

# FALL 2021 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.

### 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.

### ADMIRALTY

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.

### 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.

### CIVIL RIGHTS

Forthcoming

### 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.

### **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.

### **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.

### **INSURANCE LAW**

This course will focus on the types of insurance most likely to be encountered in private practice: property and casualty (liability) insurance. Topics covered will include the theory and basic concepts of insurance; the insurance contract and principles of interpretation; application, underwriting, and risk analysis concepts; insurance contract formation and carrier issues/responses; types and structure of typical property and casualty policies to include policy declarations, definitions of insureds, insuring clauses, coverages, exclusions, and limitations; duties imposed on insurance carriers and insureds; typical policy conditions and application; statutory requirements and policies; first and third party claim handling processes; duty to defend and duty to indemnify; fair claim handling practice requirements and extra-contractual liability; insurance fraud issues; and insurance regulation.

### **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.

### **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.

### **LABOR LAW**

This course surveys the federal regulation of the union-management relationship in the private sector. The principle focus of the course is the National Labor Relations Act. The course will examine the establishment of the collective bargaining relationship, the negotiation of the collective agreement, unfair labor practice proceedings, economic pressure tactics, the enforcement of the collective agreement, and the duty of fair representation.

### **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.

### **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).

### **RACE & THE FOUNDATIONS OF AMERICAN LAW**

The course will provide both a historical overview and a current assessment of how race has played a role in American law and provide critical analytic tools students can bring to all aspects of their legal education and future practice. The course will examine the ways in which creating and perpetuating racial hierarchy, benefiting those deemed white, has influenced the development of American law. The roles white supremacy and racial hierarchy play in current systems will also be covered. The operation and racial implications of systems such as legal education and the legal profession, the criminal system, immigration, the housing market, and public education will be addressed. Finally, the course will take a critical look at current anti-racist approaches and tactics and explore ways in which unjust/or discriminatory systems can be dismantled. This is a novel course team-taught by three faculty members for the purpose of integrating these important topics into the larger law school curriculum.

### **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.

### **DEATH PENALTY**

This seminar will examine legal issues surrounding the death penalty in America from a variety of perspectives. After a review of the goals of punishment and their relation to capital punishment, the course will explore: constitutional challenges to the imposition of the death penalty, focusing on claims relating to equal protection, due process and cruel and unusual punishment; race, gender and the death penalty; special offenders, including juveniles, the mentally retarded, and the insane; modes of punishment and ethical issues; the impact of international law; procedural issues in trials for capital offenses, as well as post-conviction proceedings; and perspectives from the families of victims and families of capital offenders. Materials for the seminar will include writings providing diverse views of the death penalty, as well as central Supreme Court case law in this area. Seminar requirements will include a final paper, a presentation on the paper; and class participation. This course is offered for 2 credits and will fulfill the paper writing requirement.

### **LAW OF THE SEA**

This course reviews the basic principles of International law, both customary and treaty-based, that apply to the territorial sea, the high seas, continental shelf, seabed, and ocean floor. The course analyzes the allocation of jurisdictional powers among individual states and the international community over the various maritime zones involved; the use and management of ocean resources, such as regional and global fisheries regimes and seabed mining; marine environmental protection and pollution control; military uses of the ocean; and freedom of navigation.

### **NATIONAL SECURITY**

This course will focus on the major legal components of national security, including counter-terrorism; the Law of Armed Conflict; war powers issues; emergency powers of government and their relationship to civil liberties; counter-intelligence, surveillance, intelligence gathering and other covert operations; the role of international and war crimes tribunals; and analysis; and issues pertaining to access to and release of national security information. Particular emphasis will be placed on legal issues relevant to the events of September 11, 2001 and their aftermath, including recent counter-terrorism legislation and the war in the Middle East.

## **COURSES THAT MEET THE EXPERIENTIAL EDUCATION REQUIREMENT**

### **APPELLATE ADVOCACY**

Forthcoming

### **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.

### **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 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 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 the Corporate Counsel 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.**

### **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 AND GOVERNMENT CLINICAL EXTERNSHIP & SEMINAR**

Through our Prosecution and Government Clinical Externship Program, students train in a

prosecution or government office on the federal, state or municipal level. Students will gain valuable hands-on experience representing the government in a variety of settings, including criminal prosecutions. Students may be certified to appear in court at some of these sites. Students will participate in a weekly seminar with classmates who are working in a variety of prosecutorial and government placements.

### **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.

### **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.

### **OPEN ENROLLMENT PERSPECTIVES COURSES**

#### **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.

### **REPRESENTING IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE**

Forthcoming

### **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.

### **SPANISH FOR LAWYERS**

This course is intended to help law students who are proficient in Spanish understand how to utilize those skills in a legal setting. The course will focus on various part of the life of a case, including: intake, working with foreign documents, explaining the legal process to clients, and working with interpreters. Throughout, the course will place great emphasis on cultural competency.