

## Course Descriptions 7/24/09

**Administrative Law.** Government agencies increasingly regulate the marketplace, health and safety, and provide basic services. This course explores the constitutional powers and limitations on agency action, judicial review of agencies, and the procedures with which agencies must comply in regulating or providing benefits.

**Advanced Decision Analysis Workshop.** This course builds on the introduction to decision analysis in Client Counseling and will enable students to master its application in complex legal problems, where attorneys use decision analysis to think through litigation management and settlement as well as corporate transactional strategies.

**Advanced Legal Research: Methods & Applications.** This course builds upon the basic research skills and techniques learned in the required Lawyering I course. Its problem-solving approach gives students practical research experience that will enhance their understanding of legal literature and legal research principles. Students will learn to assess and respond strategically to legal research problems using available resources in print and digital formats. Scope is limited to researching United States federal and state law. Weekly assignments give students practical research experience and a foundation for learning research techniques and principles. In addition, each student is assigned a specific research problem that serves as the subject of a 20-minute class presentation. The final examination is comprehensive. Recommended for all students, particularly those who plan to practice or pursue judicial clerkships.

**Advanced Problems in Constitutional Law: Pursuit of Economic Subsistence.** This seminar will explore potential theories under emerging constitutional and human rights law to support establishment of a constitutional right to basic subsistence. The course will begin with an overview of current poverty demographics; then review federal constitutional case law, focusing on the limitations of the substantive rights guaranteed thereunder; then look briefly at emerging case law under various state constitutions; and conclude with an examination of how international human rights law might inform constitutional analysis in this area. Students will prepare a seminar length paper and present it to the class for discussion.

**Advanced Problems in Environmental Law.** This seminar will teach basic analytic and litigation skills by delving into various stages of litigation in the context of real-life patterns involving challenges to federal government action with local, national, and international environmental and land use implications. First considered is the nature of litigation against the federal government pursuant to the Administrative Procedure Act as well as two substantive statutes. Second, an examination of a number of cases where students will learn the necessary steps and following through from start to finish. The cases will involve a spectrum of interests to illustrate the potential relevance of issues with regards to local and state governments, individuals, environmental groups and private enterprise. Prereq.: Environmental Law I.

**Advanced Topics in Law: Selected Topics.** In these advanced courses students examine selected topics which vary from year to year. Past topics include Advanced Civil Procedure, and Corporate Governance.

Advanced Topics in Mental Health & Criminal Law. This course is designed for students who wish to study criminal law topics in greater depth and whose anticipated career paths may include criminal defense work or becoming assistant prosecutors. Course topics include waiving Miranda

rights, false confessions, trial competence, pro se defendants, mental state defenses, sex offenders, violence, capital punishment, juvenile delinquency, and malingering.

Advanced Torts. In today's legal world, tort law provides some of the most cutting edge issues. This course will supplement and enhance the curriculum offerings in corporate law and in constitutional law, with an emphasis on the constitutional torts such as defamation and privacy.

Advertising Law. This seminar explores copyright, trademark, right of publicity, and other intellectual property issues, as well as defamation and product disparagement issues surrounding the creative world of advertising. Topics will include logos; products and their packaging; the use of images in advertising; celebrity sponsorships; false advertising, comparative advertising; contests and lotteries; internet advertising; government regulation of "unfair" trade practices; children's advertising; and the relationship between First Amendment concerns and commercial speech.

Agency/Partnership: Unincorporated Associations. This course explores the legal principles governing agency, partnerships and limited liability entities. Special attention is given to the creation and termination of these business relationships as well as to the authority and fiduciary obligations of principals, agents and third parties in these settings such as LLP's and LLC's.

American Legal History. This course is intended to provide students with a broad view of how and why the institutions and principles of American law developed into their present forms, emphasizing the ongoing relationship between the law and general social, economic, and political trends. It also seeks to cultivate an understanding of important movements in American legal history. This understanding of the past will enable students to place present legal principles and practices into context and to evaluate them with a critical eye. The course will consist of lectures and readings of primary and secondary sources, the latter to explore movements in the field of legal scholarship, including the rise and fall of classical legal thought, the emergence of legal realism, and the development of critical legal studies. Evaluation will be by final examination.

Antitrust Law. This course covers sections 1 and 2 of the Sherman Act, sections 2 (Robinson-Patman), 3 and 7 of the Clayton Act, and section 5 of the Federal Trade Commission Act, and their extensive judicial gloss. The legal concepts include ventures which substantially lessen competition or tend toward monopoly in any product in any section of the country.

Appellate Practice and Procedure. This covers the role and function of appellate courts: preserving issues for appeal; appealability; appeal strategy; the record on appeal; briefs and oral argument; operating procedures of appellate courts; motion practice; extraordinary writs; and related matters. Each student prepares a critique of an actual case pending in an appellate court.

Bankruptcy. This course offers an introduction to the Bankruptcy Code. The course begins with

brief coverage of nonbankruptcy debt collection; however, it primarily focuses on the basics of bankruptcy proceedings by consumer and business debtors under Chapters 7, 11, and 13 of the Bankruptcy Code. Topics covered include the creation of a bankruptcy estate, exemptions, the automatic stay, the trustee's avoidance powers, adequate protection, and executory contracts. Prerequisite: Secured Transactions.

**Bankruptcy: Business Reorganization.** This seminar deals with business rehabilitation utilizing the Bankruptcy Code. The major portion of the course is devoted to Chapter 11. Significant attention is also paid to Chapter 13. It is recommended, but not required, that Bankruptcy be taken first.

**Business Tax.** This course involves the study of the U.S. income taxation of corporations and shareholders, particularly the language of Subchapter C and other selected sections of the Internal Revenue Code.

**Capital Punishment.** This course will examine the process of imposing the death penalty. It will address the influence of race, poverty, politics, and the passions of the moment in decision making in capital cases; prosecutorial discretion; judicial independence; the participation of people of color as jurors, judges, prosecutors, and attorneys in the criminal justice system; mental health issues; and the appropriateness of the death penalty for people who are mentally retarded, mentally ill, or children.

**Civil Rights Litigation.** This course examines legislation, such as section 1983 of the Civil Rights Act, designed to protect constitutional rights. Defenses and immunities are explored, as are available remedies. Legislation dealing with housing, discrimination in contractual relations, employment discrimination and voting rights is also examined.

**Client Counseling.** In this course students consider the lawyer-client relationship in the context of realistic scenarios, examining the basic strategies and skills a lawyer must master in the lawyer-client relationship. Students will practice and demonstrate the skills of effective client interviewing, counseling, and decision-making. Required to graduate.

**Complex Litigation.** Introduces students to the increasing trend toward complex litigation (cases with complex issues, multi-party cases, and multi-forum cases). Explores the use of procedural devices; the functioning of the judicial panel on multi-district litigation; and case management by lawyers, judges, and special masters.

**Computer and Internet Law.** This course tackles the legal issues surrounding computer technology, including the protectibility of computer software; the misappropriation of computer technology; software licenses, support, distribution, and development agreements; ownership of online "content"; privacy in a computer age; and liability for tortious acts and computer crimes.

**Conflict of Laws.** This course focuses on the problem of choosing which jurisdiction's law should govern transactions, relationships, or events with contacts to more than one jurisdiction. The course also explores the law governing recognition of sister-state and foreign judgments,

and, time permitting, the jurisdictional and choice-of-law problems posed by cyberspace. The course will provide students with the opportunity both to become familiar with and to criticize the various approaches to these problems adopted by U.S. jurisdictions (especially Ohio).

**Contemporary Issues in Business Regulation.** This seminar examines contemporary issues that are prevalent in the regulation of business organizations and activities. The class will engage in detailed discussions on topics listed in the syllabus. With the exception of the first few class meetings, students will volunteer to act as the lead discussant on his/her chosen topic. The student is required to prepare an outline prior to the class. In addition, two students will be assigned to comment on the discussion and outline of the lead student. The other students are also encouraged to comment and make suggestions. Prerequisite: Corporations I and/or an undergraduate degree in business, economics or finance. Substantial working experience in the business world is a good substitute for the above course/degree requirement, but enrollment must be approved in advance.

**Copyright Law.** This course examines copyright law in detail, with particular focus on the Copyright Act of 1976, its history, and its ability to respond to recent developments in technology. Copyright law offers protection for works considered to be within the "fine arts" (music, paintings, photographs, sculpture) and "literature" (books, stories, plays) as well as more mundane works, including commercial, i.e., applied art and even data directories. Copyright also covers architectural works and works reliant on technology, such as computer software. Students will gain an understanding of copyright law generally, as well as an understanding of how that law might apply to emerging technologies. Recommended that Introduction to Intellectual Property Law be taken first.

**Corporate Transactions: Negotiating and Drafting.** This course provides exposure to corporate transactions and hands-on drafting experience with an active corporate practitioner. By the end of the course, students will have a basic understanding of the structure of a corporate agreement, and the purposes of its basic components, including recitals, representations and warranties, covenants, conditions precedent, closing logistics and post-closing obligations.

Students work on a fictitious corporate acquisition from letter of intent through stock purchase agreement to closing documents, with emphasis on drafting, but including some discussion of structuring the transaction, negotiating strategies and practice negotiations. Course work includes weekly in-class drafting exercises, frequent written take-home drafting exercises and some required reading. Prereq.: Corporations I.

**Corporate Finance.** This course examines the legal rules governing financial transactions within a corporation and between the corporation and its shareholders. The course will also cover financing the corporation and organic changes, including mergers, consolidation, recapitalizations and charter amendments. Prerequisite: Corporations I.

**Corporations I.** This course involves the study of the law affecting the American modern private business corporation. It deals with problems connected with organizing and funding a new corporation, the control and management of the corporation, the duties of directors, officers and controlling shareholders and liability for breach of these duties, and with transactions in shares of the corporation by directors and other insiders, including the impact of U.S. securities laws upon such transactions. Prerequisite for several upper level elective courses.

Corporations I-Practice1. This course will introduce students to some basic tasks required for legal practice in the area of Corporations. Students are required to be registered, or previously enrolled, in the substantive course.

Criminal Defense Investigation and Discovery. Using the Theory of Defense as the guide by which all else follows, this course will explore the components of an effective defense of the criminally accused, with special consideration being given to the unique problems presented when representing the indigent defendant. Beginning with the initial accusation and going up to the eve of trial, the course will address the various components of an effective defense. These include brainstorming, developing the Theory of Defense, client interview, witness interviews, effective case investigation, aggressive pursuit of formal discovery, and pre-trial motions practice. As the various topics are covered, the ethical issues commonly occurring will also be discussed. Students will be required to apply the lessons of the class in a final project where the act as defense counsel.

Criminal Procedure Capstone. Criminal Procedure Capstone is designed to prepare students for the transition to criminal defense practice. The course will focus on pre- and post-guilty plea process. Students will participate in a simulation of the federal sentencing process, including writing a sentencing memorandum and arguing a client's position at a sentencing hearing before a guest judge.

Criminal Procedure I. This introductory course deals with the constitutional aspects of various police practices, focusing primarily on the Fourth, Fifth, and Sixth Amendments to the US Constitution. The course specifically addresses the right to counsel; arrest, search and seizure; wiretapping, electronic eavesdropping and the use of secret agents; police interrogation and confession; and the scope and administration of the exclusionary rules. Recommended prerequisite for Criminal Procedure II.

Criminal Procedure II. This continuation of Criminal Procedure I deals with the defense of entrapment; eyewitness identifications and lineups; pre-trial release; the decision whether to prosecute; the preliminary hearing; grand jury investigations and review; the location and scope of the prosecution; the right to a speedy trial, notice, discovery and disclosure; coerced and negotiated guilty pleas; trial by jury; the criminal trial itself; double jeopardy; and appeal.

It is recommended that Criminal Procedure I be taken first.

Critical Race Theory (CRT) developed in the early and mid-1980s as a response to both the substance and style of conventional legal scholarship. Substantively, critical race scholars rejected formal equality, individual rights, and color-blind approaches to solving legal problems. Stylistically, they brought narrative forms and post-modern and post-structural analyses into the methodology of legal scholarship. In this course, students will examine the genesis of CRT and its subsequent development, and will explore further CRT's possibilities and limitations. The course addresses some of the following questions: Has CRT been successful, in light of its theoretical commitments, in changing the law and/or the lives of marginalized people for the better? How have non-legal scholarly disciplines influenced and impacted the development of CRT? Is there such a thing as "critical race praxis, and if so, what does it mean and require?

Current Prob. in International Women's Human Rights. Students in this course will undertake a

study in the status of women's human and legal rights globally. The course will focus on the current status of the rights of women in a variety of countries and cultures, and as they relate to issues of health, personal and political rights. The students will examine the role of domestic laws, international human rights instruments and traditional cultural values as they define the rights of women.

**Disability Law.** Although major federal laws on disability discrimination existed before 1990, it was not until the Americans with Disabilities Act (ADA) was passed that there was a comprehensive statute applying to virtually all aspects of an individual's life experience. The primary goal of this course is to introduce students to the major federal substantive law relating to rights of individuals with disabilities, primarily relating to nondiscrimination. Another important goal of the course will be to focus on the underlying philosophy of disability rights law.

**Domestic Violence: Client Counsel (Field Experience-2L).** Limited Enrollment. This two classroom credit course teaches client counseling in the line-client setting at the domestic violence clinic located at Legal Aid of Greater Cincinnati. This class can be substituted for the required Client Counseling course. A separate email will detail specific enrollment instructions and obligations.

**Domestic Violence: Client Counsel Context (2L).** This two classroom credit course teaches client counseling in the live-client setting at the domestic violence clinic located at Legal Aid of Greater Cincinnati. See below for description of field placement. There is a one credit class held at the law school. The time and place of the class will be determined in accordance with the student schedules. This class can be substituted for the required Client Counseling course.

**Domestic Violence Civil Protect (Field Placement 3L).**

**Domestic Violence and Civil Protection Order Clinic.** In this one-semester clinical program students advocate for victims of domestic violence, sexual assault and stalking in civil protective order hearings. Students address family law issues that arise in the protective order context, including child support and custody. Full representation is provided from initial interview through final hearing. Students have primary responsibility for cases, including conducting the court hearings, investigation and trial preparation. The clinic is in partnership with Legal Aid of Greater Cincinnati and students work at Legal Aid 12 hours per week. In addition, students attend a weekly class at the law school, and participate in individual supervision.

**Education Law.** Examines legal issues encountered at all levels of education. The course will focus on such problems as academic freedom, curriculum control, censorship, mandatory education, church - state issues, faculty and student rights, tort and civil rights liability of educational institutions, and educational opportunity, including rights of the handicapped.

**Employee Benefits Law.** This class focuses on the law controlling the provision of benefits to employees: the Employee Retirement Income Security Act of 1974, commonly called ERISA. Containing both labor law and income tax provisions, ERISA applies to businesses that provide retirement and welfare benefits to their employees. Students will consider the practical application of the Act in representing the business owner. (Taught every other year)

Employment Law. This course focuses on the legal relationship between employer and the individual employee. It will cover the common law aspects of that relationship, particularly contracts and torts. It will then examine statutory modifications of the common law. Statutes that may be examined include ERISA, the Civil Rights Acts, whistle-blower protection legislation, unemployment and workers compensation acts, Fair Labor Standards Act and OSHA. The course is recommended for students contemplating a labor law, corporate or general practice.

English Legal History. Survey of English legal history from the Norman Conquest to the Glorious Revolution. The course is intended to provide students with a historical background to and perspective on their present study and future practice of Anglo-American law.

Environmental Law I. Surveys the government's role in environmental protection, including the scope and nature of governmental control. Topics covered include pollution control, toxic substances and hazardous waste, as well as conservation measures.

Environmental Law-Practice 1

Environmental Law II

Estate and Gift Tax. This course examines the three federal taxes imposed on the transfer of family wealth: the Gift Tax, Estate Tax and Generation-Skipping Tax. Prerequisite: Federal Income Tax.

Estate Planning. This course explores tax, non-tax and Medicaid aspects of planning for the transfer of family wealth. The primary tax planning focus of the course is developed through study of the use of various techniques, including transfers between spouses, lifetime gifts (particularly gifts to children), charitable gifts, intra-family transfers and life insurance. Non-tax issues considered include the role, duties and ethical obligations of the attorney, as well as the use of durable powers of attorney and living wills. Medicaid issues considered include the desirability of planning to ensure that the government, rather than the family, is financially responsible for a parent or grandparent's nursing home care, as well as specific planning techniques to achieve this result. Prereq.: Fed. Income Tax. Recommended prereq.: Wills, Trusts and Future Interests; Estate and Gift Tax.

Evidence. This course focuses on the proof of facts in a trial court. Common law doctrines are contrasted with evidence rules created by statute as exemplified by the Federal Rules of Evidence.

Family Law. Primary focus is on the relationship between law and the family in the context of the creation, maintenance and restructuring of domestic relations. Special attention is given to the nature of marriage, separation, divorce, dissolution, support, alimony and child custody.

Federal Courts. This course addresses issues of federalism and separation of powers raised by statutes and doctrines which establish and limit federal court jurisdiction. Among the matters addressed are standing, legislative courts, congressional power over federal jurisdiction, the

Eleventh Amendment, and the abstention doctrines. Also considered are the role state courts play in the formation and application of doctrines.

Feminist Jurisprudence. Feminist jurisprudence is about putting theory into practice and that is the guiding principle of this course. Students will study various schools of feminist legal thought, including liberal, radical, cultural, postmodern, and critical race feminisms, as well as related issues from lgbtq studies. While grounded in these theories, students will at the same time explore applied feminist scholarship and practice, as well as the possible meanings of "social justice feminism." Each student will be required to complete a project that "performs feminist jurisprudence." Opportunities will be available for students to work on projects in connection with various community organizations such as the Legal Aid Society of Greater Cincinnati, Legal Aid of the Bluegrass, the University of Cincinnati's Women's Center, and the College of Law's Domestic Violence/Domestic Relations Clinic.

First Amendment Seminar. Directed principally at exploring freedom of speech and freedom of religion, this seminar enables each student to consider both the historical development of and contemporary cases and issues related to the First Amendment.

Food, Drug and Safety Laws. Examines regulation of products used by consuming public. Covers Food and Drug Administration, Consumer Product Safety Commission and certain Environmental Protection Agency regulatory programs.

Foreign Exchange/Study Abroad. Special circumstances-permission/approval required prior to enrollment. Foreign Exchange/Visitor

Forensic Sciences. This course is designed to familiarize the student with contemporary scientific evidence and expert witnesses with an extensive discussion of applicable law including Daubert. The course will explore how to effectively use and oppose expert testimony. Various experts will present their specialties with an eye towards what the lawyer needs to know about the particular scientific area. Topics may include DNA, pathology, anthropology, fingerprints, crash reconstruction, firearms and toolmarks, arson investigations, and eyewitness identifications. Speakers are selected in response to current developments and legal issues.

Freedom Center Journal: Editor. The Freedom Center Journal of Law and History is to engage its readership on issues historically driving African-American intellectual thought while challenging its student membership to fully develop their individual talents to compete on terms of academic equality in an international society governed by law and legal institutions.

Freedom Center Journal: Staff. Open only to Journal staff members.

Gender and the Law. Following an overview of the history of discrimination against women in the United States, this course examines the development of sex discrimination law in the context of employment, education, domestic relations, criminal and constitutional law. The course will also consider the work of feminist legal theorists and the advisability of various theoretical approaches.

Habeas Corpus and Post Conviction Remedies. This class will focus upon practical and procedural issues involving criminal post-conviction remedies at both the state and federal levels. The class will examine not only the constitutional aspects of collaterally attacking a conviction, but will also address the mechanics of litigating post-conviction appeals. While not excluding other types of cases, the class will concentrate on the death penalty, using as a model a current case. Prerequisite: Criminal Procedure I.

#### Health Care Enterprise

Health Care Law. This class explores the financing and regulation of health care, bioethics, the various structures of health care organizations, the physician-patient relationship, professional liability of health care providers, and tort reform for medical injuries.

Human Rights Seminar. This course examines the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights, and Economic, Social, and Cultural Rights along with several treaties which have been promulgated relating to such matters as genocide, refugees, racial discrimination, and the political rights of women. Using a problem-oriented approach, students engage in a number of lawyering roles such as presenting testimony before the Senate Foreign Relations Committee, oral argument before the U.S. Supreme Court, and drafting a petition for submittal to the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities.

Human Rights Quarterly: Editor. Participating students engage in the selection and editing of articles for publication in the University of Cincinnati Human Rights Quarterly. Students also write notes and comments for publication in the Quarterly. Open only to student contributors to the Quarterly.

Human Rights Quarterly: Staff. Participating students engage in the selection and editing of articles for publication in the University of Cincinnati Human Rights Quarterly. Students also write notes and comments for publication in the Quarterly. Open only to student contributors to the Quarterly.

Immigration and Nationality Law Review: Editor-in-Chief. Participating students engage in selection of articles for publication in the Review. Students also write notes and comments for publication in the Review. Open only to student contributors to the Review.

Immigration & Nationality Law Review: Staff. Open only to the student contributors of the law review.

Immigration Law and Policy. Students are introduced to national and international legislation and decisions concerning the entrance and residence in the United States by aliens, including the social, economic and political aspects thereof.

Indigent Defense Clinic. The Ohio Justice and Policy Center has established an indigent criminal defense clinic in cooperation with the Hamilton County Public Defender, the University

of Cincinnati College of Law, and Northern Kentucky University-Chase College of Law. Preferential consideration, consistent with governing law, will be given to clinic graduates for open staff attorney positions. Students must qualify as legal interns under the Ohio Supreme Court rules. Accepted and enrolled students commit to both semesters of the third year and earn a total of 8 credits (1 classroom and 3 non-classroom credits per semester). Prerequisites include Criminal Procedure I, Evidence, and an intensive ten-day trial advocacy training session in August before regular classes begin in the fall semester. Thereafter, students meet every other week for two hour classroom sessions on such topics as building a theory of defense, jury selection, plea negotiations, pretrial detention and bail, and case management. Students commit approximately 15 hours per week to litigating cases assigned by the Hamilton County PD's office in consultation with the OJPC staff attorneys. Under supervision, students will handle all aspects of the litigation process.

#### Indigent Defense Clinic: Field Placement

Individual Research Project(1) (2) or (3). Under the direct supervision of a member of the faculty, upper level students engage in original research and prepare for credit a substantial work product. The research project is selected jointly by the student and faculty member. Customarily, the final product will be a research paper, and, in that case, the paper must be 10-15 pages long for a one credit, 20-30 pages long for two credits, and 35-50 pages long for three credits.

Innocence Project: Wrongful Convictions. In this course, students examine the various types of evidence that might lead to the wrongful conviction of innocent persons. They will also consider the roles police, prosecutors, and defense lawyers play in the criminal justice system, with an emphasis on discovering how errors can lead to the conviction of the innocent.

Innocence Project: Field Placement. Students are assigned to one or more cases of Ohio inmates convicted of serious crimes who have steadfastly maintained their innocence. Working with volunteer attorneys, students will consider and select investigative avenues which show promise for establishing that the case was wrongly decided. The goal of the project is to obtain the release of innocent inmates.

#### Int'l Bus.Trans. Practice 1

International Business Transactions. This course is intended to prepare students to represent clients in a variety of business transactions that contain international elements. The emphasis is on the formation and enforcement of agreements between private commercial parties and on the anticipation and recognition of issues that are peculiar to, or are especially prevalent in, international business. The course follows a sequence of increasingly complex transactions, from the isolated purchase and sale of goods, through sales through distributors and licensing, to foreign direct investment. Topics include: the formation of the basic commercial transaction; financing the international sale of goods; (agency and distributorships;) licensing of intellectual property; establishing and operating a foreign investment; corruption; and dispute settlement. Although discussed in summary, the international regulation of national trade laws, through the WTO and regional agreements such as the NAFTA, is the subject of a separate course on International Trade.

**International Commercial Arbitration.** International arbitration has increased as a function of world trade. With parties unwilling to accept the risks of litigation in the local courts of their foreign business partners, international arbitration agreements have become the leading mechanism for the resolution of international commercial disputes. This course gives students a basic foundation in the mechanics of international commercial arbitration and an understanding of the tactical choices that frequently confront international arbitration practitioners. In particular, the course will examine systematically, through statutes, rules, national and international cases, and treaties, the establishment, operation, and implementation of awards of international commercial arbitration tribunals; the role of national courts in compelling, facilitating, and enforcing or vacating arbitral awards; and policies currently under consideration for changing arbitral practices.

**International Criminal Law.** This course introduces students to international criminal law. It will cover principles of jurisdiction, individual and state responsibility, and international cooperation in enforcement. The course examines the prosecution of international crimes in international tribunals, including the new International Criminal Court. Finally, the substantive law of international crimes and foreign implications of domestic offenses will be considered.

**International Environmental Law.** This course covers the nature and causes of global and international environmental problems, international law and institutions for environmental protection, and relationships between developed and developing countries. It examines to what extent American courts can address international environmental problems such as global warming. The course fulfills the seminar requirement. Students are welcome to take the course even if they have not taken Environmental Law I.

#### International Intellectual Property

**International Law (Public).** This course is an introduction to the international legal system and particularly its decision-making processes – how international law is made and applied; the institutions created for making decisions; and the various legal regimes that are established. Consideration will be given to formal as well as operational prescriptions and practices. The role of power in this system will be candidly acknowledged, and the problems and opportunities it presents will be explored. Special attention will be given to: (1) theory; (2) participants in the system; (3) nationality and human rights; (4) regulation of the use of force; (5) regulation of international agreements; and (6) allocation, protection and regulation of natural resources.

**International Trade.** This course examines international trade law, focusing on the World Trade Organization (WTO) and the international agreements that are part of the WTO system, the General Agreement on Tariffs and Trade (GATT), and regional trade agreements. Areas include basic international trade theory and policy, procedural and substantive aspects of the WTO system (including dispute settlement procedures), trade barriers, principles of nondiscrimination, dumping, subsidies, and trade restrictions relating to health, development, the environment, intellectual property, and relief from import competition.

**Intensive Practical Lawyering Skills.** This is an intensive course designed to give students insight into the day-to-day work of practicing lawyers and to provide students the opportunity, through simulation, to learn and practice fundamental lawyering skills. Students will develop

professional skills as they interview and counsel the client, draft pleadings, depose the opposing party in preparation for litigation, assist the client's decision-making, and negotiate on behalf of the client. These skills are developed through a framework designed to present the student with a theoretical context for better understanding the importance of practical lawyering skills.

Introduction to Intellectual Property. This broadest and most basic course gives roughly equal time to the three primary federal doctrines in the area, copyright, trademark, and patent, and gives students a brief introduction to related state law doctrines such as rights of publicity and trade secrets. This course provides students with the basics of each doctrine as well as an understanding of the ways in which they interact with each other. This course is a prerequisite to other IP courses in the Program.

Introduction to IP-Practice1. This course will introduce students to some basic tasks required for legal practice in the area of Intellectual Property. Students are required to be registered, or previously enrolled, in the substantive course.

JD/Ctr Constit'l Rts/Conf.Pres. Special permission granted in advance by Faculty upon completion of program proposal.

JD/Ctr.Con'l Rts FE

JD/Ctr.Con'l Rts Tutorial. special permisison required.

JD/WS Conference Presentation. As a way to bring back the student's experiences to benefit the law school community and the Center for Women's Studies, each student would be required to present her or his experiences and research as a conference paper at a forum that will be open to students and faculty at the College of Law and the Center for Women's Studies.

JD/WS Extern. The student would work full-time at a national public interest organization for ten weeks of a semester (most likely beginning in the second week of the semester). The National Women's Law Center in Washington DC sponsored a student in 2002 with other preliminary inquiries in several high-profile organizations who are excited to participate in this program. The College of Law would set up these placements.

JD/WS Tutorial Component. As a contemporaneous classroom or tutorial component, this course offering will engage the student and faculty member in regular "meetings" via telephone or email to discuss selected readings throughout the semester. Students then would be required to submit a seminar-length paper at the end of the semester. The student would have three weeks at the end of the semester to finalize and polish this paper.

Judicial Extern Class. The class component of the Judicial Extern Program covers writing for judges and proper conduct for judges and judicial clerks. Students must enroll concurrently in the Judicial Extern Field Placement. (Students may not enroll concurrently in the Criminal Law Extended Externship or the Judicial, Legal, Mental Health Law, and Street Law extern programs.)

Judicial Extern Field Placement. The work performed in the judicial extern field placement is

essentially the same as that performed by a law clerk to a judge. It usually involves preparing memoranda on cases, reviewing case files, drafting opinions and orders, attending court and conferences. The precise tasks performed, however, depend upon the type of court and the style of the judge. Students must enroll concurrently in the Judicial Extern Class and may not enroll in other Extern Programs.

**Justice and the Legal System.** This course examines various tensions between law and justice in the legal system. By focusing on the role of justice in advocacy, the course will endeavor to equip students to be more effective advocates. By focusing on the function of justice in judicial decision-making, the course will endeavor to provide greater insight into the influence of justice in judicial decisions. The grade in this course will be based on participation in class discussion, as well as upon a paper.

**Juvenile Law.** This class examines the status, rights, and obligations of children, parents, and government related to children's issues. It will focus on the areas of dependency, abuse, neglect, and other topics related to child advocacy as time permits. The course will also examine the role of the lawyer in adjudicating cases related to juvenile law.

#### Labor & Employment Rights

**Labor Law.** Areas covered in this survey course include organization, representation, and collective bargaining; strikes, picketing, boycotts, and other economic pressures; economic pressures by employers such as lockouts and subcontracting; and union security.

**Law and Popular Culture.** This course will study law-related films within basic traditional legal training, using film and film theory as tools to gain access to other aspects of the law. There is a distinction between research in law and research about the law. Film can tell us much about the law. Traditional disciplines do not always provide the direct encounter with concrete experiences of daily living that literature and film can achieve.

**Law and Psychiatry (Introduction to).** Considers the structure of the mental health profession by addressing duties owed by practitioners and researchers to patients or clients, such as the obligation to preserve the confidences and privacy of the client. The seminar will also consider issues related to mentally ill or incapacitated individuals and their interaction with the American legal system.

**Law Review 3L.** Participating students engage in the selection and editing of articles for publication in the University of Cincinnati Law Review. Students also write notes and comments for publication in the Review. Open only to student contributors of the Review.

**Law Review 2L.** Participating students engage in the selection and editing of articles for publication in the University of Cincinnati Law Review. Students also write notes and comments for publication in the Review. Open only to student contributors to the Review.

Law Review Contributing Editor. By permission only.

Law Review Editor/Executive Editor. Participating students engage in the selection and editing of articles for publication in the University of Cincinnati Law Review. Students also write notes and comments for publication in the Review. Open only to student contributors of the Review.

Law, Literature, and Feminism. This course focuses on legal and literary language and narratives. Specifically, students will examine various literary texts that "perform feminist jurisprudence" by providing a forum for the expression of women's stories and experiences that the law may fail to take into account or consider irrelevant. Students will read several novels, short stories, essays, and poems written by authors of different eras, races, ethnicities, genders, classes, and sexual orientations. Students also will read related statutes, court opinions, and critical articles that help them dialogue on the multiple and possible meanings of feminist jurisprudence.

Legal Drafting. The first half of the class will focus on drafting contracts. In addition to some drafting exercises, students will draft a simple contract and a complex commercial contract. In the second half of the course, students will draft a will, a power of attorney, and a pre-nuptial agreement.

Legal Ethics. In this course, students consider the lawyer-client relationship in the context of realistic scenarios, evaluating the complex choices an ethical lawyer must make to establish an effective lawyer-client relationship. Following an examination of the ABA Model Rules and the Ohio Rules of Professional Conduct, students consider the ethical components of the lawyer-client relationship, with an emphasis on competency, confidentiality, and conflicts of interest. Required to graduate.

Legal Extern Class. The classroom component of the Legal Extern Program emphasizes practical lawyering skills, law office economics, and ethical issues. Students must enroll concurrently in the Legal Extern Field Placement. Students may not enroll concurrently in the other extern programs.

Legal Extern Field Placement. Legal externs work under the supervision of attorneys in local, state and federal public agencies, as well as for legal aid and other non-profit organizations in the private sector. Students must enroll concurrently in the Legal Extern Class.

Legislation and Statutory Interpretation. This course explores some of the various procedural, constitutional, and jurisprudential issues raised by the role that the state and federal legislatures now play in our constitutional order. In particular, the course will focus on legal questions relating to the manner in which representatives are elected; procedures governing and protecting legislative deliberation; representatives' powers, privileges, and duties; and the interpretation of statutes by courts and administrative agencies. Chief among the many aims of the course is to introduce students to the legal problems posed by legislative government, in the hopes that as practicing lawyers they will be more effective participants in the legislative process and the subsequent implementation of statutes.

Licensing Intellectual Property. Transactions to convey intellectual property (IP), which includes patents, trademarks, trade secrets, and copyrights, are a crucial part of business and technology law. Details of simple licenses will be taught in general as well as with reference to issues unique to the specific type of IP involved. Aspects of more complex licenses, due diligence to assess licensing opportunities, IP audits, and resolution of licensing disputes will also be described. Introduction to Intellectual Property required; Corporations I recommended.

Media Law: Issues and Problems. This seminar will explore current issues in the law as it relates to media. Students will examine such topics as libel, discovery of editorial materials and privileges, privacy and news-gathering torts, and access to information, including issues arising under the Freedom of Information Act. Throughout the course, hypothetical "problems" will be used to illustrate the points being discussed.

Mediating in Neutral. This class will focus on the neutral mediator's perspective, a perfect complement to the Mediation Advocacy Workshop. Prior or concurrent negotiation course enrollment is strongly recommended.

Mediation Advocacy Workshop. The course includes an introduction to mediation processes, contrasting mediation with litigation and direct negotiation. Classroom exercises and discussion prepares students for interviewing and counseling the client, representing the clients' broader range of interests in mediation, and achieving optimal outcomes. Students are introduced to basics of negotiation strategy in a mediation context, particularly as these are affected by the mediator's involvement, and review the legal framework for mediation confidentiality and enforcement of mediation agreements, as well as ethical issues in mediation advocacy.

Mental Health Expertise: Criminal Procedure. This course is intended for students who wish to learn more about the roles and uses of mental health expertise in criminal law proceedings. Students whose anticipated career paths may include criminal defense or prosecution will find this course especially valuable. Course topics include waiving Miranda rights, false confessions, trial competence, pro se defendants, mental state defenses, sex offenders, violence prediction, capital punishment, juvenile delinquency, and malingering.

Mental Health Law: Civil Commitment

Moot Court. This is a skills course involving advanced argumentation and persuasion via the preparation of a partisan appellate brief. Oral arguments are required. Offered to second-year students in the first semester. Prerequisite for all other Moot Court course offerings.

Moot Court Douglass Competition. Participating students represent the College of Law at the Frederick Douglass Moot Court Competition. Permission of the Moot Court Faculty Advisor is required before enrolling. Prereq.: Moot Court.

Moot Court Editor. Selected third-year students critique, annotate, and discuss oral arguments and written briefs submitted in Moot Court - Fourth Semester. Prereq.: Moot Court - Fourth Semester

Moot Court Fourth Semester. Participating students represent the College of Law in various intercollegiate moot court competitions. Prerequisite for Moot Court - Senior Semester. Prereq.: Moot Court.

Moot Court Jessup International Competition. Participating students represent the College of Law at the Jessup International Moot Court Competition. Permission of the Moot Court Faculty Advisor is required before enrolling. Prereq.: Moot Court.

Moot Court Rendigs Problem Writer. Permission from instructor is required.

Moot Court Senior Semester. Participating students represent the College of Law in intercollegiate National Moot Court Competition. Prereq.: Moot Court - Fourth Semester.

National Security Law. This course introduces students to National Security Law. Areas of coverage include: the international law of conflict management, American security doctrine and deterrence, security aspects of sea and space law, the national institutional framework, individual rights and responsibilities, and other national legal issues. The Foreign Intelligence Surveillance Act (FISA) and the Classified Information Procedures Act (CIPA) will be considered.

Negotiations. In this course students learn the "science and art" of negotiation. Students are introduced to significant literature and theory in negotiation and have the opportunity to practice negotiating through a sequences series of negotiations simulations. For the final exercise in the course, law students work with "real clients" from UC's business school program to negotiate settlement of a complex business dispute.

Patent Law. This course examines the federal statutory system of protection for useful, novel, and non-obvious inventions and those developments that enrich the technological arts. Although not a requisite, students with a science background will find it helpful to them in this course and this field. Prerequisite: None. Recommended: Introduction to Intellectual Property Law. This course is a prerequisite to other courses in the Patent Program.

Patent Litigation & Strategy. This is a perspective course focusing on the unique procedural, substantive and strategic aspects of patent litigation. The course will benefit students seeking to acquire broad-based litigation skills as well as those with specific interest in patent law. Specific topics include claim interpretation, the interrelationship between written descriptions and claims, proof of infringement, special issues in attorney/client privilege and waiver, discovery of confidential information, validity issues, patent remedies and defenses. Students will have the opportunity to prepare written pleadings and briefs and to orally argue claim interpretations and infringement/non-infringement positions in simulated hearings and/or motions. Performance on these projects will form the basis for student assessment.

Patent Office, Practice and Procedure. This course provides students with "hands on" experience in conducting patent practice before the United States Patent and Trademark Office. Topics include patent searches; patentability opinions; patent drafting; filing; responding to correspondence from the Patent Examiner; and conducting litigation before the Board of Patent Appeals and Interferences and the Federal Circuit Court of Appeals. PREREQUISITE: Patent

Law.

**Payment Systems.** This problems-based course covers Articles 3, 4 and 4A of the Uniform Commercial Code. It includes what has been traditionally known as "commercial paper" and the law of negotiable instruments, now codified in Article 3, the check collection system under Articles 3 and 4, and funds transfers under Article 4A.

**Political Trials.** A political trial is one where the prosecution or the defense is politically motivated or where the results will have a substantial political impact. The course provides an understanding of what a political trial is and why they take place and will explore the connection of law, politics, and the social and historical trends in the country. Among the trials to be considered will be the Scopes Monkey Trial, the Rosenberg Spy Case, and the Chicago 7 Conspiracy Trial.

**Poverty and the Law.** This course seeks to impart an appreciation of the role of the law as a significant factor in creating or reinforcing social and economic conditions in society. Questions addressed include: what are the problems of the poor generally, as well as of specific sub-populations of the poor? How does the law impact on these problems, for better or worse? How do courts and legislatures contribute to solutions? A body of caselaw, including constitutional law, is considered, along with writings of economists, social scientists and theorists.

**Product Liability.** This course examines injury compensation systems that allocate the costs of harm to product makers, insurers, and consumers. Prepares the student for active participation in litigation, risk avoidance counseling, and the legislative and regulatory systems that impact on safe products.

**Real Estate Transactions.** This class focuses on practical, real life situations involved in residential and commercial real estate transactions. The emphasis of the course is on drafting documents appropriately, in order to avoid disputes. Areas covered includes: Attorney's and broker's roles in the transaction; the contract of sale; due diligence during the transaction; title assurance; and financing.

**Remedies.** This course covers all forms of ultimate relief in civil actions: damages, restitution, equitable relief. The first portion deals with the damages remedy in tort, contract, real property, and personal property litigation. The second unit analyzes the alternative remedy of restitution, in law and equity. The course concludes with those cases governing specific relief in equity, specific performance in contract and injunctions in tort.

**Research Seminar: Law, Literature and Philosophy.** Traditionally, lawyers have played central roles in the organization of society and the administration of justice. They also further the interests of their clients through persuasive argumentation. Using a number of "great books," this seminar will examine forms of argument and forms of legal authority.

**Research Seminar: Energy Policy/Climate Change**

**Rules of Legal Writing.** Students enrolled in this course study and practice ways to improve their writing. Using a set of specific rules for enhancing writing, students analyze and correct examples of poorly written material and compose and correct original material. With emphasis on plain English, this course is designed to improve understanding of the grammar and composition skills necessary for effective legal writing.

**Sales.** This course deals primarily with the sale of goods under Article 2 of the Uniform Commercial Code. In it, we will master code-reading and basic Article 2 doctrines. Students also examine how the law of the sale of goods differs from the common law of contracts, particularly with respect to the relevant law of warranties, performance, risk of loss, and remedies. Students explore the reasons, both practical and theoretical, for the substantive differences between Article 2 and common law contracts. Finally, the course examines, to varying degrees, the related law of leases of goods (under Article 2A of the UCC), contracts for the international sale of goods (under the Convention of Contracts for the International Sale of Goods, or "CISG"), and the common law of real estate conveyances.

**Secured Transactions.** This course focuses on laws governing secured transactions, specifically as set forth in Article 9 of the Uniform Commercial Code. The topics addressed include the creation and perfection of security interests in personal property, priorities and remedies upon default in these secured transactions, and the interactions of the laws governing secured transactions with the Bankruptcy Code.

**Securities Regulation.** This overview of federal securities laws stresses the registration requirements of the Securities Act of 1933 and the regulatory provisions of the Securities Exchange Act of 1934. State securities laws are considered in general and the Ohio Securities Act is reviewed in particular. Prerequisite: Corporations I.

**Sexual Orientation and the Law.** This course explores the relationship between sexual orientation and the law, encompassing recent decisions by the United States Supreme Court, the Hawaii trial court's decision in the gay marriage case, the legislative responses, such as the Defense of Marriage Act. Constitutional privacy, the right to public access, the first amendment issues as they relate to sexual identity/orientation are examined.

**Sixth Circuit Appellate Clinic.** The class introduces students to the basics of appellate advocacy, with particular emphasis on practice before the US Court of Appeals for the Sixth Circuit. Students will have the opportunity to work with an attorney for the federal government on cases pending before the Sixth Circuit. Students will also be expected to attend argument at the Sixth Circuit and to participate in a moot oral argument. Prerequisite: Evidence. Recommended: Criminal Procedure I.

**Sixth Circuit Clinic - Field Placement**

**Street Law Extern Program.** Each law student teaches the Street Law curriculum at an area high school during one fifty-minute section three days per week. The curriculum includes legal topics such as introduction to law, family law, constitutional law, housing law, criminal law and/or torts. There is also a classroom component in which the law students learn both the interactive teaching techniques and the substantive law they will be teaching. Students may not enroll

concurrently in the other Extern programs.

## Summer OIP Fellowship

Summer Public Interest Fellowship. Participating students work on projects for organizations that provide legal services to underserved populations. Reports at the end of the summer are made in accordance with requirements established by the supervising faculty member. Open only to students receiving summer work study and/or public interest fellowship funds.

Tax Policy. This course examines the United States federal government's method of raising revenue: criteria for a sound tax policy; the choice between an income and a consumption tax; tax treatment of the family; tax administration and the balance between customer service, administrative efficiency, and compliance. Prereq.: Federal Income Tax.

Trademark and Unfair Competition. This course examines the law governing trademarks and other means of identifying products and services in the minds of consumers. Instruction primarily will focus on the federal statute governing trademarks and unfair competition, the Lanham Trademark Act of 1946, but students will learn about state laws and state law doctrines in the field as well. Topics include the protectibility of marks, including words, symbols, and "trade dress"; federal registration of marks; causes of action for infringement, dilution, and "cybersquatting;" and defenses, including parodies protected by the First Amendment.

Trial Practice. The development of litigative techniques is stressed through student participation in simulated trial situations. Each aspect of the trial is studied and emphasis is placed upon strategy and fact management. Prereq.: Evidence.

Trial Practice Competition. Students will conduct extensive preparation for and will enter a regional trial competition in the Spring, under the supervision of attorney-coaches. Students who "win" at the regional level will participate in the national trial competition for no additional credit.

Trial Practice: Criminal Defense. This class concentrates on developing trial skills with a focus on representing the criminally accused. Beginning with developing the Theory of Defense, this class will expose students to all aspects of criminal defense trial work, including pre-trial motions, making and responding to objections, and each component of a criminal trial. The goal of the class is to provide an introduction to the zealous and effective representation of the criminal defendant.

Trial Practice: Mock Trial Competition. Students will conduct extensive preparation for and will enter a regional trial competition in the Spring, under the supervision of attorney-coaches. Students who "win" at the regional level will participate in the national trial competition for no additional credit. Formal completion of the three credit fall semester Trial Practice course as an attorney or service as a witness if certified by the instructor required for participation.

Venture Capital Financing and Private Equity. This intermediate/advanced course studies the

venture capital (VC) and private equity (PE) industries. The emergence of institutional VC and PE firms in the 1990s will be highlighted, as well as the legal and economic structures of such firms. How VC/PE firms operate is the primary focus of the course, with emphasis on how VC/PE firms screen, select and value investee companies, transaction structures, "down" round financing issues and investment "exits." A knowledge of corporate and other business entity law is an essential prerequisite. Familiarity with accounting, finance and securities law will be helpful to the student in this course.

**White Collar Crime.** This course examines the special problems of proving a guilty mind and a guilty act in the context of business and government activities. Specific emphasis will be placed on corporate criminal liability, personal liability in organizational settings, conspiracy, mail fraud, false statements, perjury and false declarations, obstruction of justice, bribery of public officials, and RICO: The Racketeer Influenced and Corrupt Organizations Act.

**Wills, Trusts and Future Interests.** This course covers the variety of ways in which people can arrange for the passage of their property during life or at their death. Students study common law and statutory methods of dealing with property left by a decedent who did or did not leave a will; the procedures and problems of creating, construing, contesting, or revoking wills and trusts; the concerns for providing for surviving spouses and other family members; the kinds of trusts available; fiduciary duties in the administration of estates and trusts; some of the methods for avoiding the probate of estates; and the details for the law of future interests (including the Rule against Perpetuities). Related tax questions may be discussed, but they are not emphasized.

**Worker's Social Legislation.** This course provides an introduction to the theory and practice of the state and federal laws which are intended to protect workers health and livelihood from the many risks of the work place. Specific topics include workers compensation, Occupational Health and Safety Act, Americans with Disabilities Act and the Family and Medical Leave Act.

**Wrongful Convictions: Causes & Remedies.** The course will address the primary causes of wrongful conviction, and the legal remedies. Each week a different topic will be presented. Examples of weekly topics include eyewitness misidentification, false confessions, junk science, bad defense lawyering, prosecutorial misconduct, "Brady" violations, etc. Students will read articles about this topic, and in class we might watch a video or have a guest speaker in addition to engaging in discussion about the topic.