

10/26/2009

**Brigham Young University
J. Reuben Clark Law School
Course Descriptions
2009-10**

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

Exam: Final exam

A study of the judicial process in civil actions seeking damages or equitable relief for harms to persons and their property.

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. 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. 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 540 §§01 and 02. Perspectives: Legal Interpretation (3.0 hours)

Exam: Final Exam

This course is an introduction to the interpretation and analysis of legal authority in areas of common law, statute, regulation and constitutional law. The course examines various types of legal argument and recurring elements of legal analysis including the use of precedent, principles of textual interpretation, judicial standards of review, and public policy analysis.

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

Exam: Final exam

Introduction to 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 04. Professional Seminar (0.5 hour)

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
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
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)

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)

Grading: Pass/fail

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

Law 599R §03. Externship - Mediation (prior approval) (Up to 3.0 hours)

Prerequisite: Prior or concurrent enrollment in Basic Mediation is a prerequisite to participate in the Mediation Externship
Grading: Pass/fail

Students are able to earn one credit for each 50 hours of work performed in an approved mediation externship or with the Campus Center for Conflict Resolution (BYU) or Community Mediation Center of Utah County (CMC).

Law 599R §04. Youth in Mediation Extern. (prior approval) (1.0 hours)

Law 599R §05. Tribal Courts Externship (prior approval) (Up to 2 hours)

Grading: Pass/Fail

This externship teaches students to serve as advocates in the Ute Tribal Court in Fort Duchesne, Utah. Students can be sworn in as members of the tribal bar.

Law 602 §01. Administrative Law (3.0 hours)

Exam: 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 605. Antitrust (3.0 hours)

Exam: Final exam

This course will examine the development of legal doctrine under the Sherman Act and supplemental legislation, including price fixing, division of market, monopolization, mergers, tying and exclusive dealing arrangements, boycotts, and special relationships between principles of patent and antitrust law. Parallel attention will be focused upon the relationships between principles of law and economics, examined in the context of certain key cases and the evidence in those cases.

Law 607 §01. Ancient Laws in the Bible & Book of Mormon (3.0 hours) (Substantial Writing Option)

Exam: 1 1/2 hour final exam, and 15-20 page paper

Comparative study of legal topics in the law codes and legal systems of the Old Testament, legal narratives in the New Testament, the trials of Jesus and Paul, and the legal cases in the Book of Mormon, as well as the codes of the Sumerians, Babylonians, Hittites, Assyrians, and Greek and Roman law.

Law 610 §01. Business Associations (3.0 hours)

Exam: Take-home exam at the end of the semester, including multiple choice exams during the term and other requirements

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 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 621 §01. The Fourteenth Amendment (3.0 hours)

Exam: Final Exam

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

Law 622 §01. Employment Law (3.0 hours) (Substantial Writing Option)

Exam: Paper/final exam option

Problems will be drawn from three different areas: (1) employment discrimination, (2) benefits, compensation and hours, and (3) workplace safety and health. Topics within these problem areas will be selected on the basis of their current importance.

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 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 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/exam option

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: Federal Taxation 1

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 650 §01. Real Estate Finance (3.0 hours)

Exam: Several mid-terms throughout the semester

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, fisheries, minerals, grazing and range management, recreation and preservation.

Law 658 §01. Land Use Planning (3.0 hours) (Substantial Writing Option)

Exam: Paper/final exam option
Enrollment: Limited to 30 students

An examination of governmental control over private land use and development. Subjects include zoning, subdivision and growth controls, and various constitutional issues raised by land use restraints.

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

Exam: Final exam
Enrollment: Limited to 35 students

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 665 §01. Origins of the Constitution (3.0 hours) (Substantial Writing Option)

Exam: No exam
Enrollment: Limited to 30 students; students who took Law 540, Perspectives - Origins of the Constitution, MAY NOT enroll in Law 665.

A review of the drafting and adoption of the Constitution and Bill of Rights, sources of the ideas of the Constitution, what was intended, and why. Students will read documents of the era and historical, political, and legal commentaries.

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: Final exam
Enrollment: Limited to 30 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 Practice 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 676 §01. International Taxation--Outbound (3.0 hours)

Exam: Final exam

Prerequisite: Prior or concurrent enrollment in Law 640, Federal Taxation 1

Survey of how the U.S. taxes its own residents on income earned from foreign business and investment activities. Critique of the U.S. approach in light of international law norms and economic norms.

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 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 700 §01. Int'l Protection of Religious Freedom (2.0 hours) (Substantial Writing Option)

Exam: Paper

Prerequisite: Concurrent enrollment in Law 702, U.S. Church and State, strongly recommended.

This seminar is the second in a three-part series of seminars concerning U.S. and international religious liberty issues. It begins with an introduction to the principles and methodologies underlying public international law, and the theory and practice of international human rights. The seminar will then consider the place of religious liberty in the pantheon of international human rights and will analyze the ways in which religious freedom complements and conflicts with other human rights. It will conclude with a comparative analysis of the protection of religious liberties in countries around the world. Each student will write a paper about the status and protection of religious liberties in a particular country around the world, or about international religious freedom norms.

Concurrent participation in the U.S. Church and State class, also co-taught by Professors Durham and Scharffs, is strongly recommended. In addition, students will be eligible to enroll in Professor Durham's Advanced Comparative Law Seminar during Winter Semester, where they will continue to work on their country-specific research about religious liberty issues. We hope to develop a web site dealing with religious liberty issues which will be part of a larger effort to develop electronic media and databases containing information about religious liberty issues in countries around the world. Student papers of sufficient quality will be included in the web site/database project.

Law 702 §01. U.S. Church and State (2.0 hours) (Substantial Writing Option)

Exam: Paper

Prerequisite: Concurrent enrollment in Law 700, International Protection of Religious Freedom, strongly recommended

This seminar is the first in a three-part series of seminars concerning U.S. and international religious liberty issues. This seminar will focus on the free exercise and establishment clauses of the First Amendment. We will read many of the important Supreme Court cases as well as a variety of commentators' analyses. There will be a paper option. In addition, the paper for this seminar may be combined with the paper for the International Protection of Religious Freedom seminar.

Participation in this seminar does not oblige a student to participate in the other two parts of the series, but it is a prerequisite for the other two parts. The second part of the religious liberties series is a seminar on the International Protection of Religious Freedom, also co-taught by Professors Durham and Scharffs, offered Fall Semester. The third part is participation in Professor Durham's Advanced Comparative Law Seminar during Winter Semester. Students electing this option will have an opportunity to continue to refine their papers from Fall Semester into publishable manuscripts. We hope to develop a web site dealing with religious liberty issues which will be part of a larger effort to develop electronic media and databases containing information about religious liberty issues in countries around the world. Student papers of sufficient quality will be included in the web site/database project.

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

Exam: Two student reports and two presentations
Prerequisite: First-year Property
Enrollment: Limited to 25 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
Enrollment: Limited to 24 students in each section; third-year students have priority
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, 03. Civil Trial Practice 2

Exam: Trial at the end of the semester
Prerequisite: Law 705, Civil Trial Practice 1, is required; Law 625, Evidence, is strongly recommended
Enrollment: Limited to 24 students in each section; third-year students have priority
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 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: Take-home Exam
Prerequisite: The class is a survey course and is not open to those previously or currently enrolled in stand-alone Mediation courses.
Enrollment: Limited to 24-36 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 726 §01. Basic Estate Planning (2.0 hours) (Professional Skills Course)

Exam: Grade based on written assignments handed in during the semester
Prerequisite: Law 666, Wills and Estates, and Law 683, Trusts.
Enrollment: Limited to 42 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)

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)

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)

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)

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. ADR in the Workplace (2.0 hours)

Exam: Paper
Prerequisite: Mediation, Negotiation, ADR, or Community Lawyering
Enrollment: Limited to 12 students

Employers offer (and at times insist upon) mediation, negotiation, peer adjustment panels, arbitration, and other in-house ADR devices in lieu of court-based disposition of labor/employment claims, including civil rights claims that arise from work conditions. We will survey representative systems of employer-based microjustice programs and we will study the emerging field of private employment law. Students will then conduct original research and write a term paper on an aspect of this rapidly growing employer practice.

Law 795R §02. Basic Mediation (2.0 hours) (Professional Skills Course)

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

The theory and practice of mediation. Mediation skills are taught through simulated exercises and role play.

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

Exam: No exam
Prerequisite: Evidence is recommended
Enrollment: Limited to 24 students
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)

Exam: Final Exam
Enrollment: Limited to 20 students

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. Deals: Mergers and Acquisitions (2.0 hours)

Exam: Take-home exam
Prerequisite: Business Associations (or the equivalent) strongly recommended.
Enrollment: Limited to 16 students

This course aims to introduce students to the basic deal-making techniques involved in all stages of a transaction, from conceiving and structuring a transaction to negotiating, drafting and analyzing the transaction documents. The course will focus on transactions in the field of mergers and acquisitions (e.g., buy-side and sell-side, friendly and hostile, public and private company deals). Students will have an opportunity to participate in mock strategy and negotiating sessions and drafting exercises and also will be required to submit written assignments periodically. The course will include occasional guest lectures or other participation by experienced transactional lawyers who will provide additional perspectives.

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

Exam: Final Exam
Prerequisite: Law 650, Real Estate Finance, is helpful

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. Domestic Violence Intervention (2.0 hours) (Professional Skills Course)

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

Learn about the dynamics of abusive families and possible legal remedies: protective and restraining orders, personal injury cases, custody and divorce actions and criminal actions. Students will have the opportunity to work with real clients through local agencies such as Utah Legal Services, the Center for Women and Children in Crisis, and local Victim Advocates, who serve as the liaison between the police department and the city prosecutor. Students may have the opportunity to represent clients seeking protective orders under the third-year practice rule.

Law 795R §08. Elder Law (2.0 hours) (Professional Skills Course)

Exam: Take-home exam
Enrollment: Limited to 16 students
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 §09. Hispanic Street Law (2.0 hours) (Professional Skills Course)

Exam: Paper
Enrollment: Limited to 15 students
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 §10. Immigration Law (3.0 hours)

Exam: Final Exam
Enrollment: Limited to 40 Students

Overview of the powers to regulate immigration law; admission and removal of foreigners; refugee and asylum law; impact of business/employment-based immigration.

Law 795R §11. Intellectual Property Moot Court (2.0 hours) (Professional Skills Course)

Exam: No exam
Prerequisite: Recommended: Patent Law 1 and Copyright, Trademarks, and Trade Secrets
Enrollment: Limited to 20 students
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 §12. Int'l Conflict Resolution (2.0 hours) (Substantial Writing Option)

Exam: Paper
Enrollment: Limited to 15 students

As the field of dispute resolution matures, it is expanding into areas of special application. One of the most interesting is international dispute resolution. This was not a recognized specialty before the end of the Cold War. But now that the Iron Curtain is down and the bi-polarities of the Cold War era have largely dissipated, the world is faced with a proliferation of conflicts as various groups vie for power and influence within and between countries. Such conflicts bring death and misery to untold millions of people and some threaten world stability. Since 1991, there has been a major outpouring of interest and involvement by governments and NGO's in applying the theories and methods of conflict resolution to the resolution of these conflicts and the establishment of stable peace. This seminar reviews the best literature describing these efforts and recommending steps for the future.

Law 795R §13. 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
Enrollment: Limited to 16
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 §14. Int'l Trade Law (3.0 hours)

Exam: Options: Paper or Presentation; all students will take short-version of final exam

International Trade Law examines trade law both at the multilateral level (the World Trade Organization (WTO)) and trade law at the regional level (e.g., the European Union (EU) and/or the North American Free Trade Agreement (NAFTA)). Attention will be given to the economic meltdown of the third and fourth quarters of 2008 and the first and second quarters of 2009, comparing and contrasting how various players in international trade have responded to these events. Attention also will be given to the international trade policy of the Obama Administration, comparing and contrasting its policy with the policies of previous administrations.

Law 795R §15. Introduction to Tax-Exempt Organizations (1.0 hours)

Exam: No exam; ten-page memo required
Grading: Pass/fail

This course will introduce law students to the basic statutes, regulations, forms, publications, practices, and resources to enable them to provide meaningful legal and pro bono services to new and established tax exempt organizations. Topics to be covered include incorporation as a non-profit corporation, obtaining tax exemptions, limitations on political activity, charitable donations, unrelated taxable income, excise taxes, and fiduciary duties of directors and officers.

Law 795R §16. Joseph Smith and the Law (2.0 hours)

Exam: No exam; research projects and memo required
Grading: Pass/fail

This course will explore Joseph Smith's ideas and experiences involving the law. His understanding and use of the law will be analyzed in the context of jurisprudence in the early American Republic, and his legal encounters and court appearances will be examined in light of the legal systems in New York, Ohio, Missouri, Illinois, and the United States from 1805-1844. Projects will relate to the editing of the Joseph Smith Legal Papers. Topics include religious liberty, civil rights, disturbing the peace, copyright, civic virtue, marriage, militias, treason, conspiracy, prisons, petitions, city charters, incorporation, property, debt, bankruptcy, freedom of the press, extradition, writs of habeas corpus, elections, abolition, slander, and murder, as well as doctrinal statements in the revelations and teachings of the Prophet on civil and divine law.

Law 795R §17. Labor Law & Individual Employment Rights (3.0 hours) (Professional Skills Course)

Exam: Take-home exam

This is a survey course designed to impart broad intellectual understanding of black letter law and public policy governing labor law and individual employment rights. Students will participate in team assignments and clinical exercises that test intellectual understanding of course material and challenge professional skill development.

Law 795R §18. Law and Logic (2.0 hours) (Substantial Writing Option)

Exam: Paper
Enrollment: Limited to 20 students

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 §19. Law of Higher Education (2.0 hours) (Substantial Writing Option)

Exam: Paper/final exam option

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

Law 795R §20. Law of War (2.0 hours)

Exam: Paper

The use of force in U.S. and international law, the conduct of hostilities during international and non-international armed conflicts, protected persons and protected objects, the law of weapons, rules of engagement, treatment of detainees (including interrogation procedures), and occupation law.

Law 795R §21. Legislation (3.0 hours)

Exam: Final Exam
Enrollment: Limited to 45 students

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 §22. 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 §23. Presidential Power (3.0 hours)

Exam: Paper; participation in class discussions a critical element in final grade.
Prerequisite: Law 530, Structures of the Constitution
Enrollment: Limited to 30 students

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 §24. 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 599, 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 (2.0 hours) (Professional Skills Course)

Exam: No Exam

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 §05. Adv. Comparative Law 4 (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

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 §07. Adv. Counseling (2.0 hours) (Professional Skills Course)

Exam: No final
Prerequisite: Law 653, Legal Interviewing & Counseling
Enrollment: Limited to 10 students
Grading: Pass/fail

Enrollment in this course is limited to 10 students who have completed Law 653, Legal Interviewing & Counseling). Seminar participants will (a) do a term project related to the counseling function of lawyers, (b) examine counseling theory and methods used in the other professions, (c) refine essential counseling skills, and (d) use deliberate methods to add to the counseling skill set acquired in the basic course. The seminar will be graded on a pass/fail basis. In order to qualify for a passing grade, students must satisfy course attendance requirements, adequately complete a term project, prepare diligently for class exercises, and satisfactorily complete all in-class and out-of-class assignments and exercises.

Law 796R §08. Adv. Legal Research (1.0 hours)

Exam: Paper (Bibliography)
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 §10. Basic Mediation (2.0 hours) (Professional Skills Course)

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

The theory and practice of mediation. Mediation skills are taught through simulated exercises and role play.

Law 796R §11. Biomedical Ethics & Law (2.0 hours)

Exam: Paper

This Seminar on Biomedical Ethics and Law examines selected issues that arise in health care and biomedical science from legal and ethical perspectives. Traditionally subjects covered have included suicide and assisted suicide, medical experimentation, medical decision-making for the incompetent, abortion, and cloning; this year stem cell research also will be included, and students in the class will vote to select two topics to discuss. Legal cases, statutes, rules, history, recent developments, and jurisprudence, as well as bio-ethical theories, disciplines and practices, are considered and discussed. Students are graded primarily on their papers and on class preparation and participation.

Law 796R §12. Child Advocacy (2.0 hours)

Exam: Paper
Enrollment: Limited to 20 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 multiple agencies handling children's issues.

Law 796R §13. Community-Based Legal Research (2.0 hours) (Substantial Writing Option)

Exam: Paper
Enrollment: Limited to 18 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 §14. Computer-Based Practice Systems (2.0 hours) (Professional Skills Course)

Exam: Take-home exam
Enrollment: Limited to 24 students

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 796R §15. Conflicts of Law (2.0 hours)

Exam: Take-home exam

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

Law 796R §16. Copyright, Trademarks & Trade Secrets (3.0 hours)

Exam: Final exam

Study of trade secret, copyright and trademark law, with particular attention to the issues common to them and the interrelationship among them in practice.

Law 796R §17. Disaster Law (2.0 hours)

Exam: Paper and student presentations of papers throughout the semester
Enrollment: Limited to 15 students

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 796R §18. Domestic Mediation (2.0 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.
- 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 §19. Domestic Relations (2.0 hours) (Professional Skills Course)

- Exam: Paper
- Prerequisite: Family Law recommended
- Enrollment: Limited to 15 students
- Grading: Pass/fail

This class covers family law matters students will encounter as they assist pro se uncontested divorce clients in Utah. In the course we will cover the questions and issues most commonly faced by divorcing parties. The focus of the class is on the practical aspects of representing a client in a divorce or custody case. Students are required to complete 39 hours of community service by working with pro se petitioners. We have the opportunity to work at the Fourth District Courthouse on Tuesdays between 1:00 and 3:00 with Utah Legal Services in order to fulfill those hours. Students with conflicts with that schedule may fulfill their hours in a different way, although it is desirable to have that block of time available. It is strongly recommended that students take Family Law prior to enrolling in this course.

Law 796R §20. 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 §21. Hispanic Street Law (2.0 hours) (Professional Skills Course)

Exam: Paper
Enrollment: Limited to 15 students
Grading: Pass/Fail

Students will learn about basic legal issues encountered by some members of the Hispanic 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 796R §22. Intellectual Property/Antitrust Law (1.0 hours)

Exam: Final exam
Prerequisite: Any Intellectual Property course and/or Antitrust would be helpful, but not required

Innovation is the lifeblood of today's knowledge economy. To serve us properly, the legal system must encourage innovation. Patent lawyers and antitrust lawyers and regulators would argue that both bodies of these laws do just that. But patent law and antitrust law approach this issue from different directions and there is often tension at the interface. This has been building in recent years. This class will cover how the courts and regulators seek to strike the right balance in dealing with these laws. Topics covered will include the rationale underlying antitrust and patent laws; antitrust and misuse problems in obtaining and enforcing intellectual property; exclusive dealing; tying arrangements involving intellectual property; and antitrust problems that can be encountered in licensing, such as refusals to license, patent pools, grantbacks, royalty arrangements, price restrictions, and territorial and field of use restrictions. There will also be discussion of the recent wide-ranging hearings conducted by the Patent Office, the Federal Trade Commission and the Department of Justice on competition law and innovation.

There will be seven 100-minute lectures in this class beginning the second week of the semester and running continuously until all classes are completed.

Law 796R §23. 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 §24. Internet Regulation and Decency (3.0 hours)

Exam: Paper/take-home exam
Enrollment: Limited to 20 students

We will begin with discussing the legal, political, and social issues relevant to free speech, obscenity, and decency generally. The course will then review the existing Supreme Court jurisprudence and some of the circuit court cases from the last ten years. We will talk about the continuing viability of the Miller "community standard," and review all of the relevant legislative proposals. We will then discuss the history and make-up of the internet community, including both technical and political issues. Finally, we will talk about reaching solutions, including education, activism, statute drafting, and the political process. We will draft proposed statutory language and do projects, such as web pages or papers addressing the legal and legislative issues involved in regulating the internet. There will be a half-hour midterm and a half-hour final; in addition, a paper or project will be required.

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

Exam: Course journal
Enrollment: Limited to 25 students
Grading: Pass/fail

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)

Enrollment: Limited to 25 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 Entrepreneurship (3.0 hours)

Exam: No Exam

This course explores the legal issues faced by small and emerging-growth businesses from startup through initial public offering. Through problems, transactional materials, and judicial opinions, students will explore the interests of parties to various financing transactions, including venture capital, franchising, strategic alliances, initial public offerings, etc. The goal of the course is to provide students with a deeper understanding of the contractual structure of financing relationships in entrepreneurial contexts.

Law 796R §28. Law and Literature (2.0 hours)

Exam: Final Exam
Enrollment: Limited to 25

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

Exam: Paper
Enrollment: Limited to 30 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 §30. Legal Scholarship (2.0 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 796R §31. Negotiation (2.0 hours)

Exam: Final Exam

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. This 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.

Law 796R §32. Originalism and Substantive Due Process (3.0 hours)

Exam: Paper
Prerequisite: Recommended, but not required: Fourteenth Amendment
Enrollment: Limited to 15 students

Exploration of whether the original meaning of the Due Process Clauses of the 5th and 14th Amendments encompassed judicial enforcement of unenumerated constitutional rights. Includes consideration of relevant aspects of the law of the land, due process of law, general constitutional law, and federal common law from the founding era through Reconstruction.

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. Patent Litigation and Client Counseling (2.0 hours) (Professional Skills Course)

Exam: Two or three writing assignments during the course, including an opinion of infringement or noninfringement, and an executive summary for a Markman claim interpretation hearing.
Prerequisite: Students must have taken or be concurrently enrolled in Patent Law 2.
Enrollment: Limited to 15 students
Grading: Pass/Fail

This course will provide students with an opportunity to develop practical client counseling and litigation skills required in patent disputes, including: considerations in counseling clients and preparing opinions of infringement, noninfringement and invalidity; strategies for preparing for and presenting claim interpretation positions during Markman hearings before the court; presentation of evidence through the use of expert witnesses and demonstrative evidence; use of evidence and damage experts to develop damage theories and enhanced damage awards; and client counseling strategies to avoid willful infringement and to assist in designing around patents, as well as patent enforcement strategies prior to litigation. Students will be required to write an opinion of infringement or noninfringement, and an executive summary for a Markman claim interpretation hearing.

Law 796R §35. Remedies (3.0 hours)

Exam: Final Exam

Remedies matter, especially from the client's perspective. The classic distinction in remedies is between legal remedies and equitable remedies. Both categories will be explored. The course examines (1) remedies that compensate for harm (compensatory damages), (2) remedies that prevent harm (injunctive relief), (3) declaratory remedies, (4) remedies that provide a benefit to the defendant as a measure of relief (restitution), and (5) punitive remedies (punitive damages).

Law 796R §36. State & Local Government (2.0 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 796R §37. Supreme Court (2.0 hours)

Exam: Paper
Enrollment: Limited to 12 students

In this seminar, we will undertake an intensive examination of the United States Supreme Court, with an emphasis on participation in a series of hands-on exercises. Initially, we will examine the process of nomination and confirmation of Supreme Court Justices. At this stage, members of the class will sit as members of a moot Senate Judiciary Committee to discuss the nomination of a new member of the Court. Next, we will examine the Court's process of selecting the cases on its docket. Members of the class will first perform the role of a law clerk to a Supreme Court Justice, with responsibility for drafting a Pool Memorandum recommending to the Justices whether they should grant a writ of certiorari on an actual case filed with the Court this year. After the Pool Memos are circulated, class members will assume the role of Justices, and will convene to debate and decide how to dispose of the writs of certiorari addressed in the Pool Memos. The balance of the course will focus on oral argument and opinion-writing in a series of cases actually pending before the Court this term. Each member of the class will present an oral argument on one case and will sit as a Justice on all of the other cases. Each student will be expected to draft one opinion (majority, concurrence, or dissent) on one of the cases our court hears.

Law 796R §39. U.S. Taxation of Religious Organizations (2.0 hours) (Substantial Writing Option)

Exam: Paper
Enrollment: Limited to 20 students

This seminar focuses on the U.S. tax treatment of religious organizations and their controlled charities under the Internal Revenue Code. Religious organizations, including their auxiliary organizations and controlled charities, form an important part of the large and growing tax-exempt sector of the U.S. economy. As a result, traditional business and tax lawyers benefit from an understanding of how these organizations operate as tax-exempt entities organized under §501(c)(3) of the Internal Revenue Code. Topics to be considered include the theory and rationale of tax exemptions, the creation and approval of tax-exempt entity status, and the permissible purposes and prohibited activities of tax-exempt religious organizations. The seminar will also explore the record keeping and reporting requirements of tax-exempt religious organizations, the fiduciary duties of officers and directors of such organizations and the termination of these entities and the distribution of their assets. The history and application of the corporate income tax to the unrelated business income of tax-exempt religious organizations, including the potential application of transfer pricing rules to unrelated business income, will also be considered. The seminar will also explore the role of the IRS in federal tax oversight of religious organizations, including IRS audit procedures, potential penalties and limitations that exist under the penumbra of the Establishment Clause of the First Amendment. Each student will write a paper on a tax topic applicable to religious organizations or their controlled charitable organizations.

Law 796R §40. Youth in Mediation (2.0 hours) (Professional Skills Course)

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 599, Youth in Mediation Externship.

Law 796R §41. Int'l Organizations: Norms, Actors, Process, (2.0 hours)

Exam: Grades will be determined on the basis of classroom performance as well as the quality of a 20-25 page paper analyzing the development, enforcement and future impact of a specifically identified international norm.

The course will explore the historic and modern process involved in the creation and enforcement of international law. The role of national governments, non-governmental organizations, civil society, lawyers and courts in the development of new transnational norms will be given particular attention. Students will be introduced to a rapidly growing body of transnational norms that will increasingly shape the contours of US law.

The first class will be taught in Provo, and the remainder of the course will be taught from Doha, Qatar (distance-learning transmission).

Law 796R §42. Social Policy & Feminist Legal Thought (3.0 hours) (Substantial Writing Option)

Exam: 10 short essays or blog entries on substantive subjects, and a 90-minute final exam
Enrollment: Limited to 20 students; 3 substantial writing students

The course focuses gender issues and the law. The course takes a broad look at historical and sociological treatment of gender and at the practical changes in the legal profession accompanying the influx of greater numbers of women lawyers. It covers various doctrinal strains in the development of a jurisprudential movement called feminist legal theory and method. We will study the various schools of feminist legal theory and method and apply the principles to facially neutral legal issues. Also, a variety of overtly gendered legal issues will be addressed, such as rape, domestic violence, and employment discrimination.

Law 796R §43. Anglo-American Legal History (3.0 hours) (Substantial Writing Option)

Exam: Paper

This course will survey the legal systems and values that influenced Western civilization, with emphasis on the history of Anglo-American common law.

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.