

FALL 2022 COURSE DESCRIPTIONS

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.

ADVANCED TORTS

Advanced Torts will focus on areas which Torts I and II did not address in depth, such as product liability, medical malpractice, trespass/nuisance, economic/business torts and harm to reputational interests. It will also cover more general policy-related topics such as the economic loss doctrine, tort reform and misuse of legal process – all designed to boost students' preparation for the bar exam torts sections.

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.

ENTERTAINMENT LAW

The purpose of this course is to introduce students to the variety of basic issues that entertainment lawyers address, and to serve as a stepping-stone in preparation for entry into the entertainment industry. This course is designed to introduce students to the business and legal affairs aspects of the entertainment industry, specifically television, theatrical, and digital media development and production. "Business and legal affairs" is the group or department within an entertainment company that is responsible for drafting and review of contracts, as well as handling the legal issues that arise throughout production. Its role is to ensure that the contract captures the deal points in accordance with the parties' agreement, and that the contract is in

compliance with the firm's internal policies and all applicable laws and regulations. The entertainment industry is subject to a variety of legal and regulatory regimes, some of which are common to all businesses and some of which are unique to the entertainment industry. We will examine topics/issues that arise under areas of law that some students are familiar with, while other areas might be new: Torts (defamation, right of privacy, right of publicity, first amendment concerns), contracts (deal making, major players in entertainment contract negotiations), and intellectual property (trademarks, copyrights, fair use, rights acquisitions).

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.

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.

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).

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.

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.

DOMESTIC VIOLENCE

This course will examine the dramatic changes in domestic violence laws and policy over the past twenty years, assess their impact, and explore potential new practices in this rapidly developing area.

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.

COURSES THAT MEET THE EXPERIENTIAL EDUCATION REQUIREMENT

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.

APPELLATE ADVOCACY

In this seminar, students will learn all aspects of litigating an appeal, including determining when an order is appealable; identifying persuasive appellate arguments and the applicable standard of review; drafting persuasive briefs; and presenting effective oral argument. As part of their coursework, students will draft two appellate briefs and argue two appeals in actual cases pending before the appellate courts.

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.

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 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.**

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 ENROLLMENT PERSPECTIVES COURSES

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.

CRITIQUING A CONSTITUTIONAL ICON: SHOULD NEW YORK TIMES V. SULLIVAN BE REVERSED IN THE SOCIAL MEDIA ERA?

The course begins in the early 1960s, when Southern segregationists planned waves of defamation actions against the “outside agitators” in the national media that had the temerity to publish harsh coverage of racist policies. The plan had a striking early success: in L.B. Sullivan v. New York Times, an all-white Alabama jury found that the paper had defamed the head of the Montgomery police department and imposed the largest damages award in state history, a powerful shot across the media’s bow and deterrent to hard-hitting coverage of the most pressing issue of the day. When the case made it to the SCOTUS, the Court reversed in one of the most iconic free speech and press decisions in our history, New York Times v. Sullivan (1964). We will read the pleadings of the parties and parts of the trial transcript, and dissect the Court’s analysis in Sullivan, as well as subsequent decisions in which the Court expanded the breadth and depth of the constitutional protections provided to publishers of falsehoods. After a grounding in the law, we will turn to the dramatic changes that have occurred to our “marketplace of ideas” in recent decades, and in particular the new Internet “public square,” one that is awash in falsehoods, especially on social media. This flood of misinformation doesn’t just harm reputations: it poisons our democracy (and may have determined the outcome of the 2016 presidential election). This course considers whether this dangerous situation was caused, at least in part, by *New York Times v. Sullivan*, and, if so, what changes to the law should be made. The capstone assignment will ask students to discuss whether they would support change and why. NOTE: Torts II is required but Con Law II is not.

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.

FROM THE STREETS TO THE STATE HOUSE: LEGISLATIVE ACTION & SOCIAL ADVOCACY

Taught by Jose Batista, a former community activist, attorney and State Representative and Matt Jerzyk, a former community and union activist, attorney and government relations executive This class will examine four critical legislative campaigns from three different, intertwined perspectives: how do street protests interact with the drafting of legislation and how does drafted legislation become law. The four issues will be Black Lives Matter and police reform, reproductive rights and the codification of Roe v. Wade into state law, immigration and drivers licenses for undocumented immigrants and the Act on Climate and a state-level green, new deal. Students will hear directly from activists on these issues, analyze various legislative proposals and their final project will include a legislative debate on the floor of the Rhode Island House of Representatives.

OPEN ENROLLMENT PERSPECTIVES COURSES

COPYRIGHT: RIGHTS AND REWARDS IN THE CREATIVE INDUSTRIES

How does copyright operate in the creative industries to support the production and distribution of original work? How do other IP rights, such as trademark, trade secrets, patents, and rights of publicity help promote the development, commercialization, and protection of creative output? How do rights and rewards vary across creative sectors, such as music, entertainment, fashion, publishing, and videogames?

In this course we will explore how IP rights are harnessed to foster creators and creative industries alike. We will look at how rights are secured, works are monetized, creative stakeholders are rewarded, and audiences are benefited. We will ask how creators (with attention given to creators of color) can be enriched and empowered by IP rights. And we will ask how to balance the rights of owners against the interests of audiences, consumers, and follow-on artists.

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 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.

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.

COMPUTER CRIME

This course will introduce students to the agencies, investigative authorities, and substantive criminal law relating to cyber crime. The course will examine different types of cyber threats and the security, law enforcement, intelligence, and military entities that oppose them. The course will focus primarily on the use of criminal law enforcement tools but will include whole-of-government approaches as well. The exact focus and assignments will be determined in part on current events.

CRITIQUING A CONSTITUTIONAL ICON: SHOULD NEW YORK TIMES V. SULLIVAN BE REVERSED IN THE SOCIAL MEDIA ERA?

The course begins in the early 1960s, when Southern segregationists planned waves of defamation actions against the “outside agitators” in the national media that had the temerity to publish harsh coverage of racist policies. The plan had a striking early success: in L.B. Sullivan v. New York Times, an all-white Alabama jury found that the paper had defamed the head of the Montgomery police department and imposed the largest damages award in state history, a powerful shot across the media’s bow and deterrent to hard-hitting coverage of the most pressing issue of the day. When the case made it to the SCOTUS, the Court reversed in one of the most iconic free speech and press decisions in our history, New York Times v. Sullivan (1964). We will read the pleadings of the parties and parts of the trial transcript, and dissect the Court’s analysis in Sullivan, as well as subsequent decisions in which the Court expanded the breadth and depth of the constitutional protections provided to publishers of falsehoods. After a grounding in the law, we will turn to the dramatic changes that have occurred to our “marketplace of ideas” in recent decades, and in particular the new Internet “public square,” one that is awash in falsehoods, especially on social media. This flood of misinformation doesn’t just harm reputations: it poisons our democracy (and may have determined the outcome of the 2016 presidential election). This course considers whether this dangerous situation was caused, at least in part, by *New York Times v. Sullivan*, and, if so, what changes to the law should be made. The capstone assignment will ask students to discuss whether they would support change and why. NOTE: Torts II is required but Con Law II is not.

FROM THE STREETS TO THE STATE HOUSE: LEGISLATIVE ACTION & SOCIAL ADVOCACY

Taught by Jose Batista, a former community activist, attorney and State Representative and Matt Jerzyk, a former community and union activist, attorney and government relations executive. This class will examine four critical legislative campaigns from three different, intertwined perspectives: how do street protests interact with the drafting of legislation and how does drafted legislation become law. The four issues will be Black Lives Matter and police reform, reproductive rights and the codification of Roe v. Wade into state law, immigration and drivers licenses for undocumented immigrants and the Act on Climate and a state-level green, new deal. Students will hear directly from activists on these issues, analyze various legislative proposals and their final project will include a legislative debate on the floor of the Rhode Island House of Representatives.