

# FALL 2019 COURSE DESCRIPTIONS

## ELECTIVE COURSES

### ACCOUNTING FOR LAWYERS

Accounting is the fundamental language of business. Businesses speak many different languages but the essential, core language, the one that deals directly with business performance and viability is accounting. In this course we will study some of the basic concepts of accounting such as debits and credits, double entry bookkeeping, financial statements, assets, liabilities, shareholders' equity, accrual and cash methods of accounting, time value of money, depreciation, auditing, and Generally Accepted Accounting Principles. We will explore how a working knowledge of these concepts is helpful to attorneys in a wide variety of different contexts so that, when you find yourself in a situation that requires at least a basic understanding of accounting concepts, you will be able to use that knowledge to successfully fulfill your role as an attorney. Business Organizations is a prerequisite.

### ADMIRALTY LAW

This course involves a study of the jurisdiction of admiralty courts and the laws affecting maritime rights and obligations. Areas included are the history of maritime law, choice of law in admiralty cases, maritime property interests, rights of seamen, carriage of goods, salvage, and collision.

### 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.

### ADVANCED TORTS

This course provides an in-depth coverage to a number of classic torts cases including Palsgraf, U.S. v. Carroll Towing, MacPherson Buick and others. It also covers the torts of defamation and invasion of privacy.

### ANIMAL LAW

This course includes legal frameworks that establish what can and cannot be done with and to animals. Animal law is an evolving legal field that is developing rapidly. It overlaps with contracts, criminal law, torts, property, constitutional law, wills and trusts, domestic relations, environmental law, evidence, patent law, tax law, and other areas. Animal law is interconnected with other fields of law, from FOIA requests to pet trusts to veterinary malpractice. The study of these concepts helps attorneys and law students understand not only the law's evolving attitude toward animals but also how the law operates and develops.

### **APPLIED LEGAL REASONING**

Applied Legal Reasoning (ALR) is the bridge between the three-year law school curriculum and the two months of bar review following graduation. The course teaches the most heavily tested law on the bar exam, yet focuses primarily on analytical skills and test-taking strategies. Extensive coverage is given to the three parts of the bar exam, which includes the Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT). The course is designed to expose students to multiple choice taking skill and strategy, essay writing techniques, and performance test writing. This is a required course for students to be taken in the semester prior to sitting for the bar exam (December graduates would take the course in the fall; May graduates would take the course in the spring). ALR is a three-credit, graded course, and covers the following topics: civil procedure, criminal law and procedure, contracts, evidence, real property, and torts. ALR is not only designed for early bar preparation, but for increasing the skills necessary for a student's first time bar success.

### **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.

### **COMPLEX LITIGATION: STATION NIGHT FIRE**

This class will explore the Station Fire litigation in its depth, including some of the many interesting and complex legal, factual, expert witness, and mediation issues that arose. Several victims will come to class to explain their views of what happened both factually and legally in what was one of the most, if not the most, complex cases ever filed in Rhode Island. The results were obtained due to a team effort by a small number of plaintiff's law firms. Several of those lawyers will attend to explain the division of responsibilities and their particular roles.

### **CONFLICT OF LAWS**

Callie from California and Max from Massachusetts get into a car accident with each other in the parking lot of Disney World (Florida). Max returns home to Massachusetts and sues Callie and Disney World in Massachusetts state court. Does the Massachusetts court have jurisdiction over Callie and/or Disney World? If so, what law would a Massachusetts court apply to the dispute – Massachusetts law? California law? Florida law? If Max obtains judgment against Callie and Disney World, are these judgments enforceable in California and Florida? Let's say that Callie moves to France and obtains a declaratory judgment there that she is not liable to Max for the car accident. Would this French judgment be recognized by a Massachusetts court to preclude Max's lawsuit against Callie? These are the questions to be explored in this Conflict of Laws course. The course will focus on three broad questions: *When does a court have jurisdiction over a dispute? What law will a court apply to a dispute? When will a judgment from a foreign court be recognized?* Contemporary topics in the Conflict of Laws, including the recognition of same-sex marriage and jurisdiction in internet cases, will also be explored.

### **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.

### **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.

### **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.

### **HEALTH LAW AND POLICY**

This course will provide an overview of the complex laws, regulations and underlying policies that govern healthcare delivery. Issues to be examined include medical liability, state and federal regulatory requirements, Medicare and Medicaid, health insurance and payment systems, antitrust considerations, non-profit governance and tax issues, quality and bioethics.

### **INTELLECTUAL PROPERTY**

This course offers a broad survey of intellectual property law. The course focuses on the rights and obligations of those who possess and use property in the form of patents, copyrights, and trademarks. Depending on time constraints, the course also touches on subsidiary areas, such as trade secrets, the rights of publicity, and unfair competition. International as well as federal and state controls and policies will be studied.

### **INTERNATIONAL BUSINESS TRANSACTIONS**

This course is designed to introduce students to fundamental legal problems encountered by U.S. enterprises engaged in international business. The course will focus on some major legal problems encountered in commercial and financial business ventures that cross national borders, analyzing basic international business transactions and the effects of U.S. law, specific foreign law, and treaties on the conduct of the parties involved. Topics include an introduction to: commercial law, formation of contracts, choice of law, international sale of goods (including the CISG), letters of credit, foreign direct investment, the organization and operations of international (World Trade Organization) and regional trade institutions (European Union), international dispute resolution, and corporate social responsibility. The goal of the course is for students to develop an understanding of the laws applicable to private international transactions and an awareness of the risks inherent in doing business in or with other countries and their nationals.

## **OCEAN AND COASTAL LAW & POLICY**

The areas in which oceans and their branches and land masses meet are the source of many relationships largely peculiar to those areas. Sea level rise, global warming and effects on our oceans, coastal resilience and retreat options from mega storms like Sandy and Katrina, wetlands protection, environment and ecological issues, the position of the area in terms of industry and commerce including such international rules as those governing fisheries, whaling and other trapping and hunting, are a part of the special problems facing this zone and the areas of water and land nearby. The course examines the various legal regimes with a consideration of policy issues that are involved in the complex relationships generated in these areas.

## **REMEDIES**

The remedies course surveys what a court can do for a claimant who has been, or might be, wronged by the defendant. We will address the principal remedies: damages; injunctions (orders to do or refrain from doing certain conduct); restitution (including the possibility of recovering the defendant's gains from a wrongful act, even if the gains exceed the amount of the plaintiff's loss); remedies that simply declare the rights of the parties; pre-judgment remedies before a determination of liability; and the various means of enforcing remedies (including contempt and seizure of property). Throughout the course, we will discuss which of the several remedies are best for the plaintiff, and how to determine the extent of the remedy that the plaintiff may obtain.

## **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 American 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.

## **SEMINARS**

### **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.

### **LAW & ECONOMICS**

Why do we allow for charitable contributions to be tax deductible? Do criminal law penalties adequately disincentivize certain behaviors? The “Law & Economics” academic movement sought to answer these questions normatively and therefore test the boundaries of using legal policy to promote the efficient production and allocation of resources and consequently the maximization of social welfare. This course offers an introduction to the study of Law & Economics. We will focus on the core bodies of law taught to first-year law students—tort law, contract law, property law, and criminal law—as well as other ancillary areas of law. For each of these bodies of law, the economic approach will be described in non-technical terms and then this approach will be used to examine a key case or key issue within that body of law. We will also develop some elementary techniques in two-person non-cooperative games, expected value theory, and risk theory. By the end of this course you will be able to use these (and other) techniques to (among other things): assess the economic efficiency of legal rules; analyze how the choice of damages in contract affects the value of the contract; analyze how the negligence regime in torts affects economic efficiency; and demonstrate how the assignment of risk alters perceptions of value.

## **COURSES THAT MEET THE UPPER-LEVEL LEGAL PRACTICE REQUIREMENT**

### **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.

### **LEGAL PRACTICE III**

This course is designed to provide in-depth instruction in legal writing and analysis, and to help prepare students for legal practice. Students will complete a series of in-class and take-home exercises and will receive feedback on their writing throughout the semester. In addition, students will meet individually with their professor to discuss assignments, and to enhance their writing and analytical skills.

### **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.

### **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 & EXTERNSHIPS**

### **BUSINESS STARTUP CLINIC**

The Roger Williams University Community Economic Development Clinic, our newest clinical offering, is scheduled to open in the fall semester of 2013. The focus of the clinic will be to provide services to small, low-income and start-up businesses and not-for-profit organizations in Rhode Island and Southern Massachusetts. Students enrolled in the clinic will work with small business owners in determining and facilitating their legal needs. This will include selecting the best legal entity, assisting with the filing of organizational documents, creating agreements, and drafting leases and other contracts. The primary goal of the clinic will be to teach the practice of transactional lawyering while providing service to under-served entrepreneurs and organizations.

### **CORPORATE COUNSEL CLINICAL EXTERNSHIP**

Students are assigned to in-house corporate offices of prominent for-profit and not-for-profit entities 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 and for corporate clients. 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 Seminar: Corporate Counsel.

### **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.**

### **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**

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.

### **PUBLIC INTEREST CLINICAL EXTERNSHIP**

Students are assigned to state or federal government agencies or to non-profit legal services organizations. The student externs conduct legal research, prepare memoranda of law, observe administrative, trial or appellate proceedings, participate in discussions with public officials, and perform the duties of a student attorney under the supervision of a supervising attorney and a faculty member. Students may also appear in court on behalf of the state or clients in limited types of proceedings. 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 Seminar: Public Interest Lawyering.

### **VETERANS DISABILITY APPEALS 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 ENROLLMENT PERSPECTIVES COURSES**

#### **SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION**

The text is the Pulitzer-Prize winning *Simple Justice*, by Richard Kluger. The book traces the line of cases from *Plessy v. Ferguson* to *Brown v. Board of Education*, blending constitutional and historical analysis with fascinating portraits of the lawyers (and their litigation strategy) and the judges (and their personal struggles with how to dispense justice a changing society) who were involved in the history-making journey from “separate but equal” to the death of state-sponsored racial segregation in public schools. The grade will be based on class participation and a take-home exam.



## **CIVIL PROCEDURE STORIES**

We will read the book by the same name, which devotes each chapter to a thorough discussion of one of the landmark decisions on civil procedure, including a chapter written by our own Professor Teitz. You have likely read most of the cases already, e.g., *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938), but you will no doubt find the chapters engaging because they provide interesting background information about the case (information you would not likely get otherwise) and because they explicitly address the importance of the case at the time it was decided and whether it is still important today. Most of your favorite subjects will be covered, including subject matter jurisdiction, personal jurisdiction, procedural due process, venue, class actions, pleadings, discovery, summary judgment, res judicata, and full faith and credit. I know what you are thinking. Can we start yesterday?

## **SOCIAL JUSTICE**

The class will read and discuss *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* by Jack Greenberg (Basic Books 1994). Our objective will be to learn lessons that may be helpful not only to lawyers who pursue careers specifically devoted to social justice but also to lawyers who may have opportunities to advance social justice goals while pursuing traditional careers in the practice of law.

## **IMMIGRATION LAW IN THE AGE OF TRUMP**

Is a United States Supreme Court decision really the law of the land? Do the words of a statute enacted by the U.S. Congress really matter? This course we provide an in-depth review the Supreme Court case of **Pereira v. Sessions**, 138 S. Ct. 2105, (2018), and discuss the Board of Immigration Appeals interpretation of **Pereira**, as well as how other U.S. District Courts have interpreted **Pereira** on whether a putative Notice to Appear vests jurisdiction with the Immigration Court, or whether, notwithstanding the language of the statute, the Department of Homeland Security can cure service of a putative Notice to Appear.

## **OPEN ENROLLMENT PERSPECTIVES COURSES**

### **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.

### **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.

### **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 21<sup>st</sup> 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.

### **LEGAL REASONING WITH EVIDENCE AND CONSTITUTIONAL LAW**

Legal Reasoning with Evidence and Constitutional Law is a 6-week course that is coupled with the second year evidence and constitutional law courses. The course sets out to expand students' analytical skills in ways that assist them in law school and ultimately on the bar exam. Students will work on their analysis in writing and in answering comprehensive multiple choice questions. Students will receive extensive personalized feedback on essays and multiple choice questions focused on the law of Evidence and Constitutional Law. Evidence and Constitutional Law I are required co-requisites. The course is taught by Professor Brittany L. Raposa, the Associate Director of Bar Support.