

FALL 2023 COURSE DESCRIPTIONS

TABLE OF CONTENTS

ELECTIVE EXPERIENTIAL EDUCATION COURSES	1
CLINICS & CLINICAL EXTERNSHIPS	2
HONORS PERSPECTIVES COURSES	4
OPEN ENROLLMENT PERSPECTIVES COURSES	4
BAR TESTED ELECTIVE COURSES	5
OTHER ELECTIVE COURSES	6
SEMINARS	8

ELECTIVE EXPERIENTIAL EDUCATION COURSES

ALTERNATIVE DISPUTE RESOLUTION

This course will cover the basics and indispensable intricacies of negotiation as well as the dispute resolution mechanisms of arbitration and mediation. It will address the roles of the participants as well as rules, best practices, and effective strategies to be employed by all parties. With alternative dispute resolution on the rise in use and popularity, this course will help prepare students to be lawyers who can function and excel in these venues. The course will include role play and a practical focus to assist in developing proficiencies that are applicable in virtually all areas of practice and even contract negotiation methods. The instructor is a sitting State Court Judge who as a practicing attorney participated in and presided over countless arbitrations, mediations and negotiations, for decades and continues to be a highly requested mediator in his court's mediation program.

ADVANCED TRIAL ADVOCACY

This course will take a criminal case as the jumping off point. Students will learn how to prepare and try a complex case. The class will focus on trial technique and strategy using cutting edge trial techniques and theories. Students will be evaluated based upon class participation and role playing in mock trial during the last two sessions of the class. Trial Advocacy is a prerequisite.

CRIMINAL LITIGATION: DRAFTING & ADVOCACY

While less than one percent of all criminal cases go to trial, every criminal case involves a necessary knowledge of criminal pleadings and motions. This course will focus on pleadings, motions and related documents in all stages of a criminal case – from the arraignment through pre-trial, trial and post-conviction proceedings. Students will learn how to review, draft and argue criminal pleadings and motions from both the prosecution and defense perspective. The course is designed for prospective criminal defense attorneys, prosecutors, appellate attorneys, and judicial law clerks in state and federal courts. Completion of, or concurrent enrollment in, Criminal Procedure: Adjudication or Criminal Procedure: Investigation, is considered helpful.

INTERVIEWING & COUNSELING

This skills course develops the craft of the lawyer in client interviewing and counseling. The course provides a theoretical framework for and experience with simulated interviewing and counseling in the legal setting. Skills are introduced and honed through lecture, demonstrations, discussion, role playing, simulations, practical exercises and critiques.

LEGISLATIVE DRAFTING & ADVOCACY

Our lives are bordered by statutes. This course will teach the fundamentals of enacting statutes from policy concept to enacted legislation at the State level. Topics to be covered include bill and resolution drafting; effective Committee presentations; ethical and regulatory reporting issues; and campaign finance. Students will draft bills, advocacy pieces to legislators, reports to clients, and grassroots issue coordination plans.

MEDIATION

When parties are unable to resolve their dispute through discussion or negotiation, a logical next step is to seek the assistance of a third-party mediator to facilitate communication and the search for a solution. This course is intended to familiarize students with the norms of the mediation process and to develop the skills that will enable students to either serve as mediators or to better represent clients in this increasingly important form of ADR. Attention is given to both facilitative and evaluative styles of mediation. Significant emphasis is placed on role playing exercises and on the legal consequences of the mediation process.

NEGOTIATION

Over 90% of civil and criminal cases never get before a jury. They are resolved by other means, often by a negotiated settlement. Business transactions, for their part, are most often created through negotiation. As law schools place more emphasis on the skills required to be an effective lawyer, this Negotiation course is a hands-on exploration of preventing or solving conflict or variances in agreement whether the discordancy is a transaction or litigation. We will discuss theory only as it relates to a fuller understanding of the practical aspects of techniques, strategies and tactics as well as the ethical restraints and responsibilities of the lawyer. Students will negotiate weekly with a wide variety of fact patterns followed by a review and critical analysis of what was done and what might have been done more effectively.

SEA GRANT LAW FELLOW PROGRAM

Description forthcoming.

TRANSACTIONAL LAWYERING AND CONTRACT DRAFTING

This course teaches students the fundamentals of drafting contracts. Students learn how to understand a client's business deal, and how to translate the deal into contract concepts, the building blocks of contracts. Students learn the process for drafting the contract concepts in clear and unambiguous provisions in a well-organized complete contract that reflects accurately the parties' deal. Students learn how to add value to a client's deal by drafting and recognizing nuances in language that change the deal and shift risk between the parties. Students learn how to analyze and comment on a contract that another lawyer has drafted. Students will learn the best drafting style and usage techniques necessary to enhance clarity and avoid ambiguity.

TRIAL ADVOCACY

*The trial advocacy course employs a learning-by-doing approach. Thus, most of the course will involve the practice of trial skills including direct and cross examination, opening statements, closing arguments, and jury selection, in a simulated courtroom environment. During the last two weeks of the course, each student will participate as co-counsel in a full-length simulated civil or criminal trial with a sitting Rhode Island judge or professor presiding. **Evidence is a prerequisite but may be taken concurrently with the permission of the Trial Advocacy instructor.***

CLINICS & CLINICAL EXTERNSHIPS

BUSINESS STARTUP CLINIC

The Roger Williams University School of Law Business Start-up Clinic provides services to small start-up businesses and nonprofit organizations in Rhode Island. Services include navigating legal entity choice, drafting basic contracts, and certain intellectual property assistance. The primary goal of the clinic is to teach the practice

of transactional lawyering while providing service to under-served entrepreneurs and organizations.

CORPORATE COUNSEL CLINICAL EXTERNSHIP & CORPORATE COUNSEL SEMINAR

Students are assigned to either in-house corporate offices of prominent for-profit and not-for-profit entities or governmental agencies in and around Rhode Island and southern New England. Students will conduct legal research, write memoranda of law, draft legal documents, and engage in other activities as assigned. Students will be exposed to the various ways in which law is practiced in-house for corporate clients or governmental agencies. The program requires the devotion of substantial amounts of time both in and out of the assigned office and must be taken in conjunction with the Corporate Counsel & Government Seminar.

CRIMINAL DEFENSE CLINIC

*Students represent indigent criminal defendants in Rhode Island District Court, Traffic Tribunal, and/or Superior Court from arraignment through to final trial or other disposition. **Trial Advocacy is a prerequisite.***

GOVERNMENT EXTERNSHIP

Description forthcoming.

IMMIGRATION CLINIC

Students enrolled in the immigration clinic represent noncitizens in their applications for relief from removal before the Immigration Court in Boston, prepare applications for benefits under the immigration laws and represent noncitizens in their interviews for such benefits before the U.S. Citizenship and Immigration Services in Providence. Types of cases typically include asylum and other relief based on fear of persecution in the country of removal, waivers of deportation for long-term residents of the U.S., adjustment of status for noncitizens with U.S. citizen or permanent resident family members and relief for noncitizen victims of domestic violence. Students also conduct “Know Your Rights” presentations for the immigrant communities in Rhode Island and for immigration detainees in New England, conduct intake interviews following these presentations and provide consultations under the supervision of the Clinic Director. In class, students learn trial skills and discuss substantive, ethical and policy issues relating to the practice of immigration law.

JUDICIAL CLINICAL EXTERNSHIP & JUDICIAL PROCESS SEMINAR

Students are assigned to selected judges in Rhode Island and federal trial and appellate courts. The student externs conduct legal research, prepare memoranda of law, observe trial and appellate proceedings, participate in discussions with the court, and perform the duties of a judicial law clerk under the supervision of the assigned judge and a faculty member. The program requires the devotion of substantial amounts of time both in and out of the judge's chambers and must be taken in conjunction with Seminar: Judicial Process and Ethics.

PROSECUTION CLINICAL EXTERNSHIP & SEMINAR

Through our Prosecution Clinical Externship Program, students train in a prosecution office on the state or municipal level. Students will gain valuable hands-on experience representing the government in a variety of proceedings. Students may be certified to appear in court at some of the placement sites. Students will participate in a weekly seminar with classmates focused on the role of the prosecutor and the ethical challenges in that role.

PUBLIC INTEREST CLINICAL EXTERNSHIP & SOCIAL JUSTICE LAWYERING SEMINAR

Through this program, students will be representing low-income clients. Students may choose from a variety of placements in civil legal services offices, public defender offices, immigration non-profit offices, and any other non-profit law office that provides direct representation to low-income or marginalized clients. Eligible students may be certified to appear in court under a student practice order. The seminar will focus significantly on the issue of race including mass incarceration, the history of slavery in the US, and bias in the court system that impact marginalized communities and particularly low-income clients seeking legal help for civil, immigration, and criminal issues. The seminar will also focus on bias in the legal profession.

VETERANS DISABILITY FIELD CLINIC

The Veterans Disability Appeals Field Clinic is a one semester program in which law students represent military veterans whose applications for disability benefits have either been denied or granted at a level that is inappropriate to the level of disability. Working with experienced attorneys from Chisholm, Chisholm & Kilpatrick, a nationally recognized law firm specializing in this work, students will research and draft legal memoranda and briefs, participate in pre-briefing conferences and, when appropriate, argue cases before the United States Court of Appeals for Veterans Claims.

HONORS PERSPECTIVES COURSES

AMISTAD

Description forthcoming.

EVALUATING USE OF FORCE BY THE POLICE

This class will closely analyze some of the most highly visible cases in the country involving police use of excessive force, for example the cases of George Floyd, Breonna Taylor, Kim Potter and Michael Brown. Before delving into the particulars of these cases, the class will offer a thorough background of the development of this area of the law over the last fifty years through Supreme Court decisions and applicable statutes. Additionally, this course will provide a brief review of criminal procedure to understand the travel of the cases from grand jury to indictment to trial. Following this study, the course will offer an in-depth analysis of the cases including; reading grand jury and trial transcripts, watching trial testimony and available video and reviewing some of the public commentary related to the cases. Finally, the course will examine some Rhode Island cases involving police officers' use of force.

GENOCIDE AND ATROCITY CRIMES

Genocide in the 20th Century: In this course, which meets on Friday and Saturday on two separate weeks, Professor Noone explores the phenomenon of genocide, crimes against humanity and war crimes and the legal instruments available to identify and punish atrocity crimes.

LEGAL HISTORY: CONSTITUTIONAL LAW STORIES

This perspectives course will examine several historically significant US Supreme Court cases in the light of societal occurrences and changes at the times that the particular cases were being decided.

STANDARDS OF REVIEW

What is “on the table” during the course of an appellate case? This course will examine what appellate courts consider during the consideration of various types of appeals.

OPEN ENROLLMENT PERSPECTIVES COURSES

ADVANCED WRITING FOR MOOT COURT

In this course, which will function as part seminar and part workshop, students will explore the relationship between form and content in legal writing and employ the techniques learned to craft high-quality briefs for Moot Court competitions. Specifically, this course will guide students—from start to finish—through the process of developing research into an outline and then transitioning that outline into a polished written product. Students will, in particular, learn how to separate, group, and organize their ideas into focused and logically arranged paragraphs that are both clear and designed to achieve a desired rhetorical outcome. Along with developing those structural elements, students will also deepen their understanding of the foundational and stylistic elements of writing—such as grammar, punctuation, and sentence structure—so as to create documents that are not only error-free but also use their readability to engage readers. While this course will act as both a regressive and progressive

writing experience, it will also introduce more-sophisticated writing concepts like semiotics, prosody, and classical rhetoric to help students consider and refine their writing as well as their arguments and opinions. Writing and revision will likely be required for each class but, if done with care, should result in a finely crafted and persuasive composition fit for competition.

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LAW OFFICE MANAGEMENT

Law Office Management is a practical course to explore starting, running, and growing a law practice. Students will create a business plan and draft various documents essential to any law practice. A broad range of practice management topics will be discussed, including the choice of entity, practice specialization, business development, marketing, and various ethical issues.

NEGOTIATING ENVIRONMENTAL SETTLEMENTS

In recent decades, several environmental events have occurred, resulting in legal action and financial settlement. This perspectives course will examine the financial frameworks adopted in several key environmental settlements of the 21st Century. Topics explored will include, environmental and catastrophic event risk, the interplay between event risk and injury, and financial damages arising from environmental or ecological injury. This course will focus on experiential learning through case studies, with focused discussion of financial settlements involving recent environmental litigation. Students will acquire an understanding of environmental event risks, associated injuries, financial damages, and settlement strategies.

RI MASS TORTS: BIG INFLUENCE FOR A SMALL STATE

Description forthcoming.

BAR TESTED ELECTIVE COURSES

BUSINESS ORGANIZATIONS

This course surveys and analyzes the various forms of business enterprises. Organizations include sole proprietorships, partnerships, and corporations. Topics include the legal relationships between the corporation and its directors, officers, stockholders, and creditors; risk reduction devices; formation, dissolution, and termination; and agency relationships and responsibilities. Consideration is given to cases, statutes, model acts, and securities laws.

CONFLICT OF LAWS

*This course covers **choice of law, jurisdiction, and judgments**—topics tested on the Bar exams of over half the states and on the Uniform Bar. It explores the legal consequences of transactions touching on more than one state or nation, using subjects that range from contracts to torts to family law to internet and ecommerce, looking at the appropriate forum for the actions and the appropriate law that applies to such matters. Disputes between parties from different states or countries and disputes having contacts with multiple jurisdictions raise a host of challenging legal questions, including: (1) which court(s) have jurisdiction to adjudicate (personal jurisdiction); (2) which jurisdiction's law will govern the dispute; (3) whether and in what circumstances a judgment rendered in one state or country will be recognized and enforced in other jurisdictions; and (4) how courts should make these determinations. The course (and casebook) includes a small comparative component, looking at European regulations.*

FAMILY LAW

This course examines the underlying social and economic principles of family life, its regulation by government, and constitutional limitations on regulation. Direct laws covering marriage, divorce, and child custody will be examined but also the course will cover those areas of law--property, income maintenance, medical care, schooling and crime--that also have direct impact on families in this society.

SALES

This course provides an introduction to the law related to the sale of goods (moveable personal property) under Article 2 of the Uniform Commercial Code ("UCC"). Topics to be covered include: formation, terms, performance, risk of loss, express and implied warranties, disclaimers, breach, and remedies of the aggrieved buyer and seller. The course assumes familiarity with basic contract principles, though core concepts will be reviewed.

SECURITIES REGULATIONS

This course covers the important federal securities laws and corresponding Securities & Exchange Commission ["SEC"] rules and regulations interpreting the securities laws. The overall objective of the course is to make the students conversant in the "language" of securities laws, the major statutory provisions and rules and how these all play out in corporate America today. Special attention is paid to applying the "theory" behind securities law to practical situations leveraging the Professor's extensive in-house experience with a Fortune 300 public company. As such, many of the materials used in the course are taken from securities matters which the professor was personally involved with. Business Organizations is a prerequisite.

WILLS AND TRUSTS

This course is intended to prepare a student to advise clients about ordering their personal and financial affairs to more effectively provide for themselves and the people about whom they care. Various dispositive mechanisms inter vivos testamentary and in trust, will be covered, as well as devices to appoint health care and financial proxies. The course will also address the ethical and professional responsibilities of lawyers representing clients in this area.

OTHER ELECTIVE COURSES

ADMINISTRATIVE LAW

This course introduces the growth and development of administrative law and procedure. Topics include constitutionality and delegation of power, discretion, policy, regulatory and adjudicative functions, rules, orders, jurisdiction, investigative functions, procedures, due process and judicial review.

EDUCATION LAW

Description forthcoming.

EMPLOYMENT DISCRIMINATION

An analysis of selected problems in the law of employment discrimination. Topics will be selected that address the historical, economic, and social dimensions and implications of the problem of employment discrimination. Included will be coverage of federal statutory prohibitions of discrimination in employment, the procedures for enforcement, standards of proof, and remedies for violation of applicable law.

FEDERAL INCOME TAX

This course provides a survey of the federal income tax system as it relates to individual and business activity. Topics include code, regulation, and case analysis; tax policy, economics, and public finance; and tax legislation. Specific concepts included are income, exclusions, deductions, credits, tax accounting, and tax procedure.

FEDERAL INDIAN LAW

The course will explore the foundational principles and doctrines governing the legal and political relationship between the United States and Indian tribes. The history of federal Indian law and policy, tribal property rights, congressional plenary power, the trust doctrine, tribal sovereignty, jurisdiction in Indian Country, and tribal government are the major topics covered in this course. Students will learn the intricacies of both criminal and civil jurisdiction in tribal courts, and how disputes are adjudicated on American Indian reservations. Students will be well prepared for the practice of Indian law in federal, state or tribal courts, for employment with American Indian tribal courts and governments and will gain familiarity with noteworthy topics such as Indian Gaming and the Indian Child Welfare Act. Guest speakers from American Indian tribal courts and tribal governments will be featured.

IMMIGRATION LAW

This course provides a survey of U.S. immigration law. The course will review the constitutional basis for regulating immigration into the United States, and, to some extent, the constitutional rights of noncitizens in the country; the contours of the immigration bureaucracy, including the roles played by various federal agencies in immigration decisions; the admission of nonimmigrants (i.e., temporary visitors) and immigrants into the U.S.; the deportation and exclusion of nonimmigrants and immigrants; refugee and asylum law; and citizenship and naturalization.

MARITIME PRACTICE & PROCEDURE

This course examines the procedural aspects of maritime practice. It focuses on the jurisdictional and legal basis of actions in rem, quasi in rem, and in personam. Special emphasis is on the Supplemental Rules for Certain Admiralty and Maritime Claims.

MERGERS & ACQUISITIONS

Description forthcoming.

PRIVACY LAW

This course introduces students to the various frameworks of law governing the collection, use, access and disclosure of private sector data. Students will learn the Fair Information Practice Principles and the laws and regulations administering these principles by area of sensitive data: identity, medical, financial, education, and sales and marketing. Other topics include state privacy laws and legal limitations on government and court access to private-sector information. This course will also cover information tested for certification as a Certified Information Privacy Professional (CIPP).

RENEWABLE ENERGY

Description forthcoming.

SEMINARS

CHILDREN AND THE LAW

This course would focus on the law and policies underlying the allocation of power and responsibility among children, parents and the state. Areas that the course covers include children's constitutional rights; child abuse and neglect; and juvenile crime and delinquency.

COPYRIGHT LAW

This class provides an in-depth study of copyright law, which grants a limited monopoly to authors of creative works, and related state law doctrines such as unfair competition law. The course will focus on the constitutional basis for copyright, the statutory requirements for copyright protection, the scope of rights granted to copyright owners, the elements of a copyright infringement action, related state law claims, and licensing issues related to copyright. Discussion and readings will encompass topics of current interest in copyright law, including the impact of the internet, digital copying capabilities, new technologies, and the information-based economy.

CURRENT ISSUES IN INTERNATIONAL LAW

Description forthcoming.

PRISONERS' CIVIL RIGHTS LITIGATION

This three-credit seminar addresses the rights of incarcerated persons to be free from cruel and unusual punishment, while also giving students practical litigation skills in cases challenging government abuse of inmates in the prison system. The first three weeks will provide a crash course in the substantive and procedural law that governs prisoners' civil rights cases. After that, students will be immersed in a simulated case in federal court (based on a real case), which will give them opportunities to hone their skills in assessing potential claims, drafting a complaint, responding to motions, seeking discovery, taking depositions, opposing summary judgment, and conducting oral arguments. The course will involve research, writing, and rewriting that will satisfy the graduation writing requirement.