam: Take-home exam

In 1996, Judge Frank Easterbrook claimed we no more need a class in the Law of Cyberspace than one in the Law of the Horse. Since then the Internet has more than sprung the gates of its pasture. Legislatures and courts are scrambling to understand cyberspace and fit it (sometimes awkwardly) into the structures of real world law. This course covers issues in regulating cyberspace (both nationally and internationally), privacy, ownership and access, and speech and content. We will briefly review intellectually property issues online, primarily copyright.

Law 796R §16. Domestic Mediation (3.0 hours) (Professional Skills Course)

- Prerequisite: Completion of or concurrent enrollment in Family Law (or Family Law: Marriage, Family Law: Parent-Child, or Utah Family Law) is required.  
Enrollment: Limited to 16 students  
Grading: Grading will be based on class participation, quizzes or a short paper, and skill exercises.

DOMESTIC MEDIATION is a two-credit course introducing students to principles, procedures, laws, and practical skills concerning the application of mediation and other alternative dispute resolution techniques to family law disputes. Some states, including Utah, require mandatory mediation for most contested divorces. "Collaborative lawyering" is being used nationwide to help parties in divorce and custody cases to resolve their disputes themselves. The "Restorative Justice" movement provides some valuable conceptual and practical insights for family dispute resolution. Voluntary arbitration of family law disputes (often by "private judges") is popular in many jurisdictions. Private negotiation leads to settlement of many family law disputes. Victim Mediation applies to domestic violence cases. Conciliation courts have been established in some jurisdictions. Summary procedures are available in many jurisdictions for cases involving limited financial assets and parental obligations, and other expedited/summary procedures are commonly used in domestic violence cases. ADR theory, principles, skills, laws, rules and procedures will be examined, legal issues explored, and domestic mediation and some ADR skills will be practiced.

Law 796R §17. Domestic Relations (2.0 hours) (Professional Skills Course)

Exam: No exam  
Prerequisite: Family Law recommended  
Enrollment: Limited to 20 students  
Grading: Pass/fail

Learn about the practical issues involved in handling a divorce case. Students will learn about the process the documents and the primary issues involved in divorce and custody cases. Students will have the opportunity to work with real cases through the Family Justice Center on Tuesday evenings from 5:00-9:00 p.m. Students do not need to be available every Tuesday or for the full range of hours. However, if you are not able to work at the Family Justice Center on any Tuesday evenings you should contact the instructor to work out alternative arrangements.

Law 796R §18. European Union Law (2.0 hours)

Exam: Final exam

This course will introduce students to both the governing institutions of the EU and the structure of the EU legal system and will also examine the content and effects of those parts of EU Law that are most important to making the EU function as a single community.

Law 796R §19. Federal Tax Research (1.0 hours)

Exam: Paper

This course focuses on researching the basic documents generated by the IRS. Students are introduced to various hardcopy and online resources available to research these documents. They are assigned to research specific documents in assigned resources and to present an evaluation of the strengths and weaknesses of the resources so that each resource can be compared and contrasted with other resources. The course culminates in an annotated bibliography by each student of a tax topic of the student's choice, approved by the professor, in which the student uses the various resources introduced during the course of the semester to complete the bibliography.

Law 796R §20. Freedom of Religion (3.0 hours)

Exam: Final exam

Survey of the Supreme Court's Free Exercise and Establishment Clause decisions and issues relating to the participation of religion in American politics and public life.

Law 796R. Immigration Law (3.0 hours)

Exam: Final exam

Immigration law provides an overview of the powers to regulate immigration law, admission and removal of foreigners, refugee and asylum law, and the impact of business/employment-based immigration.

Law 796R §22. Intellectual Property and the Constitution (2.0 hours)

Exam: Final exam  
Prerequisite: Recommended but not required: Constitutional and Trademark, Patent or any other IP-related course  
Enrollment: Limited to 15 students

Examines constitutional issues that arise in various areas of intellectual property law; emphasizes skills for writing scholarly papers and presenting oral defenses.

Law 796R §23. International Taxation (3.0 hours)

Exam: Final exam  
Prerequisite: Tax I

The course will examine the Internal Revenue Code rules and bilateral treaty rules that govern U.S. federal income taxation of international income earned by American individuals and companies and U.S. income earned by foreign individuals and companies. The course will also critique those rules in light of economic and international law norms.

Law 796R §24. International Moot Court (2.0 hours) (Professional Skills Course)

Exam: No final exam  
Prerequisite: Membership in IMC  
Enrollment: Limited to students who were enrolled in International Public and Commercial Arbitration during Fall Semester  
Grading: Pass/fail

This seminar is for members of the Jessup moot court team, and will involve brief writing, oral argument, and competition.

Law 796R §25. Intro to Law Librarianship (1.0 hours)

Exam: No exam  
Enrollment: Limited to 25 students

Awareness of current trends and developments in information aspects of the legal profession. Introduces the various departments and types of specialization within law libraries, and examines different types of law libraries, their organizational structures, collections and services. Designed for students with an interest in law librarianship or legal bibliography or both.

Law 796R §26. Judicial Process (2.0 hours)

Exam: Paper  
Prerequisite: Constitutional Law I  
Enrollment: Limited to 30 students

The contemporary debate over the proper role of a judge in a democratic republic turns, in large measure, on what it is we think a judge is doing when she is called upon to resolve a "case or controversy." Is she looking for the fair result? If so, by whose lights? Is she a political actor, or is she, instead, looking for a rule of decision that has been previously established by law -- a mere translator of the law? If so, by which law -- natural or positive? How in practice should a judge go about saying what the law is? These are some of the questions we will consider in discussing what role a judge should play in the American republic. Readings for the course will include books, essays, and lectures written by some of the leading legal thinkers in our nation's history, both past (e.g., Holmes, Frankfurter, Cardozo) and present (e.g., Scalia, Sunstein, Dworkin, Bork, Posner).

Law 796R §27. Law and Literature (2.0 hours)

Exam: Paper  
Enrollment: Limited to 25 students

This course will explore ethical rules and the premises upon which they are based. The goal of the course is to assist students in becoming sensitive to the distinction between "rules grounded on morality and those grounded solely on precedent or tradition." A study of literary works from Aeschylus's Eumenides to Harper Lee's To Kill a Mockingbird will deepen the exploration by revealing the consequences of human decision-making.

Law 796R §28. Law of Armed Conflict (3.0 hours) (Substantial Writing Option)

Exam: Paper

This course provides a detailed examination of the Law of Armed Conflict and its application on the modern battlefield. The course will be loosely based on a historical scenario which will help illustrate the principles, doctrines and law that govern the use of force by a nation. The initial weeks will cover general principles applicable to armed conflict, followed by detailed study of specific law of armed conflict legal principles and provisions.

Law 796R §29. Legal Drafting (2.0 hours) (Professional Skills Course)

Exam: Paper  
Enrollment: Limited to 45 students  
Grading: Pass/fail

In this course you will learn:

- (1) how legal drafting differs from other writing;
- (2) how to easily organize your documents;
- (3) how to address your audience convincingly;
- (4) how to use a simple technique to assure accurate interpretation of your documents in the future;
- (5) how to simply frame complex legal issues; and
- (6) how to write precisely.

In this class you will draft statutes, contracts, letters, and memos. You will also edit statutes, critique contractual provisions, and study examples of adroit drafting. You will learn the fundamental rules of drafting and analyze violations of those basic rules. You will compile an editing and drafting binder in which you capture the ephemeral drafting wisdom of the ages. That binder will be your drafting reference book. The class goal is to help you learn to draft clearly and accurately.

Law 796R §31. Mediation Practicum (1.0 hours)

Exam: No exam  
Prerequisite: Law 724 Basic Mediation  
Enrollment: Limited to 20 students  
Grading: Pass/Fail

Students participating in the Mediation Practicum will build on the basic skills they learned in Basic Mediation both in weekly meetings and in participating in actual mediations in small claims court and other venues.

Law 796R. Mergers and Acquisitions (2.0 hours)

Exam: Paper

Prerequisite: Students should have an understanding of business organizations, particularly corporations, and a basic understanding of corporate tax. It is helpful for students to have taken Business Associations and a corporate tax class, but they are not mandatory.

This class will review a wide range of issues related to buying and selling companies, including transaction alternatives, tax roadblocks, the essential elements of the acquisition agreement and risk allocation strategies of the buyer and the seller. The class will address the differences between stock and asset acquisitions, and issues related to valuing a business, successor liability, and the attorney's role in representing the buyer or seller in an acquisition transaction.

Law 796R §33. Patent Law 2: Infringement and Remedies (2.0 hours)

Exam: Final exam

Prerequisite: Patent Law 1

A consideration of many of the patent law issues which arise primarily after a patent is issued. Specifically, this course will explore the case law which has evolved in connection with the requirements for direct and indirect infringement, the interpretation of patent claims and literal infringement, infringement under the doctrine of equivalents, defenses to infringement, as well as damages and other remedies.

Law 796R §34. Tax-Exempt Organizations (2.0 hours)

Exam: Paper

This course will prepare lawyers to serve charitable, nonprofit organizations. Topics of analysis will include the policies and practices involved in obtaining tax exemption, as well as the similarities and differences between churches, schools, health care organizations, amateur sports, arts and research organizations, social clubs, business leagues, private foundations, and certain tax exempt employee benefit plans. Coverage will emphasize fiduciary duties, tax provisions, nonprofit statutes, and document drafting essential in forming and operating such organizations.

Law 796R. Transactional Lawyering (2.0 hours)

Exam: Take-home exam

Transactional Lawyering emphasizes practical skills over substantive knowledge, but you will learn the elements of contracts and how these elements work together. You will also learn how to translate what your client wants to accomplish into a clear and effective contract, and how to revise contracts with an eye to advocacy rather than stylistic preference. As your drafting skills improve, you will work with various forms of existing agreements to craft contracts tailored to your client's needs. After we have covered some of the basics, we will prepare contracts and documents used by early stage companies.

Law 796R §37. Youth in Mediation (2.0 hours) (Professional Skills Course)

Exam: No exam  
Prerequisite: Concurrent enrollment in Law 599R Youth in Mediation Externship recommended.  
Grading: Pass/fail

Work with the juvenile justice system and learn the aspects of restorative justice. This class will discuss the impact youth crime has on victims, offenders, families and communities. You will become familiar with various ways in which the Juvenile Justice System assists youth offenders through alternative dispute resolution, which has long been considered an effective way not only to rebuild relationships but to strengthen and heal communities. This skills-based class teaches both basic and advanced techniques for mediation, specially focusing on parent/teen and victim/offender mediation. Completion of the course will give you 28 training hours toward court qualification for mediation in the State of Utah.

No prerequisite is needed for this class. You will have an opportunity to develop and strengthen your mediation skills by participating in one-on-one instructor feedback, video tape review, lecture, role play, and other activities. We will explore topics such as co-mediation dynamics, questioning strategies, power imbalances, future focus, and relationship-based mediation techniques. In place of a final exam, there will be a reflective paper on mediation skill development due the last day of finals.

There is a highly recommended and OPTIONAL 1-credit, 50-hour externship. See Law 599R, Youth in Mediation Externship.

Law 796R §38. Current Issues in Constitutional Litigation (2.0 hours)

Exam: Paper  
Enrollment: Limited to 16 students

We will study several constitutional issues currently being litigated in the courts. Focusing on selected briefs filed in cases presenting these issues as well as relevant judicial opinions, we will analyze the doctrinal issues presented and also discuss effective (as well as ineffective) advocacy and litigation strategy. Students will be required to present oral arguments and draft mock judicial opinions on the issues studied (probably one argument and one opinion per student).

Law 796R §39. Land Use Planning (2.0 hours)

Exam: Final exam

Public and private limitation imposed upon and positive assistance provided for the use of private and public real estate. Includes land-use politics, administration, control, regulation, zoning, subdivisions, annexations, regulations, eminent domain, conservation, preservation, development, housing, economics, finance, and taxation. Public and private activities and action involved in land-use planning, control, and assistance.

Law 796R §40. Legal Scholarship (3.0 hours)

Exam: Paper  
Enrollment: Limited to 20 students

This seminar is designed to help students begin to prepare for a career in legal academics. Students will work to identify areas of scholarly and teaching interest, develop a research agenda, prepare a scholarly article, present a job talk, and understand the academic hiring process. The final grade will be based principally on development of individual scholarship and presentation of a scholarly job talk. Completion of a series of assignments will also be required. In deciding whether to enroll, students should consider the following questions regarding their preparation for an academic career: (a) Have you excelled in law school and in your undergraduate studies? (b) Do you have experience on a journal? (c) Have you secured or will you try to secure a judicial clerkship? (d) Do you have or will you seek an advanced degree in addition to your J.D.? (e) Have you secured or will you try to secure a job that would be nationally recognized (e.g., at a large firm, at the Department of Justice, at the ACLU) or that provides unique experience in your area of interest (e.g., prosecution)? (f) Have you completed substantial research and writing projects in law school, as an undergraduate, or in another program? (g) Do you have any specialized research skills e.g., in statistics or other social science methodologies? (h) Are you willing to live anywhere in the country? (i) Would you contribute to the diversity of a faculty? Questions about the seminar may be directed to the instructor.

Law 798R §01. LL.M. Thesis (up to 6 hours)

Exam: Paper  
Prerequisite: Completion of fall semester of LL.M. program.  
Enrollment: For LL.M. students

The student must carry out a substantial research project falling within the area of expertise of a law faculty member who is willing to supervise the student's research. The required work product is a written research paper which is expected to make a significant scholarly contribution.