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## 2009-2010 Course Catalog

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**MULTISTATE BAR EXAMINATION (MBE)**            |                                                                                    |                                     |                    |

**CALIFORNIA**                                 |                                                                                    |                                     |                    |

**HAWAII**                                     |                                                                                    |                                     |                    |

**NEVADA**                                     |                                                                                    |                                     |                    |

**NEW YORK**                                   |                                                                                    |                                     |                    |
THE HASTINGS CURRICULUM

INTRODUCTION
This catalog contains descriptions of courses, seminars and clinics that will be offered in 2008-09. Please see the 2008-09 Course Schedule for the most current listing of the particular courses available each semester, along with their specific times, rooms and instructors on the Hastings website. Updates to this catalog may also be found on the website after the June 2008 printing.

When planning your personal curriculum, keep in mind that you must complete 86 units and six semesters in residence, pass all required courses, and earn a cumulative grade point average of at least a 2.0 in order to receive a Juris Doctor degree conferred by the Regents of the University of California. Information regarding the number of units a student can be enrolled in each semester can be found in the July 2008 Academic Regulations and Other Rules Applicable to Students.

AN OVERVIEW
The practice of law is virtually unlimited in its breadth and diversity. The Hastings curriculum responds to that diversity by offering a large number of courses, including those that are fundamental to all forms of practice as well as those that reflect increased specialization. The first-year curriculum incorporates the fundamental courses best suited for introductory purposes. Other important "core" courses include: Constitutional Law, Corporations, Criminal Procedure, Evidence, Federal Income Taxation, Professional Responsibility, and Wills & Trusts. Students enroll in these courses during their second and third years. Other specialized courses are taken during the second and third years. Please note that prerequisites have been established for many specialized courses. Accordingly, you should plan your schedule carefully to achieve an appropriate sequence and allow for the optimum selection of courses.

CHOOSING PARTICULAR COURSES
Your goal in planning a class schedule should be to select a combination of courses that will provide insight into several areas of substantive law, advocacy, and research. No single field of law can be understood or practiced to the exclusion of all others. Thus, even though you may intend to specialize in a particular field, you should make additional selections outside that field to acquire the breadth of knowledge and variety of skills needed for effective representation of your clients. For example, a student interested in general private practice may wish to become familiar with subjects as diverse as administrative law, federal jurisdiction, family law, selected aspects of commercial and corporate law, taxation, criminal procedure, wills and trusts, consumer protection, and real property security. Further, nearly all students should plan to take some courses that provide training in advocacy skills, even if they do not intend to pursue a litigation career, since those basic skills apply to many of a lawyer's functions. Much of the practice of law involves the important tasks of research and counseling, skills that are of equal applicability in any type of legal career. Courses that study those skills therefore are particularly pertinent.

The perfect combination of substantive courses is not easily predicted; students who plan on a particular career while in law school frequently later find themselves deeply involved in fields they once considered remote. Thus, criminal law practitioners are likely to find that their cases involve problems of tax law and accounting, while corporate lawyers may find a need for knowledge of fields such as labor, antitrust, legislation, and administrative law. These unforeseen changes in career plans reinforce the need to acquire an education that spans many areas and provides a basis on which to practice in a variety of circumstances.

Bar examination requirements are described in a separate heading at the back of this book. As discussed there, designation of a course as "required by the bar" does not mandate you take it; however, many bar requirements duplicate the second-year "core" courses, and others may be desirable on their own merits. You must decide which courses best fit your long range career plans and the general goal of a broad education.

CHANGING YOUR MIND
A common experience among law students is that a significant change in their perceptions of law practice will occur sometime in the first two years of school. Students enter law school with varied -- and sometimes inaccurate -- impressions of the law, and later find that their perceptions of the content and work setting of various fields have been substantially influenced by course work and faculty members. Many students discover new areas of interest, which may displace other areas in which they previously had expected to be interested. Exposure to types of practice is affected further by placement interviews, externships and clinical placements, and part-time employment. Finally, interest in various types of work settings also is affected by each student's relative success in particular types of substantive courses, research experiences, and advocacy training. Don't let this distress you. You should expect that your career plans may shift, sometimes dramatically, before graduation. You should try to maintain considerable breadth
among the courses you choose, both to maximize the opportunity for change and broader exposure, and to explore specialized areas as your interests develop.

NARROWING THE CHOICES
Your greatest problem in planning your personal curriculum will be to reduce the number of courses to a feasible workload. Information on elective courses is set out under separate headings. Looking at those materials as they relate to the areas of study and practice described in the back of this catalog may provide some insights for that process.

AMERICANS WITH DISABILITIES ACT (ADA)
Hastings is obligated to comply with Title II of the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and other federal and state laws and regulations pertaining to persons with disabilities. The College Disabled Student Initiated Grievance Procedure may be used to address disputes concerning the accommodations process and other forms of discrimination based on disability, alleged to have occurred in any College program or activity. To obtain a copy of the grievance procedure or for more information regarding the procedure, please contact The Office of Student Services, (415) 565-4876, or the College’s ADA/Section 504 Coordinator, Marie Hairston, (415) 581-8868.

FIRST YEAR CURRICULUM
The first year curriculum offers the foundation for future legal study; over the first year, students gain the breadth of knowledge and key lawyering skills necessary for any type of legal career. This initial framework of knowledge and analytical skills is essential groundwork for the well-educated lawyer.

The entering class is divided into sections that remain together throughout the first year. All first-year sections follow the same curriculum consisting of the following 30 units: Civil Procedure, Constitutional Law, Contracts, Criminal Law, Legal Writing & Research, Moot Court or Legal Analysis, Property, Torts, and a statutory course.

CIVIL PROCEDURE I (4 UNITS) – FALL – (LAW*105)
Civil Procedure I studies civil litigation from the inception of a suit through trial and appeal. This course typically considers service of process, pleadings, rules governing joinder of multiple parties and multiple claims, discovery, pretrial, trial itself (with or without a jury), judgments, appeals, and preclusion.

CONSTITUTIONAL LAW I (3 UNITS) – SPRING – (LAW*120)
Constitutional Law I introduces and examines the structural provisions of the Constitution of the United States. The course focuses particularly on the provisions of the original Constitution, while later courses in Constitutional Law examine the rights-granting provisions of the Constitution, including especially the Bill of Rights and the Fourteenth Amendment. Topics covered in this course include judicial review and limits on judicial power, federalism and the powers of Congress, the dormant commerce clause, and the separation of powers.

CONTRACTS I (4 UNITS) – FALL/SPRING – (LAW*110)
This course introduces and explores the function of contracts in a free enterprise economy. It covers the evolution and application of common law doctrines and, where applicable, those provisions of the Uniform Commercial Code governing the contracts process, including mutual assent, consideration, reliance, conditions, interpretation of contract language, performance and breach, remedies, impossibility and frustration, beneficiaries, and assignments.

CRIMINAL LAW (4 UNITS) – FALL/SPRING – (LAW*115)
The purpose of this course is to introduce the principles and objectives of the criminal law and to explore its utility and limitations as a means of social control. The course covers general common law elements and principles, including actus reus and mens rea; general defenses, including insanity, ignorance and mistake, duress, self-defense, defense of others and of property, necessity, and entrapment; the criminal capacity of children and of corporations; theories of liability for various parties to crime; and vicarious strict liability. The focus is on the major common law felonies of theft, homicide, and rape; the inchoate offenses of conspiracy, attempt and incitement; and modern extensions of criminal liability by legislation.

LEGAL ANALYSIS (2 UNITS) – FALL/SPRING – (LAW*141)
This course will develop and refine legal writing and analytical skills that are necessary for solving problems across the curriculum. These skills include, in part, the ability to understand, organize, and apply the law to fact patterns. The class will explore methods to brief, outline, and write exams in various substantive law contexts drawn from first year courses. The students will develop skills in fact discrimination and analysis,
issue spotting, rule analysis, rule application and argumentation, organization, and use of precise and concise language. Statutory interpretation will be explored. Weekly writing assignments and in-class written exercises assist students to develop an effective and consistent approach for solving legal problems. Enrollment: Need instructor’s permission and/or advice of the Associate Academic Dean.

LEGAL WRITING & RESEARCH (2 UNITS) – FALL – (LAW*131-136)
This course, taught by practicing attorneys and student teaching assistants, emphasizes clear, precise writing and reasoning. Subjects covered include library skills, state and federal research, development of research strategies, citation format, and presentation of legal information.

This course is a pre-requisite for Moot Court.

MOOT COURT (2 UNITS) – SPRING – (LAW*970)
Prerequisite: Legal Writing & Research
This course will be taught during the spring semester of the first year for those not taking Legal Analysis; for those taking Legal Analysis, Moot Court must be taken during the spring semester of the second year.

This course, taught by practicing attorneys and student members of the Moot Court Board, introduces written and oral appellate advocacy. Moot Court topics are chosen from real cases pending before an appellate or supreme court. Students research the law and write an appellate brief on behalf of one of the parties, complete a videotaped practice of their oral argument, and perform a formal oral argument before a three-panel judge.

PROPERTY (4 UNITS) – FALL/SPRING – (LAW*125)
This course introduces and examines concepts of property ownership, possession, and transfer. It includes acquisition and protection of personal property; estates in land including present, concurrent, and future interests; leasehold estates; easements, covenants, and private controls of land use; some aspects of real property transfers, including deeds, descriptions, recording and priority, and the real estate contract; and an introductory treatment of nuisance, zoning and other public controls of land use.

TORTS (4 UNITS) – FALL/SPRING – (LAW*130)
This course examines the body of law directed toward the compensation of individuals for injuries to their protected legal interests. It includes liability for negligence and for intentional interference with person or property, and liability without fault (“strict liability”). Covered are doctrines including duty, breach of duty, causation, damages, and defenses. Other issues covered may include nuisance, misrepresentation, defamation, and alternative compensation schemes.

STATUTORY COURSES (3 UNITS)
An unusual aspect of Hastings’ first year curriculum is the Statutory Elective. The purpose of the elective program is to introduce students to an area of law that is dominated by complex regulatory statutes, which in turn are administered primarily by regulatory agencies. The current statutory offerings are Education Law, Employment Discrimination, Environmental Law, Federal Income Taxation, Immigration Law, and Legislation Law. In addition to their focus on the substantive law in these areas, the first year electives are designed to expose students to important topics of contemporary law, such as the drafting and enactment of statutes, agency interpretation and implementation of statutes and regulations, judicial review of agency actions, principles of deference, and an introduction to the separation of powers doctrine and related aspects of constitutional law.

The statutory courses are offered during the spring semester. Enrollment in the individual courses is conducted during the fall semester.

Education Law – Spring (LAW*188)
This course focuses on selected statutes in the California Education Code and the United States Code illustrating four major aspects of legislative law: (1) the legislative process; (2) intergovernmental checks and balances exercised by the judicial and executive branches in interpreting and implementing statutes and the California constitution; (3) principles of statutory construction and interpretation essential to reading statutes correctly; and (4) application of statutes to areas of contemporary interest in public education including student rights to free expression, home schooling, school safety, employment issues, and the relationship between state and federal law in the area of special education. The course will culminate in a mock expulsion hearing in which students will work in small groups to prepare for a hearing conducted in compliance with the statutory procedures and substantive law in the California Education Code, providing an opportunity to practice advocacy skills in an administrative setting.

Employment Discrimination Law – Spring – (Law*180)
We will study all the major federal and state employment discrimination statutes (e.g., Title 7,
Americans with Disabilities Act, Age Discrimination in Employment Act, California Fair Employment and Housing Act) with emphasis on the relationship among legislative, executive, and judicial branches in the development and implementation of public policy.

This course counts as a qualifying elective for the Public Interest Concentrations area.

**Environmental Law – Spring – (LAW*181)**

This course includes an introduction to administrative law and judicial review of agency action (standing, private rights of action, substantive standards of judicial review and principles of statutory interpretation), an intensive study of complex regulatory and resource management statutes (e.g. the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act), federal/state relations, and alternative approaches to pollution control and management of natural resources.

This course counts as a qualifying elective for the Public Interest Concentrations area.

**Federal Income Taxation – Spring – (LAW*182)**

The basic income tax course lends itself to the assemblage of 12-15 discrete problems, each requiring interpretation of a complex statute but dealing with issues sounding in common experience, such as employee fringe benefits, charitable contributions, interest deductions, casualty losses, spousal and child support arrangements, business expense deductions, sale of a personal residence, disposition of commercial real estate, and the tax treatment of other investment transactions. These topics can be studied with near-exclusive reference to statutory, legislative history, and administrative materials.

This course counts as a requirement for the Taxation Concentrations area.

**Immigration Law – Spring – (LAW*390)**

Immigration law provides an opportunity to explore a body of law from the perspective of judicial interpretation of the Constitution, statutes and regulations as well as the agencies’ interpretation of its regulations both through pronouncements of the Commissioner and the administrative appeal body (the Board of Immigration Appeals). Because the emphasis of the course will be on issues involving interpretation, we will be limited to an exploration of the areas of immigration most amendable to this analysis: grounds of inadmissibility and removability, asylum, and family immigration.

This course is not a prerequisite for the Immigrants’ Rights Clinic. Prior or concurrent enrollment in Immigration Law is required for the Clinic.

This course counts as a qualifying elective for the International Law and Public Interest Law Concentrations areas.

**Legislation, Statutory Interpretation, and the Administrative State – Spring – (LAW*184)**

This course aims to introduce students to basic principles of legislative drafting, the legislative process, judicial interpretation of legislation, and agency implementation of legislation. The course covers separation of powers principles, potential delegation issues, and provides a framework for students to appreciate the centrality of the administrative state in the design of our legal system. Although no “substantive” area of law is the sole focus of this statutory elective, the tools students will learn in the course will have wide application in their academic and professional lives.

This course is not a prerequisite for the Legislation Clinic. Prior enrollment in the upper division Legislative Process course is required for the Legislation Clinic.

This course does not count as a qualifying elective for the Public Interest Concentrations area.

**UPPER CLASS CONCENTRATIONS**

Hastings offers seven upper class concentrations. The seven areas of concentrated study are: Civil Litigation, Criminal Law, Intellectual Property, International Law, Law and Health Sciences, Public Interest Law, and Taxation. The purpose of the upper class concentration program is to permit students to focus their studies in an integrated manner. The faculty designated these seven areas based on student interest and faculty resources and expertise.

The courses that comprise each of the areas of concentration are set forth below. In addition, with the permission of the advisor for the particular area of concentration and if consistent with the Academic Regulations, students may receive unit credit toward fulfillment of the concentration for relevant classes taken at another law school or as part of an approved joint degree program. Moreover, with the approval of the faculty advisor, students may receive unit credit toward fulfillment of the concentration requirement for relevant independent studies, law journal writing, and interscholastic moot court competitions sponsored by the College.
The Records Office will maintain a list of the advisors for each of the fields of concentrated study, as well as an enrollment form for participation in the program.

**CIVIL LITIGATION**

Hastings has long enjoyed a particularly strong reputation for scholarship and training in the civil litigation field. The Civil Litigation Concentration offers students a chance to focus their studies in this area with an eye towards joining fellow alumni who rank among the most successful judges, litigators and mediators in the nation. The concentration's requirements include core courses, participation in a clinical program, judicial externship or advanced trial advocacy, and exposure to alternative dispute resolution. Students must also complete at least three electives from the breadth of relevant courses the Hastings faculty has approved for the concentration. The concentration provides the general litigation skills and knowledge required in practice, as well as opportunities to apply classroom learning in simulated and real-world environments. The electives allow students to focus on areas of law corresponding to their individual interest and desired blend of theory and practice.

Perhaps the most important requirement is the capstone Civil Litigation Concentration Seminar, which must be taken in the fall of the student’s third year of law school. The seminar fosters a sense of community among students with a shared interest in civil litigation, and between concentrators and faculty and others engaged in research and practice in the civil litigation field.

Advisor: Professor David Levine

**Total Units Required: 22**

**A. Required Courses [not fewer than 12 hours]**

- Civil Litigation Concentration Seminar (2)
- Evidence (3 or 4)
- Trial Advocacy I (2)
  -- and one course from each of the following two groups:
  
  **I. Alternative Dispute Resolution courses:**
  
  - Arbitration (2)
  - Alternative Dispute Resolution Seminar (2)
  - Advanced Negotiation: Multi-Party, Multi-Issue & Group Processes (4)
  - Mediation (3)
  - Negotiation & Mediation: Process & Practice (4)
  - Negotiation & Settlement (2)

  **II. Advanced Advocacy/Clinical courses:**

  - Civil Justice Clinic (Individual) (8)
  - Environmental Law Clinic (8)
  - Immigrants’ Rights Clinic (6)
  - Judicial Externship (6 or more)
  - Trial Advocacy II (3)

**B. Qualifying Electives [not fewer than 4 courses and not fewer than 10 units]**

- Administrative Law (3)
- Advanced Evidence Seminar (2)
- Advanced Legal Research (3)
- Advanced Negotiation: Art of the Deal (2 or 3)
- Appellate Advocacy (2)
- Bankruptcy & Creditors' Remedies (3)
- California Appellate Process (3)
- California Civil Procedure (2 or 3)
- Class Actions Seminar (2)
- Comparative Civil Justice Seminar (2)
- Complex Litigation (3)
- Conflict of Laws (3)
- Domestic Violence Law (3)
- Federal Courts (3)
- Federal Pretrial Litigation (2)
- Insurance (2 or 3)
- Intellectual Property Under State Law: Trade Secrets & Employee Mobility (2)
- International Litigation & Arbitration (3)
- International Litigation & Arbitration Seminar (2)
- Judicial Elections & the Role of the Judiciary
  In American Democracy (2)
- Judicial Externship (maximum of 3 units counted towards concentration)
- Judicial Process Seminar (2)
- Justice & Dispute System Design (3)
- Legal Ethics: Practice of Law (3)
- Litigating Class Action Employment (2)
- Mass Justice Seminar (2)
- Patent Litigation (2)
- Personal Injury Litigation (2)
- Pre-Trial Practice (2)
- Problem Solving & Professional Judgment in Practice (3)
- Remedies (3)
- Roles & Ethics in Practice (4)
- Science in Law Seminar (2)
- Scientific Method for Lawyers (3)
- Trial Objections (2)

[Additional courses from required lists I and II may
count as electives with the permission of the concentration advisor.)

**CRIMINAL LAW**

The criminal law concentration is designed to help students prepare for criminal law practice by providing a broad and integrated curriculum of theory, doctrine, and practice. All students must take the building blocks of the curriculum, Criminal Law and Evidence. Students are then given an opportunity to apply their knowledge in a clinic or the Legal Externship Program and Fieldwork that provides work in a criminal law clinical or field setting. Finally, students select from an array of electives and participate in the Criminal Law & Theory Concentration Seminar where they delve into cutting edge issues facing today’s criminal lawyer.

Advisors: Professors Bloch and/or Rappaport

**TOTAL UNITS REQUIRED: 22**

**A. Required Courses (11-12 hours)**

- Criminal Procedure (3 or 4)
- Evidence (3 or 4)
- A clinic or the Legal Externship Program and Fieldwork that provides work in a criminal law clinical or field setting (2 or more units)
- Criminal Law & Theory Concentration Seminar (2)

**B. Qualifying Electives (10-11 units, and not fewer than 4 courses)**

- Advanced Criminal Law Seminar: Issues in Criminal Defense (2)
- California Appellate Process (3)
- Capital Punishment Seminar (2)
- Criminal Practice Clinic (counts as two courses toward the concentration requirement)
- Criminal Procedure: Adjudicative Process (3)
- Criminal Punishment Seminar (2)
- Comparative Criminal Justice Seminar (2)
- Domestic Violence (3)
- Federal Criminal Law (3)
- Forensic Evidence Seminar (2)
- Judicial Externship (applicable to the concentration if the externship involves criminal issues to a substantial degree)
- International Criminal Law (3)
- International War Crimes Prosecution Seminar (2)
- Jurisprudence (2)
- Law and Morality Seminar (2)
- Law, Psychiatry, and Mental Health System (2)
- Legal Interpretation: The Language of Jury Instructions (2)
- Legislation Clinic (applicable to the concentration if the clinic involves criminal issues to a substantial degree)
- Local Government Law (applicable to the concentration if the clinic assignment involves criminal issues to a substantial degree)
- Post-Conviction Remedies (2)
- Prosecuting International Price-Fixing Cartels Seminar (2)
- Race, Racism, and American Law (3)
- Roles and Ethics in Practice (4)
- Scientific Method for Lawyers (3)
- Science and Law Seminar (2)
- Sociology of Criminal Justice Seminar (2)
- Theoretical Criminology (2)
- Terrorism and the Law Seminar (2)
- Trial Advocacy I (civil or criminal) (2)
- Trial Advocacy II (civil or criminal) (3)
- Trial Objections (2)
- Wrongful Convictions Seminar (2)

**C. Writing Requirement**

Students must successfully complete a paper that satisfies the writing requirement and that is substantially related to criminal law, criminal procedure, or criminal theory. The paper may be produced for any course or independent project. The director of the concentration will have the authority to determine whether the student’s topic satisfies the requirement. Students are encouraged to seek the director’s approval of their topic prior to embarking on a writing project.

**INTELLECTUAL PROPERTY LAW**

The Intellectual Property Concentration is designed to better prepare students who wish to practice in the intellectual property field. It is also designed to create a sense of community among committed intellectual property students and between concentrators and the intellectual property faculty, and thus facilitate networks for support and encouragement while students are at Hastings and beyond, into their careers. Students are first required to learn the basics, Copyright, Trademarks, and Patents.

Students are then able to take courses from the array of electives and skills-based offerings. These electives enable students to gravitate toward one area of Intellectual Property law, such as Patents, while the required courses guarantee that they will be competent to practice in other intellectual property fields, as is likely to occur during the course of their careers.
The concentration culminates during a student’s third year with the capstone Concentration Seminar. The Concentration Seminar is designed to integrate what students have learned in the core and elective courses and invite them to consider what lies ahead. The seminar explores the challenges posed by globalization and technological advances that will shape intellectual property law during the next several decades, and considers how the current intellectual property regime is likely to change in response.

Advisor: Professor Jeffrey Lefstin

TOTAL UNITS REQUIRED: 22

A. Required Courses (11-13 hours)

I. Core regime courses:

(a) Copyright Law (3)
   Patents & Trade Secrets (3)
   Trademarks & Unfair Competition (3)

- or -

(b) Intellectual Property (4) and at least one of the courses listed under (a)

II. At least one licensing or prosecution course:

   Intellectual Property Licensing Seminar (2)
   Patent Prosecution Seminar (2)
   Trademark Prosecution Seminar (2)

III. Intellectual Property Capstone Concentration Seminar (2)

B. Qualifying IP and IP-related Electives (9 – 11 hours) Classes that are taken to meet the concentration core requirement may not also be counted toward the elective requirement.

I. IP Electives:

   Administrative Law (3)
   Advanced Topics in Patent Law (2)
   Antitrust & Intellectual Property Seminar (2)
   Art Law Seminar (2)
   Bioethics Law & Society Seminar (2)
   Copyright Law (3)
   Cyberlaw Seminar (2)
   Digital Media Law (2)
   Entertainment Law (2)
   European Trademark Law Seminar (2) – offered in Spring 2009 only
   Genetics: Issues in Law & Policy Seminar (2)
   Intellectual Property Licensing Seminar (2)
   Intellectual Property Under State Law: Trade Secrets & Employee Mobility Seminar (2)
   International & Comparative Intellectual Property (2)
   International Patent Law Seminar (2)
   Law and Bioscience (3)
   Patent Litigation (2)
   Patent Prosecution Seminar (2)
   Patents and Trade Secrets (3)
   Trademark Prosecution Seminar (2)
   Trademarks and Unfair Competition (3)
   Venture Capital & the Start-Up Company (2)

II. Non-IP elective (a maximum of ONE of the following elective courses may be counted toward meeting the elective requirement:

   Antitrust (3 or 4) (a student may not count both Antitrust and Antitrust & IP towards electives)
   Business Associations (4)
   Corporations (3 or 4)
   Federal Courts (3)
   Health Law (3)
   International Business Transactions (3)
   Law and Economics Seminar (2)
   Political Economy of Law Seminar (2)

INTERNATIONAL LAW

For students who are interested in a career in international law, completing the international law concentration will help to distinguish them from other job applicants and will give them a broad knowledge of the subject area. The international law concentration allows students the flexibility of taking courses either in international trade and business, public international law and human rights, or comparative law. Most students in the concentration choose to go abroad on one of the school’s foreign exchange programs.

Students are required to take Public International Law, Comparative Law, and the Advanced International Law Research Seminar and to write a paper of publishable quality on some aspect of international law. The concentration adviser may waive one of the three required courses for students who are studying abroad, if they have completed an equivalent course.

Advisor: Associate Dean Joel Paul

TOTAL UNITS REQUIRED: 20

A. Required Courses [8 hours]
Comparative Law (3)
Public International Law (3)
Advanced International Law
  Research Seminar (2) (Spring of 3rd year)

B. Qualifying Electives [12 hours]

Accountability in International Human Rights Law Seminar (2)
Asian Pacific Americans & the Law Seminar (2)
China – Business Law & Economic Rights Seminar (2)
China and International Legal Order Seminar (2)
Chinese Law & Legal Culture (2)
Comparative Antitrust Law (2 or 3)
Comparative Constitutional Law Seminar (2)
Comparative Rights Adjudication Seminar (2)
Conflict of Laws (3)
European Trademark Law (2)
Immigrants’ Rights Clinic (4)
Immigration Law (3) - (first-year statutory and upper level course)
International Business Transactions (2 or 3)
International Commercial Arbitration Seminar (2)
International & Comparative Intellectual Property (2)
International Criminal Law (3)
International Environmental Law Seminar (2)
International Human Rights (3)
International Negotiations & Dispute Settlement Seminar (2)
International Trade Law & Policy (3)
International War Crimes Prosecution Seminar (2)
Introduction to Chinese Law (3)
Introduction to Japanese Legal System Seminar (2)
(is formerly called Law & Society of Japan Seminar)
Islamic Law (3)
Law & Business in Japan Seminar (2)
Law & Development: Advanced International Law Seminar (2)
Law & Economics Seminar (2)
Law & Social Anthropology Seminar (2)
Law & the Japanese American Internment Seminar (2)
Law & the Society of Japan Seminar (2)
Law in Middle East Seminar (2)
Legal Implications of Climate Change Seminar (2)
Legal Reform in East Asia (2)
Maritime Law (2 or 3)
Military Law Seminar (2)
National Security & Foreign Relations (2 or 3)
Political Economy of Law Seminar (2)
Prosecuting International Price-Fixing Cartels Seminar (2)
Refugee and Human Rights Clinic (6)
Refugee Law & Policy (3)
Reparation for Injustices Domestic & International Seminar (2)
The United Nations System (3)
Transnational Law (3)

U.S. Taxation of Foreign Transactions & Investments (2)

Participation in a foreign exchange program may count for up to 12 credit hours of the elective course requirement, with the approval of the Advisor.

LAW AND HEALTH SCIENCES

The Law & Health Sciences Concentration provides students with an opportunity to pursue a focused and integrated course of study on issues at the intersection of law, medicine and science. As the debate over health care reform intensifies, new medical technologies question the limits of our ethical principles, and scientific evidence from all disciplines becomes more pervasive in our courtrooms, the need for lawyers trained with an understanding of both our health care system and scientific methods is greater than ever.

Concentrating in Health Sciences at Hastings offers students a fundamental understanding of the U.S. health care system and basic scientific principles necessary for work in this area through the two required courses: Health Law and Scientific Methods for Lawyers. These survey courses allow students to identify particular areas of interest, such as bioethics, global and public health, mental health, genetics or legal issues in reproduction, for more advanced study. Concentrators are also required to take the Health Sciences Concentration Seminar which will bring law students from Hastings together with medical and other graduate students from UCSF to examine some of the leading challenges in areas related to health sciences and the law. The seminar will bring in experts from UCSF and Hastings to enhance student engagement and discussion. Moreover, concentrators would have the ability to participate in research and services opportunities that arise from networking in the Consortium's broader community of scholars.

NOTE: All students must successfully complete the concentration seminar in Law and Health Sciences. Students completing the Concentration must also take Health Law and Scientific Methods. The remaining credit requirements for the Concentration can be obtained from the class lists below. As noted, however, at least 7 units must be completed out of the list of “Science and Health Specific Electives.”

Advisor: Professor David Faigman

TOTAL UNITS REQUIRED: 20
A. Required Courses:

Law and Health Sciences Concentration Seminar (2)
(Successful completion of the paper satisfies the Hastings' writing requirement.)

- and -

Health Law (4)
Scientific Methods for Lawyers (3) (This course may be waived by the Concentration Advisor if the student has extensive training in statistics and research methods at the undergraduate or graduate level.)

B. Qualifying Courses in Science and Health and Related Electives

I. Science and Health Specific Electives (students must take a minimum of 7 units from this list)
[Students may take up to 6 credit hours of any approved UCSF classes toward this requirement.]

Courses:
Administrative Law (3 or 4)
Food and Drug Law (3)
International and Comparative Perspectives of Health Law (3)
Issues in Public and Global Health (3)
Personal Injury Litigation (2)
Science in Law (2 or 3)

Seminars:
Bioethics, Law & Healthcare Decisionmaking Seminar (2)
Bioethics, Law & Society Seminar (2)
Constitution and the Family Seminar (2)
Disability Law Seminar (2)
Forensic Evidence Seminar (2)
Genetics: Issues in Law & Policy Seminar (2)
Incentives in Health Care Seminar (2)
Issues in Law & Health Policy Seminar (2)
Law and Biosciences (3)
Law and Economics Seminar (2)
Law, Psychiatry & the Mental Health System (2)
Law & Social Anthropology Seminar (2)
Mass Justice Seminar (2)
Psychiatry & Law Seminar (2)
Public Health & Homelessness Seminar (2)
Social, Legal & Ethical Implications of Human Reproductive & Genetic Tech. Seminar (2)
Sociology of the Criminal Justice System Seminar (2)

II. Science and Health Related Electives (students may apply no more than four units from this list toward the Concentration)

Children & the Law (2)
Class Action Seminar (2)
Domestic Violence Law (3)
Family Law (3 or 4)
Insurance Law (3)
International Human Rights (3)
International Human Rights Seminar (2)
Special Education Law Seminar (2)

PUBLIC INTEREST LAW

The Public Interest Concentration is designed to enable students interested in social-justice lawyering to prepare for public service careers (or pro bono work) by immersing themselves in the theory and practice of social-change lawyering. Reflecting the faculty’s deep commitment to social justice, the concentration’s rich array of more than 75 qualifying classes are taught by over thirty full-time Hastings faculty members, augmented by adjunct faculty drawn from many of the Bay Area’s (and U.S.’s) preeminent public interest lawyers.

The cornerstone of the concentration is its year-long seminar that enables students in their second year of law school to prepare for a career in social-justice lawyering by deepening their understanding of public interest practice and forging supportive ties with peers and faculty who affirm and share a passionate commitment to social-change lawyering.

Advisor: Professor Ascanio Piomelli

TOTAL UNITS REQUIRED: 25

A. Required Courses [11 hours]

Administrative Law (3)
Constitutional Law I (3)
Public Interest Concentration Core Seminar (2)
Remedies (3)

B. Qualifying Electives [not less than 3 courses and not less than 14 hours]

I. Courses and GPA Seminars

Accountability in International Human Rights Law Seminar (2)
Advanced Criminal Law Seminar: Issues in Criminal Defense (2)
Advanced Dispute Resolution: Culture, Identity & Discrimination (2)
Advanced Environmental Law: Contaminated Property Issues (2)
Advanced Negotiation: Multi-Party, Multi-Issue & Group Processes (3)
American West: Law, Culture & the Environment (2)
Animal Law (2)
Antitrust (3 or 4)
Asian Pacific Americans & the Law Seminar (2)
Bioethics, Law & Healthcare Decisionmaking Seminar (2)
California Nonprofit Corporation Law Seminar (2)
California Water Resources (3)
Capital Punishment Seminar (2)
Children & the Law (2)
Civil Rights Seminar (2)
Class Actions Seminar (2)
Community Economic Development Seminar (2)
Comparative Antitrust Law (2 or 3)
Comparative Constitutional Law Seminar (2)
Complex Litigation (3)
Constitution and the Family Seminar (2)
Constitutional Law II (3)
Constitutional Theory Seminar (2)
Courts as a Political Actor Seminar (2)
Criminal Environmental Law & Civil Enforcement (2)
Criminal Procedure (3 or 4)
Criminal Punishment Seminar (2)
Critical Race Theory Seminar (2)
Current Problems in Constitutional Law Seminar (2)
Current Problems in Employment Seminar (2)
Current State & Local Government Problems Seminar (2)
Disability Law (2)
Domestic Violence (3)
Employment Discrimination (first-year statutory or upper-class course) (3)
Environmental Law (first-year statutory course) (3)
Environmental Law Seminar (2)
Federal Courts (3)
Federal & Interstate Water Resources (3)
Feminist Legal Theory (3)
Immigration Law (first-year statutory and upper-class course) (3)
Initiative Process in California (2)
International Environmental Law Seminar (2)
International Criminal Law (3)
International Human Rights (3)
International Human Rights Seminar (2)
International War Crimes Prosecution Seminar (2)
Introduction to Health Law (4)
Justice & Dispute System Design (3)
Labor Law (3)
Land Trusts Seminar (2)
Land Use Regulation (3)
Law of Lending (3)
Law of Lending Seminar (2)
Law & the Japanese American Internment Seminar (2)
Law of the Employment Relationship (3)
Law, Psychiatry & the Mental Health System (2)
Legal History of Immigrants in the United States Seminar (2)
Legal Implications of Climate Change Seminar (2)
Legislation or Legislative Process (3)
Litigating Class Action Employment Cases Seminar (2)
Mass Justice Seminar (2)
Non-Profit Organizations (3)
Post-Convictions Remedies Seminar (2)
Psychiatry & Law Seminar (2)
Public Health & Homelessness (2)
Public Interest Law Seminar (2)
Public Lands & Natural Resources Seminar (2)
Public Policy Advocacy Seminar (2)
Race, Racism & American Law (3)
Refugee Law & Policy (3)
Seminar on Current Issues in Work/Life Law (3)
Seminar on Issues in Law & Health Policy (2)
Seminar on Terrorism and the Law: The Patriot Act (2)
Sex Discrimination & the Law Seminar (2)
Sexuality and the Law (2)
Social, Legal, and Ethical Implications of Human Reproductive and Genetic Technologies Seminar (2)
Sociology of the Criminal Justice System Seminar (2)
Special Education Law Seminar (2)
Takings and the Environment Seminar (2)
Theoretical Criminology (2)
Water Resources Seminar (2)

II. Clinics

Civil Justice Clinic - Individual Representation Clinic (8)
Civil Justice Clinic - Community Economic Development Clinic (8)
Civil Justice Clinic - Group Advocacy & Systemic Reform Clinic (8)
Civil Justice Mediation Clinic (6)
Criminal Practice Clinic (12)
Environmental Law Clinic (8)
Immigrants’ Rights Clinic (6)
Legislation Clinic (8)
Local Government Clinic (6)
Refugee & Human Rights Clinic (6)
Workers’ Rights Clinic (3)

**TAXATION**

The Tax concentration is intended to provide students with an opportunity to pursue a focused and integrated course of study regarding taxation. The required concentration courses, Federal Income Taxation, Corporate & Partnership Tax, and Taxation of Family Wealth Transfers, are designed to ensure that students develop a broad understanding of key aspects of the United States system of taxation. The concentration electives enable students to deepen their understanding of specific tax issues, such as an understanding of tax policy, taxation of foreign transactions and taxation of
non-profit organizations.

The concentration culminates with the year-long Tax Concentration Seminar, which is team-taught by all of the members of the tax faculty. Students participate in the Tax Concentration Seminar during their third year of law school. The seminar is intended to enable students to gain perspective on the overall tax system, provide students with an opportunity to write a significant paper on a tax-related topic of their choice, and foster a sense of community among students and faculty interested in taxation.

Advisors: Professor Heather Field / Professor Leo Martinez

TOTAL UNITS REQUIRED: 20*

A. Required Courses [13 hours]*

Federal Income Taxation (first-year statutory or upperclass course) (3)
Federal Income Taxation of Corporations & Partnerships (4)
Tax Concentration Seminar (2)
Taxation of Family Wealth Transfers (4)*

*In Fall 2009, Taxation of Family Wealth Transfers will be offered as a 3-unit course. Any student taking the 3-unit Taxation of Family Wealth Transfers will only be required to complete 12 hours of "Required Courses" and 19 total units in order to complete the Tax Concentration.

B. Qualifying Tax and Tax-Related Electives [7 hours]

Advanced Federal Income Taxation (2)
Advanced Issues in Corporate and Partnership Taxation (2)
Business Planning Seminar (2)
Estate Planning Seminar (2)
Federal Income Taxation of Real Estate & Other Investments (3)
Land Trusts & Conservation Easements Seminar (2)
Nonprofit Organizations (2 or 3)
State and Local Taxation (2 or 3)
Tax Policy Seminar (2)
Tax Procedure (3)
Tax Treaties (2)
U.S. Taxation of Foreign Transactions & Investments (2 or 3)
Independent Study (1 or 2) (with permission of Tax Concentration Coordinator)

C. Non-Tax Electives [maximum of 3 units toward 20-hour minimum]

Advanced Business Law Seminar (2)
Advanced Negotiation: Art of the Deal (2 or 3)
Bankruptcy & Creditors’ Remedies (3)
China – Business Law & Economic Rights Seminar (2)
Corporate Finance (3)
Hedge Funds & Investment Management (2)
International Business Transactions (3)
Introduction to Mergers & Acquisitions (1)
Law & Business in Japan Seminar (2)
Law & Economics Seminar (2)
Mergers & Acquisitions (3)
Public Finance Seminar (2)
Securities Regulation (3)
Venture Capital & the Start-Up Technology Company (2)

ENROLLMENT PROCEDURES

FOR JD STUDENTS

For Fall classes, registration will occur over a two-week schedule. In the first week, third year students (3Ls) will select their schedules. In the following week, 2L students will do the same. For Spring classes, registration will occur over a three-week schedule, with 3Ls registering during the first week, 2Ls during the second week and 1Ls during the third week. In both semesters, waitlisting will not be permitted until after general registration has ended.

Each student will be given registration appointments based on the first initial of his/her last name.* During your appointment, you will have four hours to log onto WebAdvisor and register for your classes. If you miss the appointment or wish to make changes to your course selections, you may log on again between 6:00 p.m. and 11:59 p.m. on that same day. You may also register or make changes to your schedule again on Friday of your registration week, from 8:00 a.m. until 4:00 p.m. However, course enrollment is first-come, first-served, so if you miss your initial registration appointment, you may be closed out of some classes.

Each semester you will register with the same registration group (classmates with the same last initial), but we will switch the order in which the groups register so that each group will have a chance for an early registration appointment.

*You will continue to register with this same group each semester even if your last name changes.

FOR LL.M. STUDENTS

For Spring classes, registration for LL.M.s will be held during the same week as 3L registration. All LL.M.
students should log onto WebAdvisor during this time to register for their pre-approved course schedules. If you fail to register within this time period, you will not be able to register online again until the Add/Drop period begins.

HOW 2L AND 3L CLASS STATUS IS DETERMINED
Second- and third-year students are classified according to the total number of units that will be earned at the end of the semester in which pre-registration occurs (including transfer units for students for whom an official transcript has been received). Students must earn at least 22 units to be classified as a 2L and at least 54 units to be classified as a 3L.

See Registration General Info on the Records Office homepage for more detailed information and instructions.

REQUIRED COURSES
In addition to the first year curriculum, each student must pass a course in professional responsibility and write a paper that satisfies the College’s “writing requirement.”

ETHICS
There are three courses that satisfy the professional responsibility requirement. All three courses are GPA lecture courses.

I. Legal Ethics & The Practice Of Law (3 Units) – Fall/Spring – (LAW*490)
A review of the basic California and ABA rules and the ethical principles behind them through a discussion of actual practice problems. Ethical principles are introduced through these problems as they actually occur in practice -- as real-world ethical dilemmas. This course also emphasizes the practical and economic realities which can affect a lawyer’s behavior, the tensions between traditional notions of ethical behavior and society’s larger sense of morality, and the conflict between the duty to advocate for the client and to act for the public good. This course is intended to provide more in-depth and broader coverage than the 2-unit Professional Responsibility course.

NOTE: Students who enroll in this course may not enroll in Professional Responsibility (2 Units), or Roles & Ethics in Practice (4 Units).

II. Professional Responsibility (2 Units) – (LAW*529)
A survey of the history, structure and responsibilities of the legal profession, with a view toward examining how should lawyers behave, not just what must they do. Emphasis on the attorney-client relationship; the attorney's duties to client, court and public in various roles; regulating the profession; and judicial ethics. Materials include the ABA Code of Professional Responsibility, the ABA Rules of Professional Conduct, and the California State Bar Act and Rules of Professional Conduct.

In the Fall semester, Professor Malone’s class meet 3 hours per week for 10 weeks. Classes end on 10/29/09.

NOTE: Students who enroll in this course may not enroll in Legal Ethics & The Practice of Law (3 Units), or Roles & Ethics in Practice (4 Units).

III. Roles & Ethics In Practice (4 Units) – Fall/Spring – (LAW*550)
An introduction to legal ethics as well as some of the tasks, roles and relationships of law practice, this limited-enrollment course satisfies the professional responsibility requirement. While students will become familiar with the body of rules that govern professional conduct in the legal profession, classroom examination of specific rules will be selective and related to lawyer decision-making in specific practice contexts. Against a background of information on the legal profession and the varied careers it offers, the course will use simulated problems drawn from both criminal and civil practice to introduce students to recurrent ethical issues in those contexts, as well as to some of the skills involved in client interviewing and counseling, fact development, and negotiation. Students will be required to write a number of papers, participate in frequent in-class role-plays and other exercises, and to take part in videotaped simulations outside of class. These activities will account for 45% of the grade, with 20% of the grade based on an objective examination on the rules of professional responsibility, and 35% on a take-home essay exam calling for thoughtful analysis of the types of ethical issues encountered in practice.

NOTE: Students who enroll in this course may not enroll in Legal Ethics & The Practice of Law (3 Units), or Professional Responsibility (2 Units).

WRITING REQUIREMENT
All students are required to complete a substantial writing project under faculty supervision prior to graduation. This requirement may be satisfied either by successful completion of a qualifying seminar or a 2-unit independent study project. In both cases, the
professor must certify that the student's paper fulfills the writing requirement. In seminars, a grade of C or better is required.

**PROFESSIONAL SKILLS REQUIREMENT**

Each student shall, after the first year, take and receive a passing grade in one or more courses focusing on development of professional skills – e.g., trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and legal drafting.

Students may not use the same course to satisfy both the writing requirement and the professional skills requirement.

See page 66 for course list.

**GPA LECTURE COURSES**

GPA lecture courses provide the foundation for a student’s education at Hastings, and all California Bar Examination subjects not covered in the first year curriculum are taught as lecture courses. More than 50% of the grade a student earns in a GPA lecture course must be based on an anonymously graded exam; some lecture courses are graded entirely on an exam and some combination of a paper or other projects assigned by the professor. Grades earned in GPA lecture courses are considered in calculating a student’s GPA. Unlike seminars and non-GPA courses, GPA lecture courses are generally not limited in enrollment.

**ADMINISTRATIVE LAW (3 UNITS) – FALL/SPRING – (LAW*216)**

An introduction to the laws controlling executive branch agencies of government. Major topics include delegation of power to agencies, modes of agency action (adoption of rules, case-by-case enforcement, and choice between modes of action), control of agencies by the legislative branch (through budget, oversight, advise and consent, and veto), control by the judicial branch (limitations and scope of judicial review), and public access and influence (freedom of information, open-meeting laws).

**ADVANCED FEDERAL INCOME TAXATION (2 UNITS) – FALL – (LAW*634)**

Prerequisite: Federal Income Taxation. This course is a continuation of the basic federal income tax course for tax law emphasis and other interested students. The subject matter covered will focus on federal income tax topics that are not generally addressed in detail or at all in the basic federal income tax course. Topics covered may include the annual accounting period, accounting methods, characterization, recharacterization and taxation of capital gains and losses (focusing on issues of depreciation recapture and sales of trade or business property), deferred and nonrecognition transactions (like-kind exchanges, involuntary conversions and other tax-favored transactions), installment sales, loss and deduction limitations (including the at-risk and passive loss rules, hobby losses, and vacation home rules) and the alternative minimum tax, among other issues.

**ADVANCED NEGOTIATION: ART OF THE DEAL (2 OR 3 UNITS) – SPRING – (LAW*236)**

Prerequisites: Negotiation & Mediation: Process & Practice (LAW*837) or Negotiation & Settlement (LAW*838)

This advanced course in deal making builds on the concepts and skills covered in the basic courses on negotiation. Class sessions will explore the many dimensions of deal making with the goal of providing students with proven and innovative approaches to creative problem solving and consensus building in a business context. Topics to be developed include how negotiators set up, design and implement deals in rapidly changing environments. The first part will focus on strategic and analytical tools to identify parties’ interests, assess barriers to agreement, and create and claim value. The second part will examine the psychological and interpersonal aspects of players involved in deal making, including the organization as a whole and the negotiator/lawyer. Group discussions will include a topical study of perception, leverage, emotion, trust, decision-making, leadership, ethics, and social intelligence. The third and last part will integrate the learning and allow students to practice “the art of the deal” in complex negotiation role plays involving multiple parties, issues and emotions.

**ADVANCED NEGOTIATION: MULTI-PARTY, MULTI-ISSUE, AND GROUP PROCESSES (3 OR 4 UNITS) – SPRING – (LAW*422)**

Prerequisite: Negotiation & Mediation: Process & Practice, Negotiation & Settlement, Mediation (Family emphasis), or permission of the instructor.

This course builds on the concepts and skills covered in the basic courses on negotiation. It will focus on the complexities of multi-party, multi-issue and team
negotiations; how groups function; the role and significance of party constituencies; political and ethical aspects of large-scale negotiations, etc. Classroom instruction will rely on group discussion of case studies, simulation exercises, and small group work assignments. There will be required readings for all classes, out of class exercises, and a number of individual and group written assignments, in addition to a final examination. This class is limited to 16 students.

AMERICAN INDIAN LAW (3 UNITS) – FALL – (LAW*401)
This course will address the historical and current legal status of American Indians and Indian Tribes. We will examine the history of federal policy toward Indians; the complex relationship between Tribes and the federal government and between Tribes and state governments in civil and criminal matters; jurisdiction over resource development in Indian country; Indian hunting, fishing and water rights; and a sampling of current issues such as the protection of Native American culture and traditions and gaming in Indian country.

AMERICAN LEGAL HISTORY: COLONIAL AMERICA TO CIVIL WAR (3 UNITS) – FALL – (LAW*406)
This course will explore major themes in American legal history from the British colonization of North America to the beginning of the Civil War. Through the use of original documents and secondary sources students will study the history of the framing of the state and federal constitutions (including British and colonial antecedents and nineteenth century conflicts over the nature of constitutionalism), the development of property, contract, and tort law in eighteenth and nineteenth century America, the legal history of the settling of the American West (including law on the overland trail, the effect of Spanish and Mexican law on western legal development, and the legal aspects of Anglo displacement of indigenous populations), and the legal status of women and African Americans -- both slave and free -- before the Civil War. While this course will be taught using lectures, class participation will be expected and encouraged. A background in American history is not required. Students' grades will be based upon an examination.

ANIMAL LAW (2 UNITS) – FALL – (LAW*238)
A survey of the law’s understanding and treatment of animals by looking at the development of federal and state policies towards wild, domestic, and companion animals. Specific topics may include the history of animal law, the concept of animals as property, the application of tort and remedies law to injuries by and to pets, protection of animals by cruelty and other laws, and constitutional issues raised in cases involving animals. The legal changes effected by practitioners in the field of animal law have implications for developing concepts of tort law, environmental law, criminal law, constitutional law and even wills and trusts. As a result, the course will incorporate legal concepts from other fields, encourage critical thought and new approaches to doctrines developed in other areas, and address a broadened integration of the realities of animals and society with the particularities of the law.

ANTITRUST (3 OR 4 UNITS) – FALL/SPRING – (LAW*240)
This course deals with the structure and practice of industry and with the regulation by law to promote such goals as optimum allocation of resources, dispersion of economic power, encouragement of efficiency and technological advance, and promotion of consumer interests. Extended consideration is given to the requirement of competition under the antitrust laws and to the exemptions from this requirement. Principal topics include: monopoly, mergers, vertical integration, joint enterprises, price-fixing, market-sharing, boycotts, price discrimination, tie-in sales, exclusive dealing, and franchising. Patent, copyright, and labor law are examined from the point of view of how these authorized "monopolies" are integrated into a legal structure that is basically pro-competitive. Economic and political considerations are explored in connection with the legal issues to prepare the lawyer more effectively to influence and forecast legislative, judicial, and administrative responses to the conflicts of policy in this area.

ARBITRATION (2 UNITS) – SPRING – (LAW*245)
The course will survey arbitration from two perspectives. First, the course will examine leading arbitration doctrines. Such questions include the powers of arbitrators; the choice of law (explicitly and implicitly) by arbitrators; the types of arbitration subject to special requirements (such as “statutory” and “employment” and “public policy”); the ability of courts to review arbitration decisions.

Second, the course will examine how to write arbitration agreements to serve the interests of clients and to survive challenges in light of renewed suspicion by courts and legislatures. There will be a mandatory two to six hour class on one Saturday to see simulated arbitrations and reactions by students and leading practitioners, including arbitrators and attorneys. The class will primarily cover domestic arbitration but will include some reference to international doctrine and
practice. Grading will be based on an exam.

**ART LAW SEMINAR (2 UNITS) – FALL – (LAW*745)**

Satisfies writing requirement.

This seminar examines significant legal issues at the intersection of law and art. The class studies state and federal statutory and decisional law as well as international law and conventions which govern visual art, cultural property, and the art and antiquities markets. With individual paintings selling for more than $150 million in today’s market, and with the illicit trade in stolen art and antiquities estimated by the F.B.I. to exceed $6 billion annually, the scope of legal issues cut across many substantive areas of law including: Intellectual property law; Contracts and the law of international transactions; Constitutional law; Tax law; Non-profit and corporate law and governance; Criminal law and procedure; Cultural property law; and International law.

**BANKRUPTCY & CREDITORS’ REMEDIES (3 UNITS) – FALL – (LAW*320)**

Bankruptcy has become a part of the mainstream of commercial and business law. This course covers the federal Bankruptcy Code and explores the role it plays in a credit economy. The social and economic tensions of a law of forgiveness will be a central feature of the course. The course begins with a short introduction to state collection and works through both consumer and business law. The course will cover Chapter 7, Chapter 13, and Chapter 11 filings in detail.

**BUSINESS ASSOCIATIONS AND INTRODUCTION TO FEDERAL SECURITIES LAW (4 UNITS) – FALL – (LAW*314)**

This course involves an analysis of the law of the creation of, and relationships arising from, corporations, sole proprietorships, partnerships, limited partnerships, limited liability companies and limited liability partnerships, along with agency and fiduciary relationships and governance of these business entities in the modern business setting. The legal duties of directors, managers and majority shareholders to minority shareholder and owners are explored in relation to procedural issues governing the vindication of such shareholder and owners’ rights. This course includes a general introductory overview of the Securities Act of 1933 and the Securities Exchange Act of ‘1934 in connection with the public offering of securities and antifraud prohibitions.

Students may not enroll for credit in both Business Associations and Corporations. Business Associations satisfies the prerequisite for a course that requires Corporations as a prerequisite, and vice versa.

**CALIFORNIA CIVIL PROCEDURE (2 OR 3 UNITS) – FALL/SPRING – (LAW*246)**

This course will focus on how a civil lawsuit progresses through the California state court system, from prior to filing the complaint through appeal. It will emphasize procedures and law unique to California practice, such as use of fictitious defendants and other special pleading rules, jury trial rights, state claim and issue preclusion policies, state conflict of law rules, and appellate practice. It will also analyze those aspects of California procedure that contrast sharply with federal practice.

**CALIFORNIA WATER RESOURCES (3 UNITS) – FALL – (LAW*260)**

William Kahrl has written that “the history of California ... is the story of a state inventing itself with water.” This course analyzes the law that governs the allocation and use of water resources in California and the other western states. We will study the principal surface water allocation systems (riparia and appropriative rights), state regulatory schemes, the doctrine of reasonable and beneficial use, prescriptive rights, instream flow protection, the public trust doctrine, groundwater law, conjunctive use and management, water transfers and other market-based systems of water allocation. The course culminates in a case study of California’s Bay-Delta controversy, in which we will evaluate the effects of the state’s major water projects on water quality and fisheries in the Bay-Delta estuary, the interplay between water rights and water quality laws, and the influence of federal statutes such as the Clean Water Act, the Endangered Species Act, and the Central Valley Project Improvement Act on state water resources management.

**CIVIL PROCEDURE II (3 UNITS) – FALL/SPRING – (LAW*275)**

This course typically addresses several key subjects in litigation within the general categories of choice of forum and choice of law. Choice of forum addresses questions concerning a court’s power to hear a particular dispute, and the parties’ options in selecting between or among courts. Topics usually covered include personal jurisdiction, subject matter jurisdiction, venue, and forum non conveniens. Choice of law involves questions about which forum’s law will apply to a particular dispute. Topics usually covered include when state or federal law applies (i.e., the “Erie
Problem”), when the law of different states or nations may apply (i.e., conflicts of law), and advanced issues in the law of preclusion.

COMMUNITY PROPERTY (2 UNITS) – FALL/SPRING – (LAW*264)
This course deals exclusively with the California community property system. Topics considered include classification of property as separate or community, management and control of community property, liability of property for debts, and division of property on termination of the community by death or dissolution.

Prof. Carrillo’s class will meet 4 hours per week, beginning Oct. 8, ending on 11/19/09.

COMPARATIVE ANTITRUST LAW (2 OR 3 UNITS) – FALL – (LAW*204)
A comparative study of the antitrust or trade regulation law of the United States, the European Community and other selected jurisdictions such as the United Kingdom and Germany. When offered in a two-unit format, the course will take up laws controlling horizontal restraints, vertical restraints and monopoly or dominant position in the market. When offered in a three-unit format, the law of merger control and the exception for government conferred monopolies will be covered.

NOTE:  Professor Mattei’s class meets 6 hours per week; class starts on 8/25/09 and ends on 10/7/09.

COMPARATIVE LAW (3 UNITS) – FALL/SPRING (LAW*272)
The course is designed to develop a technique by which lawyers trained in one system of law may be enabled to recognize, analyze and study legal problems arising in a different system. The first part is devoted to procedural and evidentiary problems faced by domestic courts when they have to decide cases involving foreign law and foreign facts. Following this, the fundamental, historically conditioned differences in approach and method between common law and civil law will be explored. Basic problems involving international business transactions or litigation with foreign aspects will be discussed in light of continental legal thinking. The French, German and Swiss code systems will be highlighted as the outstanding examples of systematic codification, and will be examined as models used in other civil law countries, including developing nations. Throughout the course, foreign legal institutions will be compared to our own, with the aim of gaining perspective in understanding and appraising the solutions provided by our own system.

NOTE: Professor Mattei’s class meets 6 hours per week; class starts on 8/25/09 and ends on 10/7/09.

COMPARATIVE REGULATION (3 UNITS) – SPRING - (LAW*274)
Prerequisite: Prior or concurrent enrollment in Administrative Law.
All democracies today are administrative states; more law is made by agencies than by courts and legislatures put together. The problem of managing the administrative state – how to minimize the potential for abuses while at the same time maximizing efficient functionality – is one that many systems struggle with. This course will examine the ways a number of different systems deal with this tension. It will compare the ways the United States, Europe and Japan approach various key issues, including judicial review of agencies; causes of action and remedies against agencies; emergence of new trends in accountability which are appearing within most administrative states; regulatory impact statements, new governance and participation; and relationships between the political executive and the civil service, as well as the executive and the other branches. The last part of the course will apply the concepts examined to the area of energy regulation.

COMPLEX LITIGATION (3 UNITS) – SPRING – (LAW*276)
This course will consider the issues that arise in large-scale litigation involving numerous parties and often numerous courts, federal and state. It will address the procedures for and problems of aggregation of cases, including joinder, intervention, consolidation, and in particular class actions and the problems encountered in their management and settlement. The course will also consider problems of parallel litigation in state and federal courts, injunctions, and transfers among courts.
A thorough grounding of Civil Procedure is essential.

CONFLICT OF LAWS (3 UNITS) – FALL/SPRING – (LAW*280)
This course deals with the special problems that arise when the facts or the parties in a case have contacts with more than one state or country. These problems relate to (a) jurisdiction – in personam, in rem and quasi-in-rem; (b) choice of the applicable law; and (c) after rendition of a judgment, that judgment’s recognition and enforcement in other states and enforcement in other states and countries. Jurisdictional and choice-of-law rules are studied with special emphasis on situations involving torts, contracts and property transactions cutting across state and national boundary lines; particular attention is paid to the manifold constitutional implications of those rules. Also considered are interstate and international problems concerning marriage, divorce, and decedents’ estates. (Students are advised that in terms of this tripartite division of the course, parts (a) and (c) are
CONSTITUTIONAL LAW I - UPPER DIVISION (3 UNITS) – FALL – (LAW*289)
This course deals primarily with the constitutional structure of American government. It will introduce the judicial function in constitutional cases and limitations on judicial review. It will survey the division of powers within the federal government and between the states and the nation. The powers of Congress will be analyzed, especially the commerce clause (including its negative effects on state powers) and intergovernmental immunity. Other powers to be examined include taxing, spending, and the power to enforce the guarantees of the Fourteenth Amendment. The course will also examine certain limitations on governmental power, including the contracts and takings clauses.

CONSTITUTIONAL LAW II (3 UNITS) – SPRING – (LAW*290)
Prerequisite: Constitutional Law I. This prerequisite is waivable by the instructor. Please consult with your instructor if you wish to have this prerequisite waived, or treated as a co-requisite.

This course studies the protection of individual rights under the Bill of Rights and the Fourteenth Amendment. The course will examine equal protection, substantive due process, procedural due process in non-criminal cases and in exercises of governmental power, freedom of speech and press, and freedom of religion.

CONSTITUTIONAL LAW II (4 UNITS) – FALL/SPRING – (LAW*290)
Prerequisite: Constitutional Law I. This prerequisite is waivable by the instructor. Please consult with your instructor if you wish to have this prerequisite waived, or treated as a co-requisite.

This course studies the protection of individual rights. The course will examine substantive due process, procedural due process in non-criminal cases and in exercises of governmental power, freedom of speech and press, and freedom of religion.

CONTRACTS II (2 OR 3 UNITS)-SPRING-(LAW*300)
Prerequisite: Contracts I
This course is intended to follow and build on the foundation established in the basic Contracts I course.

It will address some or all of the following topics:
Alternate grounds for promise enforcement (promissory estoppel, unjust enrichment); contract defenses (fraud, duress, undue influence); third parties in contract law (assignment and delegation, third-party beneficiaries, negotiability, suretyship); current developments in contracting practice (electronic contracting, consumer adhesion contracts, mandatory arbitration clauses); international contracting.

COPYRIGHT LAW (3 UNITS) – FALL – (LAW*308)
This class provides in-depth coverage of substantive copyright law. It covers the subject matter in greater depth than the Intellectual Property survey course.

CORPORATE FINANCE (3 UNITS)-FALL-(LAW*315)
Prerequisite: Corporations
This course examines economic and legal problems arising in connection with financing decisions of publicly held corporations, including valuation of the enterprise and its securities, determination of securities structure and dividend policy, and decisions on investment opportunities, whether by internal expansion or by merger or take-over. If time permits, consideration also will be given to the rights and remedies of senior security holders. Included are readings on financial and management theory. Some material uses first year algebra. (The course should NOT be taken by students who took a course covering finance in college or graduate business school.)

CORPORATIONS (3 OR 4 UNITS) – FALL/SPRING – (LAW*311/312)
A basic course on state and federal law governing incorporated business enterprises. Choice of corporate form and state of incorporation; formation procedures; corporate privileges and powers; authority and duties of corporate management; corporate finance; shareholders' role in corporate governance; special problems of close corporations; federal securities law regulation of proxy solicitation, tender offers, and fraud; derivative actions; corporate acquisitions, combinations and reorganizations; and dissolution.

Students may not enroll for credit in both Business Associations and Corporations. Business Associations satisfies the prerequisite for a course that requires Corporations as a prerequisite, and vice versa.

CRIMINAL PROCEDURE (3 OR 4 UNITS) – FALL/SPRING – (LAW*328)
A study of fundamental aspects of criminal procedure. Emphasis will be given to judicial control of police
practices by means of the exclusionary rule, including search and seizure, and police interrogation. Consideration also will be given to fundamentals of procedural due process, including defendant's privilege against self-incrimination, the right to counsel, right to jury trial, and former jeopardy. Additional topics may include pretrial and trial processes, such as the decision to prosecute, grand jury, preliminary examination, joinder and severance, bail, discovery, plea bargaining, and the right to confront and cross-examine witnesses.

Students contemplating obtaining judicial externships in their fourth to sixth semesters should be aware that many judges require externs to have completed Criminal Procedure.

CRIMINAL PROCEDURE: THE ADJUDICATIVE PROCESS (3 UNITS) – SPRING – (LAW*332)
Prerequisite: Criminal Procedure

This course would complement the 3- and 4-unit Criminal Procedure classes, in which unit and time constraints preclude thorough discussions of issues pertaining to the adjudicative process itself. Focusing on the process from “bail-to-jail”, the class covers: grand jury proceedings, preliminary hearings, bail and bail-setting decisions, preventive detention, discovery processes, plea bargaining and guilty pleas, the right to a speedy trial, joinder and severance, constitutional proof requirements, jury selection and composition, jury deliberations, jury instructions and verdicts, defendant’s right to participate in trial and trial in absentia, the right to effective assistance of counsel, self-representation, sentencing, double jeopardy, and post-conviction challenges (appeals, new trial, collateral attacks, habeas corpus). While there may be some overlap with the issues covered in the 4-unit Criminal Procedure class, the overlap is minimal.

DISABILITY LAW (2 UNITS) – SPRING – (LAW*335)

This course will explore the right of individuals with disabilities to be free from discrimination in several major aspects of life including: employment, higher education, elementary and secondary education, public accommodations, and housing. The primary legal authorities covered will be the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act. We will explore both the traditional civil rights roots of these laws as well as the latest trends unique to disability in this rapidly emerging field of law. In the course of this exploration a set of organizing principles will emerge. We will look at how to spot these principles and use them effectively in the practice of disability law.

DOMESTIC VIOLENCE (3 UNITS) – FALL – (LAW*350)

This course will provide an introduction to the problem of domestic violence and will examine all major areas of domestic violence law from interdisciplinary perspectives such as psychology, sociology, feminist legal theory, critical race theory, and public policy. In particular, the course will consider: patterns, incidence, and causes of domestic violence, including the history and systems of oppression that have supported domestic violence and the psychological dynamics of victims and batterers; the failure of the criminal justice system to address domestic violence and the rise of the shelter and civil law systems for protecting victims of domestic violence; civil protection order systems and mechanisms for enforcing such orders, including private prosecutions for criminal contempt; law enforcement issues such as mandatory and probable cause arrests; modern criminal prosecution of domestic violence cases, including no-drop policies, victimless prosecution strategies, and sentencing options; the relationship between domestic violence and child abuse and neglect and the response of the legal system to that relationship; court reform, including the creation of unified domestic violence courts which combine civil, criminal and juvenile courts to address all issues related to families experiencing domestic violence; the criminal defense of battered women who kill or injure their batterers; domestic violence, poverty, and welfare reform; domestic violence in the context of immigration law; and the Violence Against Women Act.

EMPLOYMENT DISCRIMINATION (3 UNITS) – FALL – (LAW*352)

This course will consider the various federal and state laws and executive orders dealing with discrimination on account of race, sex, national ancestry, religion, age, or physical disability and the remedies which they provide. Principal focus will be on Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1866, the Equal Pay Act, the Age Discrimination in Employment Act, the developing law on sexual harassment, and federal executive orders providing for affirmative action. Secondary focus will be on applicable state statutes. Subjects included will be the developing definition of discrimination, administrative and judicial procedures, practical problems of litigation (e.g., class suits, attorney fees, the use of statistical evidence), the use of consent and settlement decrees, and available remedies. (See Workers’ Rights Clinic in CLINICS AND JUDICIAL EXTERNSHIPS for 3-unit clinical option.)

NOTE: Students who have taken the first-year Employment Discrimination statutory course may not
enroll in this course.

ENTERTAINMENT LAW (2 UNITS) – SPRING – (LAW*355)
The course examines various complex intellectual property, labor and contractual issues facing attorneys representing clients in the entertainment industry. This course will take a practical approach to learn what attorneys really do in the entertainment business. Topics include negotiating agreements for talent services and contracts for production, distribution and exploitation of creative works; acquiring and protecting rights to creative property; protecting rights of privacy and publicity; negotiating and accounting for profit participation, residuals and royalties; and the legal and ethical responsibilities of lawyers, talent agents and other representatives in the entertainment business. Prior enrollment in Intellectual Property is recommended but not required.

NOTE: This course may not be taken more than once.

EVIDENCE (3 OR 4 UNITS) – FALL/SPRING – (LAW*368)
The law of evidence, including relevancy, hearsay, judicial notice, burden of proof, and presumptions; functions of judge and jury; competency and privileges of witnesses; principal rules of admissibility and exclusion of testimony of witnesses and documents. Special emphasis is given to the California Evidence Code and the Federal Rules of Evidence.

FAMILY LAW (3 OR 4 UNITS) – FALL/SPRING – (LAW*336)
This course examines state regulation of sexual and marital relationships, focusing on the conflict between the doctrines of family privacy and state intervention in the marital relationship. Topics include: premarital controversies, capacity to marry and the formalities of marriage; rights and duties of marital partners; annulment and separation; divorce grounds and no-fault; spousal support and basic issues of property distribution; principles governing child custody and visitation; child support; mediation of property and custody issues, and regulation of non-traditional relationships (unmarried and homosexual couples and communes).

NOTE: Students who enroll in this course may not enroll in Selected Topics in Family Law (2 units) when offered.

FEDERAL COURTS (3 UNITS) – FALL/SPRING – (LAW*376)
The law of federal jurisdiction revolves around two principles of power allocation: separation of powers and judicial federalism. Separation of powers refers to the allocation of decision-making authority among the coordinate branches of the federal government. Judicial federalism refers to the allocation of power between federal courts and state courts. Thus, this is a course about the role of federal courts in the American political system.

At the same time, it is a practical course. Any lawyer who plans to litigate in federal court must be aware of the complex requirements for instituting and maintaining cases in federal court. The course is extremely valuable for those who wish to be public interest litigators. The course covers the so-called "justiciability" doctrines -- standing, mootness, ripeness, and political questions. These doctrines aim to keep litigants out of federal court when they lack a concrete personal stake in the controversy, or when the subject matter is inappropriate for judicial resolution. The course also looks at the conditions under which Congress may "strip" the federal courts of jurisdiction over certain kinds of cases, leaving them to state courts, legislative courts, or administrative agencies.

A major focus of the course is § 1983, which authorizes suits against state officials and others acting "under color of" state law. The course also surveys common impediments to such actions, such as the Eleventh Amendment, several forms of "abstention," and the Anti-Injunction Act.

Another focal point is the unique role of the United States Supreme Court in the American judicial system. In addition to supervising the lower federal courts, the Supreme Court is the only federal court that may directly review state court judgments. This has given rise to the independent and adequate state grounds doctrine, which prevents the Supreme Court from reviewing state judgments when it cannot change the result.

The course contains heavy proportions of constitutional law and civil procedure. Most students choose to take this course in their third year, but many second-year students have found the course perfectly manageable.

FEDERAL CRIMINAL LAW (3 UNITS) – SPRING – (LAW*338)
Prerequisite: Prior or concurrent enrollment in Criminal Procedure
This course will survey the principal federal statutes applied to criminal cases in the federal courts and examine theoretical difficulties as well as "real world" problems arising in the definition and enforcement of federal criminal law. It is designed to help students
develop a jurisprudential understanding of how federal courts address criminal cases at the trial, appellate, and Supreme Court levels. Co-taught with United States District Judge Charles B. Breyer.

NOTE: Students who have taken the Federal Criminal Law Seminar course may not enroll in this course.

**FEDERAL INCOME TAXATION (3 UNITS) – FALL/SPRING – (LAW*624)**
A problem-oriented introduction to the fundamental principles of federal income taxation, particularly as applied to individuals, including: the concept of gross income, identification of the proper taxpayer, deductions, income tax accounting, capital gains and losses, deferred payment sales and nonrecognition transaction. Consideration will be given to issues of tax policy and tax planning techniques. The course typically will emphasize rigorous analysis of the Internal Revenue Code and Regulations.

NOTE: Students who have taken the first-year Federal Income Taxation statutory course may not enroll in this course.

**FEDERAL INCOME TAXATION OF CORPORATIONS & PARTNERSHIPS (4 UNITS) – SPRING – (LAW*626)**
Prerequisite: Federal Income Taxation
A broad coverage of the basic principles of the federal income tax as applied to corporations and shareholders, partnerships and partners, and limited liability companies and their members. The course will require a careful study of relevant provisions of the Internal Revenue Code and Regulations, as well as some cases. Discussion will center around fact situations and will involve questions of law and strategy relative to formation, operation and liquidation of partnerships and corporations, consideration of transactions between the entity and its partners or shareholders, and choice of entity considerations.

**FEMINIST LEGAL THEORY (3 UNITS) – FALL – (LAW*212)**
Uses fiction and film as well as traditional legal materials to examine themes related to gender and the law. Topics will vary from year to year, but will generally include basic feminist theory, reproductive rights, pornography, sexual harassment, domestic violence, divorce and economic equality, job discrimination, work/family issues, and how gender is affected by race, class, and sexuality.

Note: This course will sometimes be taught as a 2-unit seminar. Students will not receive credit for both courses.

**FOOD AND DRUG LAW (3 UNITS) – SPRING (LAW*377)**
Many estimate that the federal Food and Drug Administration regulates about a quarter of all consumer expenditures in the United States. Its jurisdiction under the Federal Food, Drug and Cosmetic Act includes food, drugs, medical devices, biologics, dietary supplements, and cosmetics. This course will introduce students to the regulatory powers of this agency, which are exerted through licensure as well as the adoption and enforcement of regulations, and to the complex statute under which it operates. It will cover the problem of definitions of the regulated products, the premarket approval system for drugs, labeling requirements and allowable claims for foods and dietary supplements, the regulation of the products of biotechnology, and the relationship between this federal regulatory regime and state tort law, among other topics.

NOTE: You may not take this course if you were enrolled in the 1st year statutory course.

**HEALTH LAW (3 OR 4 UNITS) – SPRING – (LAW*217)**
This course is designed to provide students with an overview of the legal and policy issues surrounding the practice of medicine and our health care system. The course will cover five major areas relating to health law: (1) Physician-Patient Relationship; (2) Health Care Systems and Policy; (3) Public Health; (4) Mental Health; and (5) Bioethics. Students will receive an introduction to the different legal mechanisms that govern the practice of medicine in the United States and how those mechanisms impact patient care. The course will also examine the dynamics between different actors in the health care system from the narrow relationship between patients and physicians to the relationships between health care providers (doctors, hospitals, etc.) and payers (insurance companies, individuals and federal and state governments), as well as the broader relationship between the government (courts, agencies, and Congress) and patients. Course materials will come from a range of academic disciplines including law, medicine, philosophy, health policy and the social sciences.

**HEDGE FUNDS & INVESTMENT MANAGEMENT (2 UNITS) – FALL – (LAW*409)**
This course will introduce students to U.S. legal and regulatory issues relating to hedge funds and hedge fund managers and the evolution of those issues amidst hedge funds’ changing role in the capital markets. The
course’s topics will draw heavily from certain federal securities laws — the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Act of 1933 and the Securities Exchange Act of 1934— but will also involve certain provisions of the U.S. tax code and regulations, ERISA, and the Commodity Exchange Act and CFTC rules. As a backdrop to those topics, the course will delve into such areas as regulatory developments and proposals, such as those relating to manager compensation and investor “sophistication” standards, actual and perceived concerns relating to the growth and activities of hedge funds, the effects of the collapse of various large hedge fund groups, and recent litigation and regulatory enforcement actions.

IMMIGRATION LAW (3 UNITS) – FALL – (LAW*400)
This course examines the major aspects of the Immigration and Nationality Act. The interrelationship between the administrative agencies empowered to execute the Immigration and Nationality Act’s mandate will be studied. Major attention will be focused on the immigrant and nonimmigrant visa system, political asylum and refugees, exclusion and deportation of the foreign-born, and naturalization. Policy implications behind the statute and judicial interpretations are addressed.

INITIATIVE PROCESS
THE INITIATIVE PROCESS IN CALIFORNIA (2 UNITS) – SPRING – (LAW*764)
Satisfies writing requirement.

About 35 states have adopted an initiative, referendum and recall process, a major electoral reform advocated by leaders of the Progressive movement in the United States during the late 19th and early 20th centuries. This seminar will explore the history and development of the initiative process in California, exploring the role that the initiative plays in setting the state’s policy agenda. Initiatives have been used in California with increasing frequency since the 1970’s, often triggering national movements. The seminar will address some of the reasons for and ramifications of these issues.

The seminar will focus on the following topics: the history and structure of the initiative process; an in-depth examination of key initiatives such as reduction of property taxes and limitation of tax increases; taxation of tobacco to fund anti-smoking efforts; “3-strikes” mandatory sentencing laws; elimination of “affirmative action” in state programs; term-limits in state offices; and creation of a “right” to stem cell research and provision of $3 billion in funds for the research; and the body of law that courts have developed to interpret initiatives and to regulate the approval process. Finally, the seminar will address the current proposals for reform of the initiative process, including the call for a constitutional convention.

Students will select an initiative for further study and research, and will complete a research paper, which will be presented to the class for discussion. The course may satisfy the writing requirement.

INSURANCE (2 OR 3 UNITS) – FALL - (LAW*408)
The making, administration and interpretation of insurance contracts; governmental (including judicial) regulation of insurance; common insurance contract provisions; subrogation; excess liability of insurers; and property, life and liability insurance policies and problems.

INTELLECTUAL PROPERTY (4 UNITS) – FALL/SPRING – (LAW*412)
This is a survey course which covers the substantive law of trade secrets, patents, copyrights and trademarks and may also cover additional aspects of unfair competition and state publicity rights. It is meant to provide students with a general working knowledge of the various intellectual property doctrines, and an understanding of how the individual intellectual property doctrines compare, contrast and may be used to complement one another. It is recommended particularly for students who do not necessarily plan to specialize in an intellectual property practice, but nonetheless desire a background in the subject matter to augment a more general business or civil litigation practice.

Students who expect to specialize in one or more areas of intellectual property practice may prefer to take one or more of the three more specialized classes offered by the College: (1) Patents and Trade Secrets, (2) Copyright, and (3) Trademarks and Unfair Competition. Each of these 3-unit classes addresses the subject matter indicated in its name in greater depth than is provided in the Intellectual Property survey course. However, because there is substantial overlap, a student who has already taken two of the specialized courses will not be permitted to enroll in the Intellectual Property survey course.

INTELLECTUAL PROPERTY UNDER STATE LAW: TRADE SECRETS AND EMPLOYEE MOBILITY (2 UNITS) – SPRING – (LAW*508)
Trade Secret law is one of the four core areas of intellectual property law, along with Copyrights,
Trademarks and Patents. Trade Secret law is particularly important in Silicon Valley and other high technology regions based on small start-up enterprises, high rates of employee movement and venture financing. Students who plan to work in technology-related fields will face trade secret issues just as surely as they will face copyright and patent issues.

This course will cover trade secrecy, with a focus on California law under the Uniform Trade Secrets Act. It will also cover a number of related doctrines that regulate use of information between employers and employees, including non-competition covenants, non-solicitation covenants, invention assignment agreements, fiduciary duty and the preparing to compete doctrine, the work for hire doctrine under the Copyright Act, and the federal Economic Espionage Act and Computer Fraud and Abuse Act.

Much of trade secret practice in Silicon Valley and other technology regions is not reflected in the case law. To give students a sense of how the law might arise in practice, the course will provide examples such as venture capital due diligence, planning for a start-up company and so on. Key conflicts in today’s trade secret practice – inevitable disclosure, identification of trade secret claims, and common law preemption – will be explored in greater depth, along with public policy concerns – like employee rights and innovation policy – that inflect all areas of intellectual property law.

INTERNATIONAL BUSINESS TRANSACTIONS (3 UNITS) – SPRING – (LAW*416)
This course provides an overview of the legal issues - domestic, foreign, and international - that arise when U.S. companies do business abroad. Transactions discussed include export sales, agency and distributorship agreements, licensing, mergers and acquisitions, joint ventures, privatization, project finance, and foreign government debt. The course also covers U.S., foreign, and international regulation in such areas as antitrust, securities, intellectual property, tax, and foreign corrupt practices. The course does not cover U.S. or G.A.T.T. rules on import restrictions.

INTERNATIONAL AND COMPARATIVE INTELLECTUAL PROPERTY (2 UNITS) – SPRING – (LAW*414)
Prerequisite: Prior enrollment in Intellectual Property survey or Copyright, Trademarks and Unfair Competition, or Patents and Trade Secrets

This course will focus on comparison of intellectual property laws, primarily between the civil law system of continental Europe and the common law system in the US, UK and other Anglo-Saxon countries. Developments in China, Japan, Russia, a.o. will also be discussed. The course methodology consists of review, comparison and discussion of specific legal concepts and norms from the above-mentioned countries. The discussion will emphasize challenges brought about by technological developments and globalization. The ultimate goal is to provide students with an understanding of intellectual property from a global perspective, including national IP laws, their role within the international intellectual property area, and their interplay with international conventions governing IP law.

This course will start out with a general comparison of legal systems, and a discussion of international conventions in the area of intellectual property rights. These introductory concepts will be followed by a more detailed discussion of the creation, scope and enforcement of patent, trademark, copyright and industrial design rights respectively, highlighting some of the most significant substantive differences between the intellectual property rights in the systems examined.

INTERNATIONAL AND COMPARATIVE PERSPECTIVES OF HEALTH LAW (3 UNITS) – FALL – (LAW*419)
The purpose of this course is to provide students with the economic, institutional, and legal background necessary to understand the operation of the US health care system, by looking at health systems from an international perspective. Many countries are struggling to reform the law governing their respective health care systems. In the process, they must confront fundamental tensions between controlling costs and maintaining or improving quality and equality in health care provision. They must also address the right to health care, which has been acknowledged as central to effective economic and social development. The course focuses on international perspectives of health systems in a number of industrial and developing countries: how have other countries' health care systems evolved and what can the US learn from their experience?

The course first looks generally at the structure of foreign health systems, examining political and social policy frameworks such as financing systems and coverage determinations. Next, it grounds analysis of the law of each country’s health care system within its broader political and social policy frameworks, exploring country-level debates on such issues as access to care; funding and payment mechanisms; hospital and technology use; allocation of resources and rationing; cost and availability of specialized services; and privatization of services. Finally, the
course will explore specific policy issues, addressing the impact of historical, economic, and cultural factors on the way in which these issues are addressed within each country.

Analyses will reflect the diversity of international experience of funding and delivering health care, looking both at the industrialized world and the developing world. Industrialized countries have highly developed systems, most of which are currently under considerable stress. Great Britain, Canada and Taiwan each have legislation creating national health care systems. Germany and the Netherlands provide examples of social health insurance systems combined with private health insurance for high-income earners. France’s legislation illustrates a more centralized model of social health insurance, offering universal coverage and with a mixture of public, private non-profit and for-profit providers. Australia, Israel and New Zealand have legislation providing for predominantly tax-financed systems of health care with differing degrees of decentralization and privatization. The emerging industrial and developing world (India, Malaysia, China) have had different degrees of success – and failure – importing systems piecemeal from industrialized countries, or experimenting with establishing new public and private systems of health care financing, such as user fees and health insurance. These countries are also concerned to make the right strategic choices to assure sustainable health sector development.

Health Law is recommended but not required.

INTERNATIONAL HUMAN RIGHTS (3 UNITS) – SPRING – (LAW*417)
This course is an introduction to the law and institutional mechanisms for the international protection of human rights. It examines briefly the theory and the history of the field, together with key United Nations documents. International treaty and non-treaty mechanisms for protecting and promoting human rights, including regional systems and the role of non-governmental organizations, are covered. We will also address the use of international human rights standards in United States courts. Discussions will then focus on specific contemporary human rights problems, which may include the prevention of torture and disappearances, the use of criminal and civil sanctions, and minority and indigenous peoples rights. We will pay special attention to the role of corporate actors in human rights issues, to international criminal tribunals and accountability for human rights violations, and to environmental and development rights. The grade will be based on a series of individual and group exercises and a final exam. No prerequisites, although a background in international law would be most helpful.

INTERNATIONAL TRADE LAW & POLICY (3 UNITS) - SPRING – (LAW*415)
This course concerns the domestic U.S. and international regulation of globalization. Specifically, we will focus on both the public policy and legal aspects of regulating trade in goods and services. We will consider first the economic and political arguments for and against free trade. Then we will look at the historical development of the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization with special emphasis on the dispute settlement procedure and the relative power dynamics of the Industrialized and developing states.

Next we will consider how the U.S. has enacted the GATT into domestic statutes, such as the provisions on dumping and countervailing duties, retaliation, and protecting intellectual property rights, and how these legal rules have been applied by administrative agencies like the International Trade Commission and by U.S. courts. Finally, we will examine a range of current legal topics including the creation of free trade and customs unions like NAFTA and the E.U., environmental protection, labor rights, trade and development, and liberalizing trade in services.

INTRODUCTION TO CHINESE LAW (3 UNITS) – FALL – (LAW*248)
This course will provide an introduction to the legal system of the People’s Republic of China. Students will explore the historical foundations of law in China, contemporary Chinese legal institutions and the lawmaking process, the role of the legal system in China’s political, economic, and social reforms, and legal aspects of China’s international relations. The course will also provide an overview of selected areas of substantive Chinese law, including constitutional, corporate, property, contract, and criminal law.

ISSUES IN PUBLIC AND GLOBAL HEALTH (3 UNITS) – SPRING – (LAW*515)
This course provides an opportunity to examine the law’s impact on the public’s health on both a national and global scale. The determinants of health (disease, lifestyle choices, environment) do not originate or stay within national borders, but extend globally, as illustrated in cross-national health policies, technology, and government regulation. The course has three key goals: first, to provide a framework for analyzing the interaction between law and public health; second, to explore the scope of the government's authority to regulate individual behavior in the interest of public
Questions to be addressed:

How are individual rights balanced against the authority of government to regulate individual behavior? What are the strengths and weaknesses of litigation, legislation, and administrative regulation as means to achieve public health goals? In what ways does the law obstruct the achievement of public health goals? In what ways does the law provide remedies that would not otherwise exist?

How has increased globalization affected global population health? How do international trade agreements and intellectual property laws impact the health of individuals in developing nations? What obligations to researchers owe to international research subjects, and how should these be policed?

Specific topics include exploration of the role of law in executing specific public health functions, considering potential legal and policy solutions. These include public health emergencies, such as bioterrorism, natural disaster, or infectious disease outbreak; the authority of the government to collect and use individual medical information; mandating vaccination and treatment; protection of human subjects under international treaties; and the multinational efforts to control and regulate tobacco.

Health Law recommended but not required.

JURISPRUDENCE (2 UNITS) – FALL/SPRING – (LAW*432)
This class will focus on the question: What is law? Topics to be covered include natural law, legal positivism, legal realism, and the authority of law. Readings will be drawn primarily from legal philosophy.

LABOR LAW I (3 UNITS) – SPRING – (LAW*447)
The principal focus of the course is the legal context of collective bargaining under the National Labor Relations Act, including both the union-management relationship and the relationship of the individual worker to those institutions. The subject matter will include the development of public policy toward collective bargaining and the law regulating establishment of the bargaining relationship, the bargaining process, arbitration and the enforcement of the collective agreement, the use of economic weapons, union security arrangements, and the union's duty of fair representation. (See Workers' Rights Clinic in

CLINICS AND JUDICIAL EXTERNSHIPS for 3 unit clinical option.)

NOTE: Students who enroll in this course may not enroll in Labor & Employment Law when offered (4 Units)

LAND USE REGULATION (3 UNITS) - SPRING – (LAW*456)
Local governments impose a variety of regulatory measures that control where we work, sleep, and commute, as well as the impact of those activities on ourselves, our economy, and our environment. This course undertakes an intensive analysis of the traditional regulatory techniques, including zoning, general planning, and subdivision mapping, and relates them to the practical and political aspects of the land-development process. There will be particular emphasis on California issues, including environmental analysis and controls, housing development, regional growth management, and voter initiatives.

LAW OF LENDING (3 UNITS) – SPRING – (LAW*445)
This is a course on debt, consumer lending, and debt-backed securities. The course covers federal and state laws that govern the debtor/creditor relationship. The course will cover consumer protection legislation, like the Truth In Lending Act (TILA); mortgage and debt origination (sales) practice, products and litigation; secured and non-secured credit products (credit cards, car loans, electronics loans, furniture loans, Pay Pal, debit cards, etc.); student loans; fraud in lending (bank, broker, and consumer); the link between consumers and investors; and other connections between capital markets and consumer lending.

LAW OF THE EMPLOYMENT RELATIONSHIP (3 UNITS) – FALL – (LAW*435)
The modern workplace is subject to common law and statutory principles which affect all aspects of employment, as well as principles which structure opportunities for worker participation through collective bargaining. This course will survey those principles, explore their inter-relationship, and provide a basis for their evaluation in terms of public policy. Among the topics to be studied are: the nature of the employment contract, the at-will rule and its limitations, the employee’s duty of loyalty, trade secrets, covenants not to compete, legal regulation of wages, hours and health and safety conditions, workers compensation and unemployment insurance, non-discrimination statutes, as well as collective bargaining principles in the private and public sectors, the role of arbitration and the impact of globalization.
This course would replace the 4-unit course “Labor and Employment Law”. There is some overlap with the Employment Discrimination and Labor Law courses, but not enough to preclude students from enrolling in those courses as well. Employment Discrimination is recommended but not required.

LEGAL REFORM IN EAST ASIA (2 UNITS)-FALL-(LAW*465)
This course is a comparative study of the role of law and legal institutions in the transitions of South Korea, Taiwan, and China. The course will begin with an overview of the development trajectories in the three jurisdictions and a general discussion of the “East Asian development model.” It will then examine efforts by authoritarian regimes to promote legal reform for economic development, the relationship between economic development and democratization, and the role of law and legal institutions in political transitions in the three jurisdictions.

LEGISLATIVE PROCESS (3 UNITS) – FALL – (LAW*480)
The course examines the legal principles governing the legislative process, the drafting of legislation, the regulation of participants in the legislative process, including lobbyists, and ethical issues facing an attorney who is involved in the legislative process. The course work includes exploring the interrelationship between statutory and decisional law and the role of administrative law as these topics relate to the enactment of legislation. The course provides a practical analysis of the legislative process from the perspective of the attorney who will be involved in drafting legislation, advocating its passage, and arguing about statutory construction in the courts. Both the California Legislature and United States Congress are subjects of discussion.

MARITIME LAW (3 UNITS) – SPRING – (LAW*224)
The course provides an intensive introduction to maritime law. Students will gain a solid understanding of the basic principles of admiralty jurisdiction and practice, including maritime liens, limitation of liability, personal injury and death claims, collision, towage, salvage. In addition, the course will cover a range of other topics, including marine insurance, Cargo (Carriage of Goods By Sea), charter parties, governmental immunities, and Arrest of Vessels.

NON PROFIT ORGANIZATIONS (3 UNITS) – SPRING – (LAW*485)
This course will address the legal regulation of nonprofit organizations from the perspective of state law and federal tax law, with equal emphasis to theoretical, doctrinal and practical planning issues. Topics to be covered include: the theoretical rationales for the nonprofit sector and federal tax benefits; formation and dissolution of nonprofit corporations and charitable trusts; operation and governance, including the legal duties and liabilities of directors and trustees; requirements to qualify and maintain federal tax-exempt status; the distinction between public charities and private foundations; the tax consequences of business and investment activities of nonprofits; basic charitable giving strategies; and regulation of charitable solicitation. Although the course will emphasize charitable nonprofits, some attention also will be devoted to mutual benefit organizations such as trade associations and social clubs. The grade will be based on a practice exercise and a final exam. Students who previously received credit for taking California Non-Profit Corporation Law & Charitable Foundations Seminar may enroll in this course but will only receive two units of credit.

PATENT LITIGATION (2 UNITS) – SPRING – (LAW*510)
Prerequisite: Prior or concurrent enrollment in Intellectual Property survey course or Patents and Trade Secrets recommended but not required.

This course will focus on the discovery, analysis, and communication of technological concepts. The course will examine the law underlying patent infringement lawsuits, including the aspects of remedies unique to the field. Attention will be paid to strategic considerations in litigation, factors motivating litigants, and methods for explaining the relevant technology to the factfinder.

PATENTS AND TRADE SECRETS (3 UNITS) – FALL – (LAW*505)
This class provides in-depth coverage of substantive trade secret law and patent law. In addition, it covers aspects of patent prosecution practice and procedure. This class is recommended particularly for students planning to specialize in patent law, because it covers the subject matter in greater depth than the Intellectual Property survey course.

PERSONAL INJURY LITIGATION (2 UNITS) – SPRING – (LAW*512)
A survey course in civil advocacy and forensic medicine, primarily oriented toward personal injury litigation. The course will cover initial case investigation, management, utilization of expert witnesses, examples of court room tactics and strategy and discovery technics. Guest lecturers in medical
played by law in the historical treatment of African-Americans, American Indians, Latinos, Asian-American and Whites, as well as the impact of legal rules and doctrines on the condition and status of these groups today. Legal rules will be examined in light of developments in the social sciences regarding the nature of race, racism and prejudice. Moreover, the class will cover topics such as reparations, affirmative action, voting rights, residential and educational segregation, race and crime, the intersections of race and gender and race and class, and the developing notion of legal equality.

REGISTRATION REQUIREMENT: Students wishing to enroll in this course must submit a one- or two-page, type-written memorandum discussing why they want to take the course and whether they have any special training, experience, or background which is relevant to the topics to be discussed therein. Attendance at the first class meeting is mandatory.

REFUGEE LAW & POLICY (3 UNITS) – SPRING – (LAW*428)
Prerequisite: Immigration or International Human Rights law recommended, but not required.
This course focuses on law and policy issues in the determination of refugee status. Refugee law has its origins in international treaties dating to the post-World War II period. This course begins with an examination of the international origins of refugee law, and the significance of international norms in its development. It will examine the relevance of these international norms in the context of such controversial policies as the interdiction and return of asylum seekers, and other measures which prevent or limit access of asylum seekers to the territory of the country of asylum. The course closely explores the meaning of the terms persecution, the various grounds on which persecution may be feared; namely political opinion, religion, race, nationality of membership in a particular social group. Particular attention will be paid to the developing jurisprudence of gender-based claims for asylum, and claims based upon sexual orientation. The course also addresses practical aspects of refugee representation, including the impact of psychological trauma and cross-cultural communication on the adjudication of asylum claims.

REMEDIES (3 UNITS) – FALL/SPRING – (LAW*552)
The course in remedies focuses upon the nature and scope of relief that a court may grant a party who has established its entitlement to a substantive right. In examining what courts may do for a winning litigant, and to the loser, the remedies course primarily asks three questions: 1) What is the remedy supposed to accomplish? 2) To what extent do judges have discretion in formulating a remedy in individual cases?
and 3) How should the exercise of that discretion be controlled? These questions are explored in the context of traditional judicial remedies such as damages in tort and contract cases, restitution, punitive remedies, declaratory relief and coercive remedies in equity.

The context in which these remedies are explored will vary according to the instructor. Some sections of the course focus on private litigation. Other sections, while covering private law remedies as a matter of course, place particular emphasis on the remedies available in public law cases, that is, on cases enforcing important constitutional and statutory rights.

SALES AND LEASES OF GOODS (3 UNITS) – FALL/SPRING – (LAW*558)
This course covers contracts for the sale and lease of goods under Articles 2 and 2A of the Uniform Commercial Code.

SCIENCE IN LAW (3 UNITS) – SPRING – (LAW*570)
The class surveys the ways in which scientific research has been used and misused by courts and legislatures. The course includes topics involving the natural sciences, but focuses on the social sciences because they have been the sciences accorded particular attention by the courts. The class begins with an exploration of the history of the science and law relationship. The class then takes a brief detour through some of the basic research methodology needed to critically evaluate scientific research, with special emphasis on the statistical methodology of the social sciences. (Students need not have any mathematical background; the class adopts a basic introductory emphasis tailored for the non-empirically inclined law students). Following this detour, the course surveys the many applications of scientific research in the law (again with particular emphasis on social science research). The traditional use of science has been to assist courts in determining relevant facts (e.g., obscenity, DNA fingerprinting, discrimination, trademark infringement and toxic torts). Empirical research has also been instrumental in making law (e.g., Brown v. Board of Education, Roe v. Wade, and in capital sentencing cases). Finally, empirical research has been used as a combination of law-making and fact-finding (e.g., battered woman syndrome, predictions of dangerousness, eyewitness identification and rape trauma syndrome.

SCIENTIFIC METHOD FOR LAWYERS (3 UNITS) – FALL – (LAW*201)
This course will introduce law students to research design and statistics then examine legal applications.

The first half of the course will cover basic statistics, including multiple regression analysis, as well as topics like research terminology, planning of experiments and field studies, and threats to internal and external validity. The second half of the course will be devoted to legal applications, including, for example, the use of statistical proof in employment discrimination cases, the use of survey evidence in intellectual property cases, and challenges to scientific validity of evidence.

Students may take both Science in Law Seminar and Scientific Method for Lawyers. The former course focuses on rules of admissibility and the substantive integration of science into legal policy and decision making. The latter course focuses on scientific research methods.

SECURITIES REGULATION (3 OR 4 UNITS) – SPRING – (LAW*568)
Prerequisite: Corporations
This course focuses on federal and state regulations of business enterprise access to the financial markets; control of trading on the exchanges and in the over-the-counter market; disclosure and civil and criminal liability provisions.

SEXUALITY AND THE LAW (2 UNITS) – SPRING – (LAW*206)
This course will examine some of the rapidly expanding legal issues involving sexual orientation and gender identity. Substantive issues to be covered include the decriminalization of sodomy; the recognition of lesbian and gay relationships, including marriage, civil union and domestic partnerships; employment discrimination and sexual harassment; immigration; gender identity issues; and the establishment and limitation of rights of expression and association. This course will use sexuality and gender theory, case law, and legislation to examine the law's evolving treatment of these fundamentally diverse and fluid communities.

STATE AND LOCAL GOVERNMENT LAW (3 UNITS) – FALL – (LAW*598)
There are roughly 80,000 local government entities providing essential services and spending billions of dollars, but these governments, all primarily a product of state law, most often appear in law school classes as defendants in constitutional tort cases. This course takes a broader approach to local government law, both practically and theoretically, with a particular emphasis on the role of state and local governments in our federal structure. Topics to be covered include: federalism, relations between states, governmental liability, home rule, zoning, educational equity and public finance. Readings will be drawn not only from case law, but
from history, democratic theory, state statutes, local ordinances and policy analyses.

**STATUTORY INTERPRETATION AND BILL DRAFTING (3 UNITS) – SPRING – (LAW*215)**

Prerequisite: Legislation
Enrollment limited to students currently enrolled in the Legislation Clinic. This class meets in Sacramento.

The class explores the contemporary literature of statutory interpretation, including the role of courts in construing statutes, the controversy surrounding the use of legislative history and extrinsic aids in interpreting statutes, and the “plain meaning” approach to statutory construction. The importance of the initial interpretation of a statute by an administrative agency responsible for its implementation will also be examined, as will the canons of statutory interpretation and the criticism of those canons.

Simultaneously, the class will focus on the professional skills needed to draft bills effectively. Readings will include both time-honored literature on the subject (such as Karl Llewellyn’s work, and Reed Dickerson’s *Legislative Drafting*) and more contemporary sources (such as *Legal, Legislative, and Rule Drafting in Plain English* by Martineau and Salerno). The class will include hands on drafting, both in the context of the student’s clinical placement, and in the form of drafting exercises and assignments prepared for the class.

**TAX PROCEDURE (3 UNITS) – SPRING – (LAW*590)**

Co-requisite or prerequisite: Federal Income Taxation
This course concerns how to represent clients in disputes with the IRS. Using the problem method, the course addresses the rights and responsibilities of taxpayers and the IRS in private letter ruling requests, return preparation and filing, audits, administrative appeals, and litigation. It also explores IRS options in collecting liabilities and defensive measures available to taxpayers and affected third parties. Attention also is given to tax ethics, civil and criminal penalties, tax shelters, and the special problems of transnational tax enforcement. A final examination will determine the bulk of the grade, but a number of short writing assignments will also be used, simulating documents a lawyer in tax practice is called upon to prepare.

**TAXATION OF FAMILY WEALTH TRANSFERS (4 UNITS) – FALL – (LAW*616)**

Prerequisite: Federal Income Taxation
Recommended Prior Course: Wills & Trusts
A problem-oriented survey of the federal transfer and income taxes affecting the transmission of wealth, including the unified transfer tax structure; the gift tax, with specific consideration of lifetime gifts and the annual gift tax exclusion; the estate tax, with specific consideration of property included in the decedent's gross estate, valuation, the use of trusts, jointly owned property, life insurance, and the marital and charitable deductions; the generation-skipping tax; and an overview of the income taxation of trusts, estates, grantors and beneficiaries. Primary emphasis is given to statutory interpretation, with selective coverage of basic transfer and income tax planning strategies for family wealth transfers.

**TELECOMMUNICATIONS LAW & POLICY (3 UNITS) – SPRING – (LAW*617)**

This course will examine the government regulations of the telecommunications industry. Our focus will be on several critical markets, including broadcasting, cable, telephones and the internet. We will also touch on related services, such as broadcast satellite TV and wireless telephones. The course will survey technological, economic, statutory and constitutional constraints on government regulation. Particular attention will be paid to the dramatic changes that have occurred since the enactment of the Telecommunications Act of 1996, which seeks to unleash competitive forces in this vital and dynamic industry.

**THEORETICAL CRIMINOLOGY (2 UNITS) – SPRING – (LAW*623)**

Prerequisite: Criminal Procedure recommended but not required.

The course offers a critical examination of theories on the etiology of crime and criminalization, focusing on basic criminological and sociological theories, and on the links between criminology and criminal justice policy. Among other issues, the course will include the following: The Enlightenment Era, classicist and neo-classicist criminology; positivism (biological and psychological); crime, environment and organization; functionalism and crime; socio-historical macro-theories on the evolution of crime over time; crime and criminal justice as social control; labeling theory; structural conflict theories, particularly Marxism, feminism, and critical race theory; situational crime prevention; the impact of law and economics on criminological theories; law and order theories; governmentality and risk assessment.

**TRADEMARKS AND UNFAIR COMPETITION (3 UNITS) – FALL – (LAW*670)**
This class provides in-depth coverage of substantive trademark and unfair competition law, and state publicity rights. It covers the subject matter in greater depth than the Intellectual Property survey course.

U.S. TAXATION OF FOREIGN TRANSACTIONS & INVESTMENTS (3 UNITS) – SPRING – (LAW*635)
Prerequisite: Federal Income Taxation
A study of the federal income tax treatment of nonresident aliens and foreign corporations investing or transacting business in the United States and of United States persons engaged in foreign investment and business operations. Consideration will be given to the foreign tax credit, the rules for determining source of income, taxation of controlled foreign corporations, the impact of tax treaties, tax planning for the multinational business enterprise, Section 482, transfer pricing, and issues of compliance and enforcement.

VENTURE CAPITAL & THE START-UP TECHNOLOGY AND EMERGING GROWTH COMPANY (2 UNITS) – SPRING – (LAW*318)
Prerequisite: Corporations
This course will focus on the role of venture capital in the organization and development of the startup technology company, with emphasis on both the legal and business perspectives of this subject. The first part of the course will provide an overview of the venture capital industry in general and the motivations and financial objectives that shape the typical venture fund in its approach to a startup investment. The course will then shift in focus to the wide range of business, legal, tax and accounting issues that typically need to be addressed by the venture-backed technology company. These issues will be considered for the entire life cycle of the technology start-up, from the organizational stage through the seed and venture financing rounds, with some discussion in conclusion on the process and issues associated with accessing the public equity markets through an IPO. Consideration will also be given to related topics, including corporate capitalization structures, customary equity incentive arrangements for employees, and the terms and conditions of a typical venture capital investment.

The course will also feature a number of guest speakers to share their experience from a real world perspective, including venture capitalists from Silicon Valley-based venture capital funds, executives from existing venture-backed technology companies, attorneys from local law firms that concentrate in the technology area, and others.

NOTE: Students who have taken Legal Issues of the Start Up Businesses will not receive credit for this course.

WILLS & TRUSTS (3 OR 4 UNITS) – FALL/SPRING – (LAW*647)
An integrated course covering the laws of intestate succession, wills, and trusts. Historical development of the family wealth transmission process is traced, but emphasis is on modern statutory systems and contemporary policy determinants. Topics considered include patterns of intestate distributions, the execution and revocation of wills, policy restrictions on testamentary dispositions, the use of will substitutes, the creation and enforcement of private and charitable trusts, and fiduciary administration.

GPA SEMINARS
Seminars provide an opportunity for intensive analysis of legal and policy issues in a specialized area of study, culminating in a major research paper or a series of shorter papers. They require a considerable investment of time by students and faculty, and a corresponding responsibility for thorough preparation and participation by all members of the seminar. A few seminars also include a final examination. Please note that only seminars that require a substantial research paper qualify for the purpose of the College’s writing requirements.

Seminars are strictly limited in enrollment. Because intensive discussion and directed research are not appropriate for anonymous grading, letter grades are awarded for seminars based upon class participation and completion of substantial writing projects. Seminar grades are included in calculating a student’s grade point average.

ADVANCED ALTERNATIVE DISPUTE RESOLUTION: CONFLICT, EMOTION, MINDFULNESS, AND “LIE DETECTION” SEMINAR (2 UNITS) – SPRING (LAW*708)
Satisfies writing requirement.
Prerequisites: Negotiation & Settlement, Negotiation & Mediation: Process & Practice, or substantial negotiation experience, if approved by instructor. Visiting foreign students and those in the LL.M. program in particular are advised to inquire whether their experience would qualify them for this class.

The seminar explores how emotion affects how individuals and groups perceive and resolve conflict. Part of the class involves an exploration of the science of basic emotions, including how emotions may be
identified in oneself and in others. This also includes scientific and other research on the role of culture and emotion: How are emotions similar across cultures? How do emotions differ across cultures? The basic science also includes review of experimental and other research on how emotion affects the resolution of conflict. This includes both the role of negative emotions, such as the role of anger in distorting perceptions and exaggerating conflict, and the role of positive emotions in promoting problem solving and efficient resolution of differences. Based on a text on emotion and negotiation produced by two Harvard teachers, the seminar also explores the sources of emotion in negotiation itself. The seminar also explores ways to manage emotions in oneself and in others. To understand emotions in oneself better, students will learn and practice both internal and external mindfulness. Internal mindfulness involves awareness techniques sometimes described as “meditation,” but they are taught in an entirely secular way along the lines of mindfulness-based stress reduction. External mindfulness involves awareness of the emotions of others and is a stepping stone to better interviewing, evaluating truthfulness, and “lie detection.”

In lieu of some otherwise scheduled class sections, the class will meet on a Saturday during the semester to introduce internal and external mindfulness.

Students will be graded based on a mindfulness journal (to be submitted on designated dates on line), several reaction papers during the semester, class participation, and a final paper.

NOTE: The seminar may be taken to satisfy the writing requirement (in which case the final paper must be longer and involve additional research). Those who elect not to receive writing credit will write a shorter paper.

ADVANCED DISPUTE RESOLUTION: CULTURE, IDENTITY & DISCRIMINATION (2 UNITS) – FALL - (LAW*704)
Satisfies writing requirement.
Prerequisite: Negotiation & Mediation, Mediation, or Alternative Dispute Resolution Seminar

This seminar addresses various ways that culture, identity, and discrimination affect dispute resolution.

Cultural questions include (1) historical and sociological accounts of the way that different groups have resolved disputes (such as mediation and arbitration by Jews, Muslims, and other religious groups); (2) ways that dispute resolution professionals sometimes think about the ways those from different cultures deal with disputes; (3) theoretical and practical tensions involved when parties to a dispute may be parts of competing cultures, such as the treatment of women by dispute resolution systems that reflect historically patriarchal societies. Questions of identity include the contrast between economic theories that assume individuals maximize expected value of some relatively narrow set of goods and other theories that suggest senses of identity often restrict how individuals negotiate. Questions of discrimination include: (1) doctrinal questions, such as when a lack of diverse arbitrators may open an arbitration award to discrimination; (2) empirical accounts of the different results that women and minorities receive in both classroom negotiations and actual negotiations; (3) policy proposals to promote greater equality, such as disclosure of information about results of similar negotiations (e.g., prices charged to other consumers for similar cars). Seminar readings will reflect a wide range of approaches to law, including empirical studies, law and economics, feminist jurisprudence, and critical race theory.

ADVANCED INTERNATIONAL LAW RESEARCH SEMINAR (2 UNITS) – SPRING – (LAW*720)
Satisfies writing requirement.
Limited to 3rd year and LL.M. students.
Offered during the spring semester only.
This seminar is designed for students completing the International and Comparative Law Concentration. Other J.D. and LL.M. students may be admitted at the discretion of instructors if there is space available. The seminar will explore advanced issues in comparative law and public and private international law focused around a theme chosen by the instructors, but broad enough to allow students to pursue their individual research interests. Each student will produce a paper of publishable quality under the supervision of a member of the international and comparative law faculty that will satisfy the writing requirement for the Concentration. The international and comparative law faculty will collectively participate in this seminar.

ADVANCED LEGISLATIVE PROCESS SEMINAR (2 UNITS) – (LAW*763)
May satisfy writing requirement; check with instructor.
Satisfies professional skills requirement.
Prerequisite: Legislation
Enrollment limited to students enrolled in the Legislation Clinic. This class meets in Sacramento.
See LEGISLATION CLINIC for course description.

ADVANCED TOPICS IN PATENT LAW
SEMINAR (2 UNITS) – SPRING –  
(LAW*767)  
Satisfies writing requirement.  
Prerequisite: Intellectual Property survey course or Patents and Trade Secrets or with permission of the instructor.  

This seminar examines problems of theoretical and current interest in patent and innovation law. Topics include the proper scope of the patent regime, the function of the patent system in the economy and its relationship to industry structure, licensing practice and technological and scientific advancement, administrative structure of the patent acquisition and adjudication processes, and the substantive law of emerging technologies. The course also considers significant pending judicial and legislative developments. Students will write a research paper on patent law or an allied field. Significant student participation is required throughout the course.  

Student who have taken Selected Issues in Intellectual Property may not take this course.  

ALTERNATIVE DISPUTE RESOLUTION SEMINAR (2 UNITS) – FALL – (LAW*740)  
Satisfies writing or professional skills requirement but not both.  
This seminar will examine the legal, ethical and policy issues in nonjudicial resolution of individual and group disputes through negotiation, mediation, arbitration and other methods. Building on a theoretical foundation, the seminar will consider the advantages and disadvantages of both court-annexed and private ADR.  

NOTE: Students who have taken Law & Policy of Alternative Dispute Resolution or Alternative Dispute Resolution: Theory, Practice, and Policy will not receive credit for this course.  

AMERICAN LEGAL HISTORY SEMINAR: THE RISE AND FALL OF LEGAL LIBERALISM (2 UNITS) – SPRING – (LAW*772)  
Satisfies writing requirement.  

From 1933 until 1968 American politics and political thought was dominated by what political historians call “The New Deal Order.” The New Deal Order was marked by the ascendance of the Democratic Party in politics and a commitment to the affirmative use of the federal government to solve social problems. This period also saw an increased concern for the rights of minority groups and for civil liberties in general. These political ideas had legal analogues, known to legal historians as “legal liberalism.” The most obvious components of legal liberalism were constitutional law doctrines – an expansive reading of the commerce clause, for example, or the Supreme Court’s embrace of racial egalitarianism or non-economic individual liberties. However, legal liberal ideas influenced common law doctrines (such as contracts, torts, and property law) as well as non-constitutional public law (including administrative law generally, and many specific regulatory regimes such as environmental law, consumer protection law, and labor and employment law).  

In this seminar students will study the rise of the New Deal Order and the concomitant rise of legal liberalism. They will also study the fragmentation of the New Deal Order in the 1970s and 1980s and explore the effect of this fragmentation on legal liberalism. For the first half of the semester students will study secondary sources about legal liberalism. Students will then research and write a paper about an aspect of legal liberalism, relating legal changes to broader changes in American history in the last half of the twentieth century. Students’ grades will be based on their participation in class discussion and on their research paper. This research paper will satisfy the writing requirement.  

NOTE: The reading assignments for the first four weeks of this class will be substantial. During that time students will be expected to read three different books surveying twentieth-century American legal history. The first of these books, Lawrence Freidman’s American Law in the Twentieth Century is a long, but easy read. Students enrolled in the seminar are encouraged to read it over winter break.  

AMERICAN WEST: LAW, CULTURES & THE ENVIRONMENT SEMINAR (2 UNITS) – SPRING – (LAW*710)  
Satisfies writing requirement.  
This seminar will focus on the lands, resources, people, history, law, economics, and contemporary politics of the American West. A principal theme will be the conflict between what Charles Wilkinson has called The Lords of Yesterday -- Nineteenth and early-Twentieth Century laws that shaped the development of the American West -- and contemporary laws such as the Wilderness Act, the Clean Water Act, the Endangered Species Act, and other environmental laws. The old laws helped to establish western economies based on mining, grazing, timber harvesting, water resources development, and other extractive uses. The new laws seek to restore a balance between the utilitarian West and the remaining undeveloped lands and resources of the region.  

Topics may include: the history of the frontier; dispossession of Native Americans; disposition of
federal lands and resources; the modern era of multiple use and reservation of special resources; local communities and their dependence on public resources; land and resource management in the Greater Yellowstone Ecosystem; timber, endangered species, economics, and culture in the Pacific Northwest; dams, electricity, salmon, and fishing treaties on the Columbia; and the special case of California, a place that Theodore Roosevelt called west of the west.

ANTITRUST AND INTELLECTUAL PROPERTY LAW (2 UNITS) – FALL – (LAW*700)
This seminar will NOT satisfy the writing requirement.

This course examines both antitrust and intellectual property law in depth with a special emphasis on the relationship between those laws, how they generally complement each other to promote innovation through competition for the public benefit while occasionally conflicting with each other. The course will analyze various intellectual property licensing practices under governing antitrust principles, the extent of a patent owner's right to exclude others from technology markets, joint licensing practices, antitrust risks in the prosecution or settlement of intellectual property claims, the adoption of industry standards for intellectual property, and a comparative analysis of antitrust liability and patent misuse.

ART LAW SEMINAR (2 UNITS) – FALL – (LAW*745)
Satisfies writing requirement.

This seminar examines significant legal issues at the intersection of law and art. The class studies state and federal statutory and decisional law as well as international law and conventions which govern visual art, cultural property, and the art and antiquities markets. With individual paintings selling for more than $150 million in today’s market, and with the illicit trade in stolen art and antiquities estimated by the F.B.I. to exceed $6 billion annually, the scope of legal issues cut across many substantive areas of law including: Intellectual property law; Contracts and the law of international transactions; Constitutional law; Tax law; Non-profit and corporate law and governance; Criminal law and procedure; Cultural property law; and International law.

BIOETHICS, LAW & HEALTHCARE DECISIONMAKING SEMINAR (2 UNITS) – (FALL) – (LAW*719)
Satisfies writing requirement.

This seminar focuses on bioethical and legal analysis of various issues, problems, and controversies in health care decisionmaking. The course begins with a grounding in core ethical principles and their corresponding legal doctrines and a survey of historical developments influencing modern approaches. Topics covered include current dilemmas and challenges relating to: (i) application of the doctrine of informed consent; (ii) health care decisionmaking for minors, mentally-disabled persons, older persons, and persons of uncertain competence; (iii) end-of-life health care decisionmaking (e.g., decisions to forego life-sustaining treatment, physician-assisted suicide, advanced directives, models of surrogate decisionmaking); (iv) organ and tissue donations (e.g., proposals to create legally-regulated markets for organs and tissues); (v) present and future use of reproductive and genetic technologies to select for or alter physical or psychological disorders or traits. The specific topics covered may vary from year to year in order to accommodate changing technologies and emerging debates.

BIOETHICS, LAW AND SOCIETY SEMINAR (2 UNITS) – SPRING – (LAW*768)
Satisfies writing requirement.

This course will take an in-depth look at the burgeoning field of bioethics. The seminar will be a broad survey that looks not only at the history of bioethics, but also its current state and growing relevance to legal decisionmaking and public policy. Students will be introduced to the various disciplinary strands (Philosophy, clinical medicine, etc.) that interweave to create the interdisciplinary character of modern bioethics. Numerous case studies will be used to link abstract theoretical concepts to real-world situations.

BUSINESS PLANNING SEMINAR (2 UNITS) – SPRING – (LAW*761)
Satisfies writing or professional skills requirement but not both.


Business planning provides the student who has achieved familiarity with fundamental concepts of taxation and corporate law an opportunity to apply that knowledge. The course is taught on the problem format, with small groups of students seeking practical solutions to problems designed for exposure to commercial, legal and financial questions. Among the areas explored are corporate formation and capital structure, contractual relationships between corporations and shareholders, redemption of shares (including financial aspects), acquisitions and
divestitures, and corporate dissolutions.

**CAPITAL PUNISHMENT SEMINAR (2 UNITS) – FALL – (LAW*770)**
This seminar will NOT satisfy the writing requirement.

This seminar’s primary objective is to provide the student with a basic understanding of the procedures and limits governing the imposition of the death penalty. The course will begin with the development of general constitutional issues and principles and then concentrate on specific topics that frequently arise in capital punishment cases: the selection of death qualified jurors, admission of evidence at the sentencing phase, proper sentencing procedures, and the pursuit of appellate and habeas corpus relief. Course materials will emphasize federal constitutional law and focus primarily on United States Supreme Court decisions.

**CHINA AND THE INTERNATIONAL LEGAL ORDER SEMINAR (2 UNITS)-SPRING-(LAW*783)**
Satisfies writing requirement.
China’s rapid economic growth and growing influence on the world stage pose both opportunities and challenges for international legal institutions. This course will examine the legal dimensions of China’s rise and its integration into the international community. Topics to be examined include: Chinese conceptions of international law; China’s behavior in the United Nations; China and the international human rights regime; China’s entry into the WTO; China’s growing role as an outbound investor and importer; Tibet, Taiwan, and Chinese conceptions of sovereignty; and Western influences on China’s legal reform process.

**CLASS ACTIONS SEMINAR (2 UNITS) – SPRING – (LAW*727)**
Satisfies writing requirement.
This seminar examines current problems in Federal and California class actions. After brief review of the history, purpose, and structure of class actions and amended Rule 23, the course will consider identity of claims between representative and class, standing to sue, mootness and intervention, the role of class attorney and representatives, adequacy of representation and conflicts of interest, the certification hearing, class action categories, the obligation or discretion to give notice and opportunity to be heard or opt out, the content of class notices, jurisdiction and choice of law issues, pre- and post-certification settlement, plans of distribution, appellate review, and res judicata.

**COMMUNITY ECONOMIC DEVELOPMENT SEMINAR (2 UNITS) – FALL – (LAW*723)**
Satisfies writing or professional skills requirement but not both.
This seminar will introduce students to some of the legal, business, finance, planning, and development issues faced by community organizations, non-profit corporations, and their lawyers in initiating business enterprises and housing projects in low and moderate income neighborhoods. Topics such as the Community Reinvestment Act, Low Income Housing Credits, Housing Trust Funds, and the role of local and state governments in community economic development. Additionally, the students will examine some of the projects which have been completed around the country to gain some insights into how they were organized and structured.
COMPARATIVE CORPORATE GOVERNANCE SEMINAR (2 UNITS) – FALL – (LAW *722)
Satisfies writing requirement.

The class will compare corporate governance practices in the United States and overseas. The course will spend a month examining corporate governance in the United States, including the arguments for whether good corporate governance in fact is beneficial to a corporation. The second month will be spent on an examination of the differences in corporate governance practices overseas. We will look at practices in Britain (sometimes referred to as a shareholder’s paradise) and practices typical of civil code jurisdictions. The class will also look at some of the reasons that explain the differences in governance approach, including history, culture and religion. Each student will be expected to do a paper that examines a particular governance practice in another country and compares it to practices in the United States and a 20 minute presentation to the class on the topic of the paper.

CONSTITUTION OF THE FAMILY SEMINAR (2 UNITS) – SPRING – (LAW*711)
Satisfies the writing requirement.

How should we define the term “family” and determine the roles and rights of family members in the brave new world spawned by advances in reproductive technologies? As its title would suggest, this seminar will explore the constitution of the family – both the structure of the modern family and the constitutional law governing it. It will focus upon the contours of the constitutional right to privacy, as applied to such topics as abortion, forced caesareans, regulation of pregnant drug-addicts, artificial insemination, in vitro fertilization, genetic screening, surrogate motherhood, and parental rights of those not biologically connected to the child.

COURTS AS A POLITICAL ACTOR SEMINAR (2 UNITS) – FALL – (LAW*744)
Satisfies writing requirement.

This course introduces students to the vast interdisciplinary literature examining the relationship between courts and the rest of the political system. The legal system – courts, judges, lawyers – has a substantial impact on policy making and politics. But the role of courts and judges in resolving political questions is controversial. We will examine the role of judges in policy making; the relations between courts and the other branches; the effect of interest groups on the courts; and the role courts can or cannot play in social reform. The students will also be introduced to methodological issues in conducting such research.

CRIMINAL LAW & THEORY CONCENTRATION SEMINAR (2 UNITS) - FALL – (LAW*757)
Satisfies writing requirement.
Preference will be given to 3rd year students.

This seminar is mandatory for all students seeking to obtain the Concentration certificate, and attendance will be mandatory. The seminar will meet for two hours a week. Students must complete a scholarly paper on a criminal law or procedure topic approved by the faculty director. In the seminar, we will focus on significant,

CRIMINAL PUNISHMENT SEMINAR (2 UNITS) – SPRING – (LAW*728)
Satisfies the writing requirement.

The past several decades have witnessed dramatic changes in the punishment of criminal offenders. Prison populations have swelled, as legislatures have enacted increasingly severe sentences and have attempted to limit judicial discretion through mandatory minimum penalties and binding sentencing guidelines. This seminar will assess these trends from both a theoretical and practical perspective. We will begin by looking critically at the dominant justifications for punishment today and then proceed to explore the practical structure of our sentencing system. Which institution should have the primary responsibility for sentencing – courts, legislatures, or sentencing commissions? Should an offender’s upbringing or current family responsibilities be relevant to the sentencing decision? How effective are alternatives to incarceration, and when are they appropriate? In answering these and other questions, our ultimate goal will be to bring some theoretical clarity to the development of a just and effective sentencing system in America.

CURRENT ISSUES IN WORK/LIFE LAW – SPRING – (LAW*752)
Satisfies writing requirement.

This seminar provides participants an opportunity to explore, hands-on, the role of lawyers in helping to frame a new area of law and public policy. Work/life law concerns the legal issues related to the conflicts families experience between work obligations and family obligations, stemming from the long hours required by many professional jobs, the inflexible schedules imposed in many middle- and working-class
jobs, and the lack of affordable child care and other policies to support working families. Topics may relate to 1) employment law, exploring how workers are effectively challenging family-hostile workplace conditions, 2) family law, to develop resources to help lawyers effectively represent adults who have cut back on paid work in order to care for families; 3) public policy issues and initiatives; and 4) developing the social science data necessary to support litigation and public policy. Students enrolled in the seminar work with the Center on WorkLife Law, which works with employment attorneys, unions, and public policy advocates on work-life issues, and/or the Project on Attorney Retention, which explores new ways to work, including telecommuting, flextime, and how to create high-quality part-time programs for legal and other employers. The range of topics varies from year to year. Participants in the seminar work individually or in small groups under the direct supervision of a regular or adjunct member of the faculty. Details of each assignment are developed in discussions between the student, the supervising faculty member, and WorkLife Law attorneys. Assignments demand substantial legal research and/or social science research in areas such as employment law, labor law, benefits law, litigation issues, and public policy. Some may lead to single or co-authored WorkLife Law Working Papers, which will be accessible through the WorkLife Law website. Enrollment is limited to 15 students.

NOTE: Students can bring their lunch to class.”

CURRENT STATE & LOCAL GOVERNMENT PROBLEMS SEMINAR (3 UNITS) – FALL/SPRING - (LAW*780)
May satisfy writing requirement; check with instructor. Satisfies professional skills requirement.

In this seminar, students work in teams to analyze and report on cutting edge legal issues confronting California’s state and local governments. Each semester, the staff of Hastings’s Public Law Research Institute works with the Governor’s Office of Planning and Research, the Senate Office of Research, the California Research Bureau and other organizations to identify appropriate projects. Working closely with a faculty member and the agency that suggested the topic, teams of students research the issues, analyze them and prepare a report.

The range of topics the seminar addresses is broad. For example, seminar students have: surveyed state and local environmental justice initiatives (in a study ultimately published by the ABA); written a brochure distributed by the League of California Cities on the ethical and legal obligations of candidates for public office; and analyzed the constitutionality of residence restrictions on sex offenders for the Senate and Assembly Committees on Public Safety. Visit the PLRI’s website at www.uchastings.edu/plri for more examples.

While the topics vary from semester to semester, participants in the seminar can count on acquiring the advanced research skills that are necessary to engage with cutting edge legislative issues, learning how to write for a policy audience, and studying the role that lawyers play in the legislative process.

CYBERLAW SEMINAR (2 UNITS) – SPRING – (LAW*751)
This seminar will NOT satisfy the writing requirement.

This seminar will survey key legal issues in Internet law, including intellectual property ("Who owns your MySpace?"), electronic commerce ("Is a click a contract?"), content regulation ("What if a kid sees that?"), privacy and anonymity ("Who can tell I'm reading Perez Hilton?"), unauthorized access ("When is hacking a crime?"), and Internet governance ("Who's in charge here?"). Readings will focus on the latest developments in each of these areas. No prerequisites, and no technical background is required; supplementary readings will be available for those without basic knowledge of Internet technology and intellectual property law.

DIGITAL MEDIA LAW (2 UNITS) – SPRING – (LAW*776 )
This seminar will NOT satisfy the writing requirement. Prerequisite: Intellectual Property survey course recommended but not required.

This course will explore in depth the issues, legal principles, and practical considerations facing legal professionals in the booming digital media industry. Each week a different practitioner (or pair of practitioners) will teach a class on his/her specific area of expertise. The seminar will emphasize practical application of the law to a range of legal problems, arising in a variety of professional contexts. Students will be challenged to assess recent relevant case law, interpret licensing agreements, perform risk analysis from the perspective of the in house attorney; and obtain a general overview of the legal issues most relevant to the emerging and extremely dynamic digital media industry. Like most seminars, this is expected to be an interactive course that utilizes a range of different materials and teaching techniques. Though not the primary purpose of the course, it is also expected that the select group of practitioners who have agreed to participate in the seminar will present a rare and valuable networking resource to the students.
DISPUTE SYSTEM DESIGN SEMINAR (2 UNITS) – SPRING – (LAW*785)
This seminar does NOT satisfy the writing requirement. 
Prerequisites: Negotiation & Mediation: Process & Practice (LAW 837) or Negotiation & Settlement (LAW 838) or ADR Survey course

This advanced course in dispute system design will broaden the student's skill set to include being able to diagnose dispute systems and recommend dispute system design approaches that go beyond traditional litigation.

Lawyers’ help clients shape the way various institutions (corporations, non-profits, work places, schools, and nations) manage and resolve disputes. As organizations and their leaders become conscious of the rising cost of disputes they are looking for opportunities to be more effective and efficient in the procedures they develop to address groups of conflicts. Customized approaches to dispute management have led to the evolving field of dispute system design. A small but growing number of law schools see that their students will benefit from exposure to this field.

Students will be guided through the use of dispute system assessment, system design, implementation and evaluation. Topics to be developed will be how to identify the elements that can be found across dispute systems, how the goals of systems compare to the outcomes, how to seize the opportunity to create customized approaches, how various dispute system models were developed and what values they reflect. The course will also consider the implications of privatizing justice and the impact of dispute system design and control upon the broader concepts of justice.

The emphasis will be on case studies that provide guiding principles for successful design, implementation and evaluation of dispute management systems. Students will also be expected to critique how and why some of these systems fall short in delivering on stated goals. Throughout the course these systems will be compared to our traditional civil and criminal justice systems. Instruction will include a dissection of complex dispute system designs in a number of areas—labor relations, courts, mass tort claims, world trade, corporations, online dispute resolution and transitional justice.

The course will draw on the skills developed in the basic ADR courses.

Classroom instruction will feature analysis of complex case studies. Guest speakers will both lecture and provide feedback on student exercises. There will be required readings for all classes and at the end of the term student will present papers.

Grades will be based on class participation, a number of short written assignments and a final paper.

ELECTION LAW SEMINAR (2 UNITS) – SPRING – (LAW*717)
Satisfies writing requirement.

This seminar will provide comprehensive coverage of election law issues, including analysis of voting rights and redistricting, campaign finance reform, political parties, bribery and conflicts of interest, and public financing of campaigns. Readings in the text will be supplemented by guest lecturers from the political arena. Students will make presentations to the class on the subject of their research paper.

ESTATE PLANNING SEMINAR (2 UNITS) – SPRING – (LAW*790)
Satisfies writing or professional skills requirement but not both.
Prerequisites: Federal Income Taxation, Taxation of Family Wealth Transfers, and Wills & Trusts, or permission of the instructor.

A problem-oriented study of the tax, nontax and ethical aspects of planning for the acquisition, holding and transfer of family wealth, including lifetime giving to children and grandchildren, joint and community property, marital deduction planning, life insurance and employee benefits, use of living trusts and durable powers of attorney, closely held business interests, valuation discount strategies, charitable giving opportunities, and post-mortem estate planning. The seminar will introduce students to basic estate planning documents and include experience in designing and formulating estate plans for various persons with different needs and resources.

FILM & THE LAW SEMINAR (2 UNITS) – FALL – (LAW*756)
Satisfies writing requirement.

This seminar will study the function of law in society by examining legal decisions, statutes, and legal philosophy in the context of contemporary films. Each weekly session will entail three components: (1) a viewing of the film under consideration in a designated screening/lab session; (2) study of materials applicable to the week's discussion; and (3) the seminar session itself, focusing on analysis of the film viewed and the readings. The first portion of the course will deal with historic legal developments and films that chronicled or critiqued those developments; for example, the Prohibition era, the New Deal, segregation of schools, the Civil Rights movement and the Warren Court, and law-and-order responses to Supreme Court decisions. The second group of seminar sessions will deal with
current legal issues, including gender and the law, homosexuality, homelessness, fear of crime, etc.

**FORENSIC EVIDENCE SEMINAR (2 UNITS) – FALL – (LAW*703)**
Satisfies writing or professional skills requirement but not both.
Prerequisite: Evidence
Criminal Procedure recommended but not required.

This course will examine selected topics in the forensic sciences devoted to the investigation and trial of both civil and criminal cases. Primary attention will be given to the investigation and trial of criminal cases. The course topics will consist of both legal and scientific aspects of the investigative and trial processes. Legal analyses will focus primarily on issues of criminal and civil discovery and the debate over the legal requirements for an area of forensic science to be utilized at trial. Outside speakers may be invited to make presentations.

The bulk of the course will focus on selected subjects in the world of forensic science. That effort will center around four factors for each topic covered: (1) identifying the literature; (2) understanding the basics of the science; (3) utilizing that knowledge to analyze the criminal case; and finally, (4) learning how to both communicate and utilize that knowledge effectively at trial.

**INITIATIVE PROCESS IN CALIFORNIA (2 UNITS) – SPRING – (LAW*764)**
Satisfies writing requirement.

About 35 states have adopted an initiative, referendum and recall process, a major electoral reform advocated by leaders of the Progressive movement in the United States during the late 19th and early 20th centuries. This seminar will explore the history and development of the initiative process in California, exploring the role that the initiative plays in setting the state’s policy agenda. Initiatives have been used in California with increasing frequency since the 1970’s, often triggering national movements. The seminar will address some of the reasons for and ramifications of these issues.

The seminar will focus on the following topics: the history and structure of the initiative process; an in-depth examination of key initiatives such as reduction of property taxes and limitation of tax increases); taxation of tobacco to fund anti-smoking efforts; “3-strikes” mandatory sentencing laws; elimination of “affirmative action” in state programs; term-limits in state offices; and creation of a “right” to stem cell research and provision of $3 billion in funds for the research; and the body of law that courts have developed to interpret initiatives and to regulate the approval process. Finally, the seminar will address the current proposals for reform of the initiative process, including the call for a constitutional convention.

Students will select an initiative for further study and research, and will complete a research paper, which will be presented to the class for discussion. The course may satisfy the writing requirement.

**INTELLECTUAL PROPERTY CAPSTONE CONCENTRATION SEMINAR (2 UNITS) – SPRING – (LAW*731)**
Satisfies writing requirement.
Limited to 3rd year students enrolled in the Intellectual Property Law Concentration.

The capstone seminar will integrate what third-year concentration students have learned in the core and elective concentration courses, and invite them to consider what lies ahead. The course explores the challenges posed by globalization and technological advance that will shape intellectual property law during the next several decades, and how the current intellectual property regime is likely to change in response.

Specific topics will vary from year to year, but will center around globalization and the movement toward international harmonization of intellectual property law, normative and utilitarian challenges to traditional notions of intellectual property, and the administration of the intellectual property regime in response to emerging technological and legal developments.

The entire intellectual property faculty will participate in the seminar. Students will write a research paper of publishable quality on a research topic of their choosing related to intellectual property.

**INTELLECTUAL PROPERTY LICENSING SEMINAR (2 UNITS) – FALL/SPRING – (LAW*707)**
Prerequisite: Intellectual Property survey course or IP Issues in Biotechnology, Patents & Trade Secrets, Copyright, or Trademarks and Unfair Competition, or with the approval of the instructor.

This seminar will NOT satisfy the writing requirement.

This seminar will cover all aspects of intellectual property licensing, with a focus on technology licensing. It will cover the uses of licenses, the
formation of licensure agreements, sublicensing, confidentiality, royalties and payments for licenses, warranties and indemnities, and limitations of liability, among other topics. The focus will be on drafting concerns as well as substantive concerns, and students will engage in weekly discussions of publicly announced license transactions, a mock negotiation, as well as a final project.

INTERNATIONAL COMMERCIAL ARBITRATION SEMINAR (2 UNITS) – FALL – (LAW*786)
Satisfies writing requirement.
This seminar will focus on specific issues that arise in the context of international litigation and arbitration. Topics will include conflict of laws, the extraterritorial application of statutes, personal jurisdiction over foreign defendants, the doctrine of forum non conveniens, jurisdiction under the Foreign Sovereign Immunities Act, jurisdiction under the Alien Tort Statute, the act of state doctrine, conducting discovery abroad, the enforceability of arbitration clauses, and the enforcement of foreign judgments and arbitral awards.

INTERNATIONAL ENVIRONMENTAL LAW SEMinar (2 UNITS) – SPRING – (LAW*741)
This seminar will NOT satisfy the writing requirement.
This course will examine the field of international environmental law and explore some of the ways in which this body of law has developed over time in order to address some of our planet’s gravest environmental challenges. The course is related to material in courses on international, environmental, and human rights law; however, these other courses are not prerequisites.

INTERNATIONAL NEGOTIATION AND DISPUTE SETTLEMENT SEMINAR (2 UNITS) – SPRING – (LAW*789)
Satisfies writing or professional skills requirement but not both.
Prerequisite: Prior or concurrent enrollment in Negotiation & Mediation: Process & Practice or Negotiation & Settlement.
This course contemplates a systematic exploration of negotiation and dispute resolution processes, including application of those principles across a range of legal disciplines: commercial, environmental, human rights and security.

The course will examine direct and facilitated negotiation among countries on substantive issues, as well as development of the dispute settlement system parameters under which disputes are resolved. International regulatory agreements cover a diverse array of topics: climate change, nuclear proliferation, human rights, international trade, species destruction, and intellectual property. All of these require some reliable means to achieve performance of obligations. A range of compliance systems will be studied, including reporting, verification, and enforcement tools.

INTERNATIONAL WAR CRIMES PROSECUTION SEMINAR (2 UNITS) – SPRING – (LAW*733)
Satisfies writing requirement.
Pre-requisites: Criminal Procedure and Evidence recommended but not required.
This is a seminar on the prosecution of war crimes. Over the last decade, there has been an explosion of war crimes prosecution, with multiple tribunals prosecuting war crimes that happened in the former Yugoslavia, Rwanda, Sierra Leone, Sri Lanka, Cambodia, and Iraq. American prosecutors are and will continue to be involved in many of these tribunals. This course will focus on the legal and practical issues that arise when prosecuting these complex and challenging cases.

JUDICIAL ELECTIONS AND THE ROLE OF THE JUDICIARY IN AMERICAN DEMOCRACY (2 UNITS) – FALL – (LAW*795)
Satisfies writing requirement.
This course will explore a central issue for the judicial branch of government in American democracy: how to maintain the independence and impartiality of judicial decision-making while fostering the accountability of judges to the public. The course will explore this issue by focusing on the systems for selecting state court judges, the growing threats to judicial impartiality resulting from changing state court judicial elections, and current public policy options and responses to those threats. Three perspectives will be emphasized: (1) the historical development of state court judicial selection systems, (2) current Constitutional issues concerning judicial speech in state court judicial elections, and (3) current public policy alternatives concerning (a) judicial selection and retention, (b) judicial election financing, (c) judicial campaign conduct, and (d) public information and education initiatives.

LAW & BIOSCIENCE (3 UNITS) – FALL – (LAW*707)
Satisfies writing requirement.
Prerequisite: Prior or concurrent enrollment in the Intellectual Property survey course or in Patents and
Trade Secrets.
This seminar considers issues related to protecting discoveries in the rapidly expanding fields of genetics and biotechnology. The course operates in conjunction with the Law & Bioscience Project (LAB). Students prepare summaries of cases and PTO actions that may be posted on LAB Project or on the IPBiotechProfs list-serve. Students who wish may choose their research paper topics from projects suggested by biotech companies and biotech lawyers, and work with those outside participants to develop topics from real world examples, bringing those discussions back into the classroom. In addition, all students work on each other’s papers, with the result that everyone contributes to the products for LAB Project. Successful projects are posted on the LAB Project website and provided to outside participants. Students should note that the course addresses intellectual property issues rather than bioethics. No science background is necessary.

LAW & BUSINESS IN JAPAN SEMINAR (2 UNITS) – SPRING – (LAW*726)
Satisfies writing requirement.
Prerequisite: Corporations
This course will address areas of Japanese law and business that come into play when investing in or trading with Japan. Against the backdrop of globalization, the course will focus on practical issues that arise in cross-border business transactions, as well as provide a comparative perspective from which to analyze the reasons underlying distinct Japanese and U.S. approaches to regulating universal legal problems. Areas addressed will include mergers and acquisitions, contracts, competition law, financial markets, dispute resolution, the formal structure of the Japanese legal system, Japanese legal culture, and the role of foreign lawyers in Japan.

LAW & DEVELOPMENT SEMINAR (2 UNITS) – SPRING – (LAW*749)
Satisfies the writing requirement.
How does law influence the economic and social development of countries? The class will focus on the policy and legal aspects of economic development theory. We will consider a number of approaches to defining development and the lack thereof, look at some of the causes of poverty in poor countries, and attempt to formulate strategies and solutions. The class will consider the following: What is development? How do we know it when we see it? Theories of development. Institutions for development, including public and private finance, debt, trade, investment treaties, the role of law in development, and the impact on development of areas of law including environmental law, climate change, human rights, and corruption. It will consider the Millennium Development Goals of the UN, and alternative views of development theory. We will also consider the reasons for differing views on global responsibility of North/developed and South/developing countries, which influence everything from trade talks to climate change negotiations.

I will expect each of you to take on a major research assignment. You will be responsible for presenting the results of your research to the class, in both a written and oral format. In addition, the class will require a paper that describes and analyzes a specific case or problem in law and development.

Note: A background in international law and/or basic economic theory is helpful but not required.

LAW AND HEALTH SCIENCES CONCENTRATION SEMINAR (2 UNITS)
- 1 UNIT PER SEMESTER – FALL/SPRING – (LAW*750)
Satisfies the writing requirement.
Lawyers, scientists and healthcare professionals interact at many critical junctures. From resolving bioethical issues, to serving as expert witnesses, to protecting rights in medical inventions, to reforming the health care system, doctors, lawyers, and scientists must navigate many treacherous waters together. What should health science professionals know about interacting with the legal system? What should lawyers know about interacting with the world of science? This course is intended as an introductory and interdisciplinary survey of these and other issues at the intersection of law and science, with special emphasis on the biomedical sciences and healthcare policy.

With instruction and guidance from expert faculty from both UCSF and UC Hastings, students will examine: 1) the ways that lawyers, research scientists and physicians interact; and 2) how they can help each other to resolve challenges within the practices of law, basic science, and medicine. Students will also learn technical language, practice methods, and general skills necessary to improve interaction among the disciplines. This course is required for Hastings students in the Law and Health Sciences Concentration and UCSF students completing the Certificate Program of the UCSF/Hastings Law, Science and Health Policy Consortium. It is intended to introduce students to the basic issues arising at the intersection of law and science and should serve to assist students in choosing among other courses in the Concentration/Consortium program.

LEGAL HISTORY OF IMMIGRANTS IN
THE UNITED STATES SEMINAR (2 UNITS) – FALL – (LAW*798)
Satisfies writing requirement.
This seminar will focus on immigration law and policy in the United States in the 18th and 19th centuries. In the first half of the semester, after reviewing the law, the seminar will examine the impact of the law on at least three specific immigrant groups. The second half of the seminar will consist of student papers and presentations either looking at the impact of immigration law and policy on the other immigrant groups or targeting other legal historical areas of U.S. immigration law and policy.

LEGAL IMPLICATIONS OF CLIMATE CHANGE SEMINAR (2 UNITS) – SPRING – (LAW*)
Satisfies writing requirement.
Global climate change has caused an array of policy and legal responses dealing with its direct catastrophic physical consequences, attempting to slow or reverse it, and developing strategies to adapt to it. These political and legal responses touch on a variety of legal fields, including Constitutional law, environmental law, energy law, and business and insurance law. Private and public response to climate change impacts has involved both litigation and legislation, from the most local to the broadest international fora. This course will examine the burgeoning climate change litigation, the array of policy responses from state, federal and international bodies, and probable future answers to the policy dilemmas climate change poses. We will examine the environmental justice, federalism and international relations implications of climate change law and policy. Students will leave this course with a comprehensive understanding of the issues and controversies surrounding climate change and the institutional reactions to it on the local, regional, state, national and global levels, as well as a basic framework for representing diverse client interests in this emerging practice area.

MASS MEDIA LAW SEMINAR (2 UNITS) – SPRING – (LAW*713)
Satisfies writing requirement.
This seminar considers a variety of legal issues facing the mass media. The topics covered in any given semester will be chosen from the following list of representative topics: legal control of broadcast programming, equal time and fairness doctrine, regulation of cable television, advance issues in defamation and privacy law, media tort liability, regulation of obscenity and indecency in the media, legal issues related to the gathering of news, election projections, public financing of the media including public broadcasting, media and national security issues, conflicts between media and the right to impartial jury, and media’s obligation to children.

MORAL FOUNDATIONS OF WESTERN LAW (2 UNITS) – FALL – (LAW*788)
Satisfies writing requirement.
This seminar aims to explore and expound the moral or ethical presuppositions that the Western legal systems (including Europe, the European-derived systems such as Latin America, and Japan) embrace “the rule of law”. The principal original sources of these presuppositions are the Bible (Jewish Bible and Christian Old Testament), Greek philosophy, and Christianity. A working thesis is that the key is recognition and acceptance of disharmony (conflict) within society and acceptance of such devices as legal procedure.

Enrollment will be limited.

PATENT PROSECUTION SEMINAR (2 UNITS) – SPRING – (LAW*712)
Satisfies professional skills requirement.
Prerequisite: Intellectual Property survey course or Patents & Trade Secrets Law
This seminar will NOT satisfy the writing requirement except with permission of instructor and additional writing assignments.

This seminar is directed to students with an interest in further developing their knowledge of patent law through patent portfolio development and management, including preparing and prosecuting a patent application. The focus of the seminar will be on learning substantive and procedural aspects of patent law counseling, patent practice before the Patent Office and on developing good patent related writing skills. Particular attention will be given to writing assignments, which will include claim drafting, preparation of a patent application and a response to Office Actions. In addition, the students will partake in a strategic patent counseling exercise.

LITIGATING CLASS ACTION EMPLOYMENT CASES SEMINAR (2 UNITS) – SPRING – (LAW*765)
Satisfies writing or professional skills requirement but not both.
Prerequisite: Employment Discrimination Law or approval of the instructor.
The seminar looks at issues that come up at each state in class action employment litigation. Students will research and prepare memos and briefs as appropriate. Seminar meetings will discuss the student work in the context of the substantive issues and litigation strategy. Limited to 12 students.
This seminar will be divided into two sections. The first section will focus on portfolio development, including preparation of the application, with an emphasis on drafting claims, a specification and an information disclosure statement. The necessary supporting documents, such as the inventor's declaration, assignment and small entity declaration will also be discussed. A discussion of the patent attorney's ethical duties under 37 C.F.R. § 1.56 will also be considered in detail.

The second part of the seminar will be directed to management and counseling, including prosecuting an application before the Patent Office. This section will cover preparation of a response to an official Office Action from the Patent Office, including addressing statutory rejections and developing strategies for traversing these rejections. This section will also introduce the student to international patent practice. In addition, in both the first and second sections, the students will work through counseling exercises to apply knowledge developed during the seminar to practical situations. No technical background is necessary or required for this class.

**POLITICAL ECONOMY OF LAW SEMINAR (2 UNITS) – FALL- (LAW*748)**
Satisfies writing requirement.
Prerequisite: Prior or concurrent enrollment in Comparative Law is strongly recommended but not required.

Economics claims to offer a robust theoretical perspective for the contemporary study of law and legal institutions. Often however in the American academic discourse it has been transformed into a powerful tool of legitimization of the current structure of economic and political power and domination. This seminar surveys the global impact of efficiency reasoning in the law, with particular emphasis on weak political social and economic settings. The claim of rationality, of scientificity and of neutrality of economics in policy making will be critically appraised by the use of a historical and comparative method. Documentary film materials will be used.

Students who have previously enrolled in Law and Economics Seminar may not register for this course.

NOTE: Professor Mattei’s seminar class meets 3 hours per week; class starts on 8/24/09 and ends on 10/19/09.

**POST-CONVICTION REMEDIES SEMINAR (2 UNITS) – SPRING - (LAW*771)**
Pre-requisite: Criminal Procedure
This seminar will NOT satisfy the writing requirement.

This seminar is designed to provide students with a broad exposure to the various strategies and remedies available in criminal cases to challenge imprisonment after a conviction has been affirmed on appeal. Both state and federal remedies will be examined, from a statutory and case law perspective. In addition to a study of habeas corpus, students will also examine remedies such as writs of coram nobis (and vobis) and petitions for clemency. The purpose of the course is for students to gain understanding from a practical as well as jurisprudential perspective of the role that post-conviction procedures play in the criminal justice system.

**PROSECUTING INTERNATIONAL PRICE-FIXING CARTELS (2 UNITS) – FALL – (LAW*799)**
Satisfies writing requirement.

This class will explore the investigation, prosecution, and defense of international price-fixing cartels. Antitrust laws in the United States and many (but not all) other nations make it a crime to agree on prices with a competitor. Yet experts estimate that cartel agreements have a multi-billion dollar annual impact on the U.S. and global economies. Remedies are both criminal and civil. Because this crime is usually committed secretly, global enforcers utilize specialized tools to discover cartels. For example, in the United States, the U.S. Department of Justice provides criminal “amnesty” to the first person or company to self-report a criminal antitrust violation. Other nations use similar, but varying approaches. Prosecutions of global cartels such as vitamins, lysine, and computer memory chips (DRAM) will be examined as case studies. Students will be required to submit a substantial research paper to satisfy the writing requirement.

Prior exposure to antitrust, international business transactions, or criminal procedure classes would be helpful but is not required. A background in economics or business would be helpful but is not required.

**PUBLIC FINANCE SEMINAR (2 UNITS)- FALL- (LAW*796)**
Satisfies writing requirement.

This seminar will explore public finance issues form a theoretical and practical perspective. Initial readings will be philosophical as we consider what the government should do and why. Subsequent readings
will delve into the practical tools and terms of public finance, including marginal utility and public goods (no math required). With our theories and tools, we will then consider two specific issues: Social Security and Education. The last weeks of the course will be dedicated to student presentations of their work.

PUBLIC INTEREST CONCENTRATION

CORE SEMINAR (2 UNITS – 1 UNIT PER SEMESTER) – FALL/SPRING – (LAW*777)

This seminar will NOT satisfy the writing requirement. Limited to 2ND YEAR students who have enrolled in the Public Interest Concentration. This year-long seminar provides a common forum in which second-year students enrolled in the Public Interest Concentration can deepen their understanding of public interest practice, interact with each other and with concentration faculty, and lay a foundation for taking maximum advantage of curricular and extracurricular opportunities to prepare for a career in public interest work. The course revolves around seminar discussions of assigned readings, short papers, and observations of public interest practitioners. Format will vary from year to year, with each year’s class participating in developing its own curriculum and making suggestions for successor classes. Students will be graded on class participation and short papers.

NOTE: This seminar will be scheduled for two hours a week throughout the year but will meet approximately every other week. The instructors will set the actual schedule. Seminar meeting dates and times will differ between Fall and Spring semesters. Enrollment in this seminar is mandatory for concentration students.

PUBLIC INTEREST LAW SEMINAR (2 UNITS) – SPRING – (LAW*775)

Satisfies writing requirement.

This seminar examines the theory and practice of public interest law on behalf of underrepresented persons. It is divided into three segments: (1) the history, nature, and theory of public interest law practice; (2) strategic issues common to public interest law practice, including the use of class and other representative actions, choice of law and forums, attorney fees, and legislative and administrative advocacy, including use of the media; and (3) selected substantive areas of public interest law (e.g., voting rights, government benefits, reproductive rights, housing), generally presented by guest speakers practicing in the area. Students will write an extensive office memorandum based on a chosen public interest issue and will present their paper in class.

PUBLIC POLICY ADVOCACY

SEMINAR (2 UNITS) – FALL – (LAW*797)

Satisfies writing requirement.

Lawyers can play crucial roles in public policy advocacy. The purpose and objective of the course is to provide a practical understanding of the entire public policy advocacy process to enable law students to confidently and enthusiastically become knowledgeable participants in the important work of public policy change through the use of their legal skills. Public interest advocacy is a complex mixture of recognizing the need for change, developing the content of the change, convincing decision-makers to adopt the change, and then implementing the change. Frequently adding to this complexity is the need to change public policy (laws, regulations, etc.) to allow for, or to remove barriers to, the implementation of the change. Many attempts to change public policy are unsuccessful due to the lack of an understanding of the need for a comprehensive and systematic approach to the public policy advocacy process. Students will learn a comprehensive and systematic approach to public policy advocacy, along with the bases for deciding where in those processes each student can find his or her best fit for becoming a lawyer activist.

REPARATION FOR INJUSTICES:
DOMESTIC AND INTERNATIONAL (2 UNITS) – FALL – (LAW*773)

Satisfies writing requirement.

In the wake of injustice, armed conflict or human rights violations, survivors often demand reparations for harm. In an increasing number of cases, states respond. This seminar considers a number of instances where reparations for past injustice have been made or proposed to groups and individuals (we will touch on but not focus on inter-state reparations), and a number of instances where reparations were proposed but never implemented. Such reparations will include not only monetary payments to individuals, but other measures designed to address historical injustice. From these experiences we will seek to draw general lessons as to both what the law is and what it should be. We will look at examples including reparations for the Holocaust, post-dictatorship reparations in Latin America and South Africa, the case of indigenous peoples in the U.S. and elsewhere, Japanese Americans interned during World War II, and African-Americans for slavery and Jim Crow. We will combine consideration of U.S., international and comparative law and policy. Students will be expected to take on a major research paper, which they will present to the class, and will meet the writing requirement.

SEMINAR ON CURRENT ISSUES IN
WORK/LIFE LAW (3 UNITS) – SPRING
- (LAW*752)
Satisfies writing requirement.

This seminar provides participants an opportunity to explore, hands-on, the role of lawyers in helping to frame a new area of law and public policy. Work/life law concerns the legal issues related to the conflicts families experience between work obligations and family obligations, stemming from the long hours required by many professional jobs, the inflexible schedules imposed in many middle- and working-class jobs, and the lack of affordable child care and other policies to support working families. Topics may relate to 1) employment law, exploring how workers are effectively challenging family-hostile workplace conditions, 2) family law, to develop resources to help lawyers effectively represent adults who have cut back on paid work in order to care for families; 3) public policy issues and initiatives; and 4) developing the social science data necessary to support litigation and public policy. Students enrolled in the seminar work with the Center on WorkLife Law, which works with employment attorneys, unions, and public policy advocates on work/life issues, and/or the Project on Attorney Retention, which explores new ways to work, including telecommuting, flextime, and how to create high-quality part-time programs for legal and other employers. The range of topics varies from year to year. Participants in the seminar work individually or in small groups under the direct supervision of a regular or adjunct member of the faculty. Details of each assignment are developed in discussions between the student, the supervising faculty member, and WorkLife Law attorneys. Assignments demand substantial legal research and/or social science research in areas such as employment law, labor law, benefits law, litigation issues, and public policy. Some may lead to single or co-authored WorkLife Law Working Papers, which will be accessible through the WorkLife Law website. Enrollment is limited to 15 students.

SOCIOLOGY OF THE CRIMINAL JUSTICE SYSTEM SEMINAR (2 UNITS) – FALL – (LAW*794)
Satisfies writing requirement.

The seminar invites the student to visit the criminal justice system’s realm from a sociological, empirical perspective. Among other topics, we will discuss the following: Criminal justice models; historical, sociological and critical aspects of criminalization and penalization; policing; prosecutorial decisionmaking; negotiation between prosecutors and defense attorney; public and private defense; defense attorney-client relationships; formal and informal courtroom dynamics; plea bargaining; the impact of class, gender and ethnicity on criminal justice; political and governmental aspects of law enforcement. In addition to the readings, the students will be offered a list of supplementary books and films for critical watching.

SPECIAL EDUCATION LAW SEMINAR (2 UNITS) – SPRING – (LAW*715)
Satisfies writing or professional skills requirement but not both.

This seminar will cover federal and state laws pertaining to the educational rights of the 6,000,000+ disabled students in the United States. Coverage will include the requirements under the Individuals with Disability Education Act (IDEA) and as appropriate parallel state law. IDEA creates significant and unique rights for these students, the right to a “free appropriate public education,” an education in the “least restrictive environment”, individual education plans for every student with a disability, the right to be educated with students without disabilities and due process rights and procedures unavailable to the rest of the student population. The seminar will cover legal as well as practical and conceptual issues associated with representing families and school districts through the IDEA process.

TAKINGS AND THE ENVIRONMENT SEMINAR (2 UNITS) – FALL – (LAW*709)
Satisfies writing requirement.

James Madison called the takings clause of the Fifth Amendment the guardian of every other right. This constitutional protection of property rights is also a potentially significant limitation on the power of government to protect the environment and the nation’s natural resources. For example, can the United States prevent private property owners from using their land in a manner that would destroy wetlands or critical habitat for an endangered species? Are businesses entitled to compensation for the costs of complying with air and water quality laws that diminish their net revenues? What if these laws cause the business to operate at a loss? Does congress have the power to enact new laws that alter the terms of timber and water service contracts to which the United States is a party?

The seminar will address these and other questions in three ways. First, we will review the history of the Fifth Amendment and study the major takings cases decided by the United States Supreme Court from Mugler v. Kansas in 1887 to the present. Second, we will analyze a variety of contemporary takings cases in which private land owners, government contractors, and other users of public lands and resources have challenged the constitutionality of environmental laws that allegedly take their property rights. Third, we will
evaluate several recent state and federal legislative proposals to grant additional protection to private property rights.

Prior enrollment in one or more environmental law of land use courses is recommended, but not required.

**TAX CONCENTRATION SEMINAR (2 UNITS - 1 UNIT PER SEMESTER) – FALL/SPRING – (LAW*714)**
Satisfies writing requirement.
Prerequisite: Federal Income Taxation
Limited to 3rd Year Students.
This year-long seminar, designed for students electing the tax concentration, will explore the formulation of tax policy from legal, economic and political perspectives.

Fall semester topics may include alternative tax systems, integration of the corporate and individual income tax, wealth transfer tax reform proposals, professional responsibility in tax practice, and selected current legislative or administrative concerns. One early class will be devoted to federal tax research techniques.

Each participant will produce a paper of publishable quality under the supervision of a member of the tax faculty. During the Spring semester, the principal seminar activity will be the presentation and discussion of student papers.

The entire tax faculty will participate in this seminar. Students who have not elected the tax concentration may not enroll in the seminar.

**TAX POLICY SEMINAR (2 UNITS) – SPRING – (LAW*718)**
Prerequisite: Federal Income Taxation
Satisfies writing requirement.
This seminar explores the tax policy implications of many of the following areas: income tax and fiscal policy; when income should be taxed; imputed income; progressive tax rates; value added taxes; consumption taxes; federal tax treatment of state and local taxes; corporations and dividends; capital gains and losses; tax impact of inflation; and theories of social justice.

**TERRORISM AND THE LAW (2 UNITS)-FALL-(LAW*746)**
Satisfies writing requirement.
This course will explore several fundamental legal questions concerning America’s War on Terror. We will examine, in particular, the lawfulness of the government’s policy of “enhanced interrogation,” wireless wiretapping, the detention of enemy combatants, and the use of extraordinary rendition.

**TRADEMARK PROSECUTION SEMINAR (2 UNITS) – SPRING – (LAW*737)**
Satisfies professional skills requirement.
This seminar will NOT satisfy the writing requirement.
Prerequisites: Intellectual Property Survey or Trademarks & Unfair Competition

This seminar is directed primarily to students interested in gaining real-world trademark law experience through reviewing and engaging in client counseling, search analysis, trademark application and prosecution processes on behalf of a fictional client. The focus is on learning substantive and procedural aspects of practice before the Trademark Office and the Trademark Trial and Appeals Board, working with local counsel on international trademark searches and applications, and on developing counseling and strategic analysis skills.

Regular writing assignments will include preparation of trademark applications, responses to Office Actions, Oppositions, and post-registration procedures (including Cancellation proceedings).

**WATER RESOURCES SEMINAR (2 UNITS) – SPRING – (LAW*716)**
Satisfies writing requirement.
Recommended prior classes: first-year Environmental Law statutory course, Environmental Quality Law & Policy, Land Use Regulation, Public Lands & Natural Resources, Water Resources.
This seminar provides an opportunity for detailed study of issues in the water resources field. The subject matter will vary from year-to-year. Topics include: the reasonable use and public trust doctrines, California's Bay-Delta controversy, tribal water rights, the Colorado River and other interstate water allocation controversies, the battle for Hetch Hetchy, and the endangered Columbia River salmon. A research paper is required.

**WRONGFUL CONVICTION SEMINAR (2 UNITS) – SPRING – (LAW*755)**
Satisfies writing requirement.
Prerequisite: Prior or concurrent enrollment in criminal procedure and evidence strongly recommended but not required.

This seminar will (1) address the many possible underlying causes of wrongful conviction, including but not limited to: resource imbalance (inadequate defense funding); police practices (interrogation
techniques leading to false confession, evidence tampering, police perjury, withholding of exculpatory evidence, witness tampering and intimidation of witnesses); problems with eyewitness identification generally and with ID techniques and practices; faulty forensic evidence (ranging from sample contamination and lab errors to forensic techniques with little or no underlying scientific bases); and uneven judicial scrutiny of expert evidence in making admissibility determinations; and (2) explore possible policy and practice changes to minimize the risk of wrongful conviction, from the general (such as increased funding for defense services and education of judges, defense attorneys and prosecutors) to the specific (such as requiring taping of interrogations, double-blind lineup procedures, minimum educational requirements and double-blind proficiency testing for prosecution forensic experts, and more oversight and regulation of forensic laboratories).

NON GPA COURSES

Non-GPA courses emphasize skills, training, practice and evaluation. They provide students an opportunity to learn and develop practical skills in a variety of areas. Grades assigned in non-GPA courses are not calculated in students' grade point averages.

Non-GPA courses are limited in enrollment. Some are designated mini courses. Mini courses are given one unit of credit and meet in varying configurations during the semester (e.g., every other week or for only seven weeks). Check the course schedule for the exact times and dates these courses meet.

ADVANCED LEGAL RESEARCH (3 UNITS) – SPRING – (LAW*835)
Satisfies professional skills requirement.
The goal of this course is to continue to develop students' ability to think critically about legal problems and to solve those problems by learning how to formulate an efficient, thorough legal research strategy.
The course will cover the legal resources available, both in print and on-line, in the areas of statutory and legislative materials, case law, regulations and regulatory decisions, court rules and other litigation-related publications, treatises and other secondary sources, standard transactional documents, foreign and international law, and non-legal materials frequently used in conjunction with legal research. The course will require students to formulate and apply research strategies to fact-based problems, and to analytically compare the results of using the different resources. The final project will require each student to formulate an in-depth research guide on a subject of the student's choice. A laptop computer with wireless Internet access is strongly recommended. For more information on Hastings' wireless network, see http://www.uchastings.edu/infotech/wireless/index.htm

APPELLATE ADVOCACY (2 UNITS) – FALL – (LAW*820/821)
Satisfies professional skills requirement.
Prerequisite: Legal Writing & Research and Moot Court
Appellate Advocacy provides students the opportunity to work in teams to increase their practical skills and knowledge of research, brief-writing, oral argument and appellate rules, standards and practice. The course is taught by appellate specialists and practitioners, and the case is a cutting-edge legal issue on appeal to the Supreme Court. The students work intensely on their advocacy skills to develop and polish their style and substance. Students complete an appellate brief and oral argument and observe appellate arguments in the Court of Appeals and Supreme Court located just one block from Hastings.

Students in Appellate Advocacy also participate in the Hastings Intramural Competition, the David E. Snodgrass Moot Court Competition. They are rewarded for their excellence in both oral and written advocacy with scholarships, awards and prizes. The overall Snodgrass winner is honored by having their name engraved on the perpetual plaque, which is displayed year-round at Hastings.

CALIFORNIA LOCAL GOVERNMENT LAW (2 UNITS) – SPRING – (LAW*859)
Does not satisfy professional skills requirement.

Attorneys working with local government entities face unique challenges. This course covers the structure of local government, the allocation of power between federal, state and local governments, open meeting laws, as well as issues unique to the representation of local government entities.

BASIC CONTRACT WRITING & ANALYSIS (2 UNITS) – FALL – (LAW*877)
Satisfies professional skills requirement.

This course is designed to develop the basic skills of drafting and interpreting typical legal documents in modern business transactions. Class discussion and homework will focus on how contracts are structured and how to draft covenants, representations and warranties, default and remedy clauses, boilerplate clauses and indemnification and confidentiality clauses. The contracts covered will be a basic letter of intent, a very basic and simple sale of goods contract, a
settlement agreement and a contract that requires some client interview and cross student negotiation. Weekly class sessions will focus on the applicable substantive law and business practices relating to each project, and also will concentrate on analyzing and criticizing both student drafts and sample documents actually used in practice.

NOTE: Students who receive credit for this course may not also receive credit for the Contract Writing & Analysis of Commercial Agreements course.

COMMUNITY LAW PROGRAM (3 UNITS) – FALL/SPRING – (LAW*860)
Satisfies professional skills requirement.
This program provides an opportunity for students to teach Housing, Consumer, Family, Criminal or Constitutional Law to high school students throughout the Bay Area. This is a cooperative effort on the part of Hastings and the University of San Francisco. Students teach several hours weekly and participate in weekly seminars and research related to the substantive areas covered in the high schools. Through the process of teaching law to non-lawyers, students enhance their ability to communicate legal principles to a lay audience. The range of subject matter also requires students to organize and present material in a variety of substantive areas. Enrollment is by permission of the instructor. Students who preregister will be placed on a waiting list and will not be enrolled into the class until they are interviewed by Professor Hillman at Hastings or Professor Nazario at U.S.F. (415/422-6832). Grading is based on Pass/Fail.

CONTRACT WRITING & ANALYSIS OF COMMERCIAL AGREEMENTS – FALL/SPRING – (LAW*879)
Satisfies professional skills requirement.
This course offers an alternative to the basic legal drafting course for students who are primarily interested in learning to draft commercial contracts such as loan agreements, IP agreements, complex sale of goods contracts and business acquisition agreements. Class discussion and homework will focus on how contracts are structured and how to draft covenants, representations and warranties, default and remedy clauses, boilerplate clauses and indemnification and confidentiality clauses. Some client interview and cross student negotiation will occur. Weekly class sessions will focus on the applicable substantive law and business practices relating to each project, and also will concentrate on analyzing and criticizing both student drafts and sample documents actually used in practice. This course will be more advanced than the class on Basic Contract Writing & Analysis and is recommended primarily for third year students. While homework will be structured to be completed in 4 hours each week, some assignments make take longer. Some accounting background and some course work in Article 2 and Article 9 of the UCC would be helpful but not essential.

NOTE: Students will not receive credit for both this class and the Basic Contract Writing class.

CRITICAL STUDIES: SELECTED PROBLEMS (2 UNITS) – SPRING – (LAW*861)
Does NOT satisfy professional skills requirement.
The course will include two of the following multi-state tested subjects: Constitutional Law I and II, Contracts, Criminal Law, Criminal Procedure, Evidence, Real Property, Torts.
This course is specifically designed to assist students in their preparation for the bar exam. Emphasis will be on skills such as critical reading and fact identification and analysis in subjects tested on the bar. Learning theory is incorporated to assist diverse learners in developing a process for understanding, organizing, and applying the law in the most frequently tested bar areas. The students will refine their skills by answering numerous bar essays and multiple choice questions. Students will also have the opportunity to answer cross-over questions, which are problems involving multiple subjects. Feedback will be provided throughout the course.

NOTE: Enrollment is limited to third year students and by permission of the Instructor(s).

EFFECTIVE REPRESENTATION IN MEDIATION (1 UNIT) – SPRING – (LAW*849)
This course is designed to give students an overview of the skills they will need to be effective representatives of their clients in mediation. The class begins with an introduction to the mediation process and how it fits into the various options for dispute resolution commonly used in our legal system. The students will then learn about the most important styles of mediation and the various skills that are needed to perform effectively depending on the style of mediation employed. Students will have an opportunity to participate in simulated mediation session. The course also will include segments on how to choose an appropriate mediator and ethical concerns relating to the representation of clients in mediation. The basic text will be Mediation, Practice, Policy and Ethics, by Menkel-Meadow, Love, & Schneider (Aspen 2006).
NOTE: Students who have previously taken Mediation or the Mediation Clinic may not enroll in this course.

ESTATE DRAFTING (1 UNIT) – FALL – (LAW*873)
This one-unit class focuses on essential drafting for estate planning in California. It does not address taxation. Writing exercises will be based on a series of hypothetical problems. Selected issues related to second marriages, non-traditional families, children with specific needs, and the elderly will be incorporated in several of the assignments. Students will draft a basic will and a codicil, a pour-over will and living trust, a charitable trust, documents related to planning for incapacity, an estate plan consisting of probate and nonprobate transfers, and California probate forms and attachments.

Enrollment is limited to 20 students.

NOTE: Concurrent registration in L. Schwartz’s 3-unit Wills & Trusts class in Fall 2008 is required.

FACILITATION FOR ATTORNEYS (1 UNIT) – SPRING – (LAW*829)
Much of the law school curriculum is focused on advocacy and resolving disputes. Facilitation requires a different philosophical approach and a complementary set of skills. Facilitators act as neutral parties, helping groups of people to communicate and work together more effectively in situations where the focus is on learning, collaborative problem-solving and decision-making, rather than on resolving a specific dispute. Attorneys, who are used to operating as advocates, can greatly increase their effectiveness in group situations by mastering the skills of effective neutral facilitation.

For many attorneys, one of the most frustrating parts of the legal profession is having to participate in endless and unproductive meetings. Attorneys can use facilitation skills to improve the efficiency and productivity of meetings by: developing meeting agendas that optimize input and minimize wasted time; intervening in ways that reduce disruptive and counterproductive behavior; and setting group norms that encourage appropriate contributions, both before and during meetings.

This course is designed specifically for law students and applies facilitation to real world situations in the legal profession such as meetings of: Boards of Directors (for non-profits and for-profits); corporate shareholders; public committees and councils; co-counsel and law firm staff. Facilitation is particularly valuable in situations where developing and preserving strong, continuing working relationships is important, or where there are highly charged personal interactions, such as between birth mothers and adopting parents, between employers and employees or Unions, among heirs to an estate, or in condominium or professional associations.

Students in this course will learn how to improve their personal communications skills, plan and run successful meetings, improve communication among group members, and guide effective decision-making processes. The course will cover the principal theoretical models underlying facilitation and demonstrate how to apply them to specific legal, ethical and procedural challenges faced by attorneys. Grading is based on Pass/Fail.

Class is limited to 20 students.

HASTINGS TO HAITI (2 UNITS)-SPRING-(LAW*874)
The instructors have developed and maintained a partnership with the Ecole Superiure de Droit de Jeremie (ESCRODJ). Since approximately 1999, as a result of this long-standing relationship, law students and faculty from Hastings have traveled to Haiti every academic year during Spring break, except for those years in which political upheaval in Haiti made travel inadvisable. During these trips, the student and faculty delegation meet with representatives of the governmental and non-governmental sectors, and engage in a legal exchange with Haitian students and professors at ESCRODJ. In preparation for the trip to Haiti, Hastings students attend a weekly seminar which is coordinated by the students themselves in collaboration with the faculty advisors. Participants are required to research a topic, and present on that topic at ESCRODJ. Participants also undertake the responsibility for fundraising, logistical arrangements, and the overall organizing of the delegation.

INTERVIEWING AND COUNSELING (2 UNITS) – FALL – (LAW*812)
Satisfies professional skills requirement.

A practical skills-based class focusing on developing client interviewing and counseling skills. Students shall be introduced to client-centered counseling, active listening, fact-gathering, identifying client goals and alternatives, decision-making, and ethical and moral issues for lawyers in client counseling. Students will act as attorney and/or client in weekly role plays, keep a weekly journal, and complete other written assignments. Students enrolled in the Interviewing & Counseling course in the Fall are invited to participate on the Hastings Client Counseling Team in the Spring.

JUDICIALLY SUPERVISED
SETTLEMENT CONFERENCE (1 UNIT) – FALL – (LAW*846)
Litigators are frequently called to participate in judicially supervised settlement conferences before taking a case to trial. Understanding how settlement conferences are conducted, the perspectives of the judge, the clients and opposing counsel, as well as how to prepare an effective settlement conference statement, and how to address problems as they arise are essential skills for courtroom lawyers. This course will cover the law and practice of judicially-supervised settlement conferences and include an opportunity to observe a conference for a real case run by an experienced Magistrate Judge in Federal District Court. Students will be required to prepare a settlement conference statement for a hypothetical litigated case and to keep a journal integrating class discussions and readings with their reflections and observations about the settlement conference they observe.

NOTE: This class will meet for two hours a week for seven weeks and is limited to 20 students.

LEGAL ANALYSIS (2 UNITS) – FALL/SPRING – (LAW*142)
This course will examine the process of legal reasoning using a problem solving method. The theory of precedent, analogical reasoning, deductive and inductive reasoning, and statutory interpretation will be explored. Students will develop skills in fact discrimination and analysis, issue spotting, rule analysis, rule application and argumentation, and organization. Weekly writing assignments and in-class written exercises assist students to develop an effective and consistent approach for solving legal problems drawn from second and third year courses.

Two sections of this course will be offered. Although developing analytical skills is the goal of the course, the context in which legal analysis and the specific topics are covered will vary according to the instructor.

Note: Need instructor’s permission and/or advice of the Associate Academic Dean.

MEDIATION (3 UNITS) – FALL/SPRING – (LAW*802)
Satisfies professional skills requirement.
Prerequisite: Negotiation & Mediation: Process & Practice or Negotiation & Settlement.
This course builds on the negotiation theory and practice taught in a prerequisite course. It combines a scholarly approach to mediation theory and process with practice in techniques and skills for mediators and advocates in mediation. The weekly format includes discussion, demonstration, and role-playing exercises. There will be required readings for most classes and a number of short written assignments.

NOTE: Students who enroll in this course may not enroll in the Civil Justice Mediation Clinic.

NEGOTIATION & MEDIATION: PROCESS & PRACTICE (3 OR 4 UNITS) – FALL/Spring – (LAW*837)
Satisfies professional skills requirement.
This course is an introduction to the theory, process, and practice of negotiation and mediation, to help students improve their skills as negotiators and develop a framework for self-learning in the future. In addition to group discussions, classroom instruction will rely heavily on simulation, videotaped demonstrations, and small group work assignments. There will be required readings for most classes and a number of short written assignments related to particular classes and outside-of-class simulation exercises. The course will meet twice a week for two hours per session and is limited to 16 students.

NOTE: Students who enroll in this course may not enroll in Negotiation & Settlement (3 Units).

NEGOTIATION & SETTLEMENT (3 UNITS) – FALL/SPRING – (LAW*838)
Satisfies professional skills requirement.
This course is an introduction to the theory, process, and practice of negotiation to help students improve their skills as negotiators and develop a framework for self-learning in the future. In addition to group discussions, classroom instruction will rely heavily on simulation and video tape review. There will be required readings for most classes and a number of short written assignments related to particular classes and simulation exercises.

NOTE: Students who enroll in this course may not enroll in Negotiation & Mediation: Process & Practice (4 Units).

PRE-TRIAL PRACTICE (CIVIL) (2 UNITS) – FALL/SPRING – (LAW*842)
Satisfies professional skills requirement.
Prerequisite: Evidence
This class could easily be called 'Everything One Needs to Know About Litigation Short of the Trial Itself' (although the class covers a considerable amount about trials as well). The students learn how to evaluate cases, prepare demand letters, draft complaints and understand the options for responding thereto, draft discovery (interrogatories, document requests, etc.), take real depositions with real witnesses transcribed by
real court reporters, draft motions, learn the intricacies of summary judgment practice, learn how to hire experts and what they do, and learn how to negotiate, mediate and settle cases.

NOTE: Prof. Ochs-Tillotson’s section will focus on employment discrimination litigation with particular emphasis on pleadings and discovery.

PROBLEM SOLVING & PROFESSIONAL JUDGMENT IN PRACTICE (3 UNITS) – SPRING – (LAW*862)
Satisfies professional skills requirement.
The purpose of this course is to help prepare law students for their roles as responsive and creative problem solvers in whatever lawyering context they find themselves practicing. Key themes include: (1) examining the effects of different role conceptions and styles of client relationships and other professional responsibilities; (2) understanding the biases, influences, and feelings that affect one’s thinking and that of others when planning, counseling, negotiating, or advocating; and (3) developing systematic approaches to case planning and for taking into account risk and uncertainty when laying out options and making decisions. Students will confront problems in a variety of substantive legal contexts. The material will be presented through case studies (like those used in business schools); performance of role play simulations; analytical articles on topics such as creative problem solving, professional decision making, and biases in judgment; and discussion of fictional and real-life lawyering narratives. While there will be a substantial legal component to every exercise, students will have to assimilate and apply knowledge from other fields, such as social psychology, cognitive science, decision-making theory, statistics, and virtue ethics.

PUBLIC HEALTH & HOMELESSNESS: INTERSECTIONS OF LAW AND HEALTH CARE (2 UNITS) – FALL – (LAW*854)
Satisfies professional skills requirement.
This course grows out of the joint participation of UCSF medical students and Hastings law students volunteering at the Fifth Street Shelter in San Francisco, which provides client-centered, culturally appropriate, and accessible legal and health services for homeless individuals. The goals of the course are: (1) for students to gain an interdisciplinary understanding of how legal and medical services can be used in concert to improve the health of the indigent; and (2) to recognize ways in which he medical and legal professions address the needs of the underserved through different lenses.

Class sessions consist of one-hour of large group discussion experts from both the medical and legal fields, exploring how different disciplines address common legal, legal and public health issues common to the homeless population. These will be followed by one-hour small group discussions. The final product will be a student-led discussion/case study of a relevant issue experienced as a clinic volunteer (the student will distribute a one-page double-spaced description of the case study at the class session prior to the final class, which will be a three-hour session).

The Hastings school year begins several weeks before the medical school semester. During this time, class sessions will be designed for law students, and will be devoted to providing an overview of salient medical and public health issues that they are likely to face at the clinic. (The extra hour at the end of the semester will be made up at this time).

The course will be limited to 12 law students and 12 medical students, all of whom are volunteers at the Fifth Street Shelter. The course is taught by Professor Joanna K. Weinberg, JD, LLM, Adjunct Professor, Hastings College of the Law and Integrating Medicine and Public Health Program, UC San Francisco; and Sharad Jain, MD, a Clinical Professor at UC San Francisco.

The class meets on Thursdays, 5:40 pm-7:30 pm, and the location will alternate between Hastings and UCSF. (UCSF is easily accessible from the Civic Center station by the N Judah MUNI line). Students who preregister will be placed on a waiting list until they document their participation in the clinic. Grading is Pass/Fail.


NOTE: Enrollment is limited to students volunteering at the Fifth Street Homeless Shelter. Students who preregister will be placed on a waiting list until they obtain the consent of the instructor.

REPRESENTING SPANISH-SPEAKING WORKERS IN EMPLOYMENT AND LABOR LITIGATION (1 UNIT) – SPRING - (LAW *868)
This course does not satisfy the professional skills requirement.
This course will follow a practice-based model to teach students who are proficient in Spanish how to effectively communicate with and advocate for Spanish-speaking clients in labor and employment litigation. Beyond learning specific legal vocabulary and how to translate legal concepts from one culture to another, students will also be made aware of and receive training in what to expect as they navigate their clients through the litigation process in another language.

Each class will focus on a different aspect of the litigation or representation process—from the initial client interview/consultation to hearings, depositions, and mediation—and will provide students with the opportunity to practice their vocabulary and communication skills in these different contexts. Students will engage in group simulation exercises and develop written materials to practice and wrestle with the linguistic and practical issues that arise in representing Spanish-speaking workers.

NOTE: This class will be taught primarily in Spanish. Class size is limited to 20 students. Any seats available beginning January 4, 2010 will be open to non-Hastings and non-students. Please contact the Records office at 415-565-4613 for registration and fee information.

TRIAL ADVOCACY I (2 UNITS) – FALL/SPRING – (LAW*831/833)
Satisfies professional skills requirement.
Prerequisite: Prior or concurrent enrollment in Evidence or Instructor's Choice. See course schedule on the Hastings website.
This course instructs students in the basic elements of litigation. The topics covered include discovery techniques, pretrial court conferences, opening statement, direct and cross-examination, impeachment of witnesses, proper handling of documents and exhibits, use of demonstrative evidence, and closing argument. The final grade in this course generally is based upon participation, completion of a trial notebook, and participation in a simulated trial.

TRIAL ADVOCACY II (3 UNITS) – FALL/SPRING – (LAW*832)
Satisfies professional skills requirement.
Prerequisite: Trial Advocacy I. This course instructs in advanced elements of litigation. Sections of the course are designated according to subject matter emphasis, e.g., personal injury, criminal, and civil rights. Coverage may include handling of difficult witnesses such as character witnesses, alibi and eyewitnesses and other aspects of pretrial preparation such as investigation, analysis of fact and law, depositions or preliminary hearings, request for admissions, negotiations and settlement. Jury instructions are also covered. This course is particularly useful for those students who wish to be certified and to appear in court under the California Rules Governing the Practical Training of Law Students.
The class meets one day per week for a three-hour session. Students engage in selected facets of trial procedure during video taped simulated trial situations. Also included in the course is a full day mock trial. The trial is intended to afford the student an opportunity to demonstrate all of the skills previously discussed on an individual basis throughout the semester.

NOTE: Students may enroll in this course only once even if the subject matter in another section differs.

TRIAL OBJECTIONS (2 UNITS) – FALL/SPRING – (LAW*804)
Satisfies professional skills requirement.
Prerequisite: Evidence
The Trial Objections course is a performance course that is intended to bridge the gap between the Evidence course and the Trial Advocacy courses. Students participate in trial simulations with emphasis on understanding and applying the rules of evidence, not on trial tactics and strategy. The course starts with simulations involving objections to questions asked at trial and to exhibits offered in the course of trial. Then the focus shifts to motions in limine. Students will argue motions on topics such as computer animations, video exhibits depicting experiments and re-creations, and oral testimony about subsequent remedial measures. They will also participate in Daubert hearings on topics such as handwriting identification, expertise on eyewitness testimony, and latent fingerprint identification. Enrollment is limited to 16 students so that each student may do a substantial performance in class.

CLINICS
Students must be in good academic standing (2.0 GPA) to enroll in a clinic; a 2.5 GPA is required to apply for a judicial externship. All clinical and externship courses consist of class units and fieldwork units. The fieldwork units count against the 18 unit maximum credit for non-classroom work. See, Academic Regulations, section 1203.

Students seeking to enroll in any Civil Justice Clinic course can obtain information on the application and approval process from a Civil Justice Clinic staff member (Room 300, 100 McAllister).
Students seeking to enroll in the Refugee and Human Rights Clinic can obtain information and an application on the web at http://www.uchastings.edu/academics/clinical-programs/refugee-human-rights/index.html. Students interested in the Immigrants’ Rights Clinic should submit a statement of interest and resume to Professor Richard Boswell.

Students wishing to enroll in any other clinic or a judicial externship must obtain prior approval from Nancy Stuart in the Externships and Pro Bono Programs Office, 100 McAllister, Room 350.

Students who will study abroad during the fall semester and are planning on enrolling in one of the clinical or externship programs for the succeeding spring semester should visit Nancy Stuart in the Externships and Pro Bono Programs Office, 100 McAllister, Room 350, to discuss the pre-requisites and the details about enrolling. Enrolling in a clinical externship program from abroad is possible but can be more complicated than enrolling in a regular course.

**CIVIL JUSTICE CLINIC AND CIVIL JUSTICE CLINIC FIELDWORK -- INDIVIDUAL REPRESENTATION CLINIC – FALL/SPRING (LAW*902/903)**

(8 Units. 4-unit non-GPA class and 4-unit fieldwork component, graded pass-fail, must be taken concurrently. Fieldwork units count against the 18-unit limit for non-classroom work.)

Prerequisite: Prior or concurrent enrollment in Evidence or consent of instructor. Open to 3rd, 4th, 5th, or 6th semester students.

Satisfies professional skills requirement.

Under the close supervision of Hastings faculty, students assume full responsibility for providing representation to low-income clients. Students handle cases start-to-finish, i.e., from initial client interview through administrative or court hearings or negotiated settlement. The subject areas involve de novo trials of wage and hour claims in Superior Court, Social Security disability hearings, and housing disputes which may proceed to mediation or arbitration before the San Francisco Rent Stabilization Board. Other subject areas may be added. Skills covered include interviewing, counseling, case planning, fact investigation, addressing cultural and other differences, negotiation, witness examination, and written and oral argumentation. There are four hours of regularly scheduled class time per week. Students are expected to average a minimum of 20 hours a week on client casework.

In addition to case-related work, students have weekly reading assignments and are required to write a number of short, analytic papers on themes raised by the readings and their case experiences. A major course objective is to help students refine their abilities to be self-reflective about the multi-dimensional aspects of caring, effective, and ethical lawyering, so that they can develop their own vision of the sort of lawyer they will strive to become.

The Clinic is located on the 3rd floor of the McAllister Tower building. Students have work stations and access to computers where the standard word processing program is WordPerfect X3 and have to apply and pay a $55 fee to become certified under the California State Bar student practice rule. Each semester there are two mandatory, all-day introductory training sessions, the Friday and Saturday before regular classes begin. For the spring term, second-year students have an enrollment preference for half the spaces. For the fall term, second-year students are welcome and have an enrollment preference for one-third of the spaces. Third-year students are strongly encouraged to take the course during the fall term, both because of enrollment limitations and to have an opportunity to take a follow-up clinical course. Because attendance in class the first week is absolutely critical, enrollment for this clinic is finalized that week. The regular add/drop period does not apply.

**CIVIL JUSTICE CLINIC AND CIVIL JUSTICE CLINIC FIELDWORK -- GROUP ADVOCACY AND SYSTEMIC REFORM CLINIC – SPRING - (LAW*929/930)**

(8 Units. 4-unit non-GPA class and 4-unit fieldwork component, graded pass-fail, must be taken concurrently. Fieldwork units count against the 18-unit limit for non-classroom work.)

Prerequisite: Consent of the instructor. Open to 3rd, 4th, 5th, or 6th semester students.

Satisfies professional skills requirement.

Under the supervision of Hastings faculty, students work with San Francisco Bay Area public interest and community organizations on systemic reform projects affecting lower-income communities. Students are exposed to a range of persuasive strategies for making systemic change, including impact litigation, lobbying, community legal education, and community organizing and mobilization. Substantive legal areas vary each semester, as the emphasis is on assembling an array of projects with diverse approaches to effecting change.
This Clinic will be of particular interest to students considering a career in lawyering for social change, as it focuses on integrating approaches to lawyering and visions of social change. Students gain hands-on understanding of group dynamics in public interest and grassroots organizations. Among the skills developed are strategic analysis and planning, facilitation of meetings and presentations to public bodies, public officials, service providers, and community organizations. There are four hours of regularly scheduled seminar time per week. The nature of group work may require evening and weekend meetings. Students are expected to average a minimum of 20 hours a week on group client case work and to maintain extensive written field notes of their activities.

CIVIL JUSTICE CLINIC AND CIVIL JUSTICE CLINIC FIELDWORK – COMMUNITY ECONOMIC DEVELOPMENT CLINIC – (LAW*927/928) – FALL/SPRING
(Yearlong, 8 units total. 2-unit non-GPA class and 2-unit fieldwork graded pass-fail must be taken concurrently both semesters. Fieldwork units count against the 18-unit limit for non-classroom work.)

Prerequisite: Consent of the instructor. Open to 3rd, 4th, 5th, or 6th semester students.

Satisfies professional skills requirement.

In the Community Economic Development Clinic, students serve as legal counsel to community organizations in the Tenderloin neighborhood on various community development and housing projects. The work entails attending community meetings and counseling community representatives, as well as factual legal research and drafting. The focus of this Clinic is on developing lawyering skills in providing counseling and transactional services to neighborhood-serving groups. The Clinic will be of interest to students contemplating transactional work in any setting, as well as to those seeking to better understand and serve the local neighborhood.

Regularly scheduled class time will be three hours per week during the fall term and two hours every other week during the spring term. Students are expected to average a minimum of 8-10 hours a week on CED casework and to maintain written field notes of their activities. Students are also responsible for a 15-page fall term paper comparing and contrasting Tenderloin community development activities and those undertaken elsewhere as described in an assigned book. Enrollment will be limited to 6-8 students and is finalized the first week of classes of the fall term. The regular add/drop period does not apply. Grades are given at the end of the spring term.

CIVIL JUSTICE CLINIC & CIVIL JUSTICE CLINIC FIELDWORK – MEDIATION CLINIC – FALL/SPRING (LAW*925/926)
(6 Units. 3-unit non-GPA class and 3-unit fieldwork component, graded pass-fail, must be taken concurrently. Fieldwork units count against the 18-unit limit for non-classroom work.)

Prerequisite: Negotiation & Mediation: Process & Practice or Negotiation & Settlement; consent of the instructor.

Satisfies professional skills requirement.

This course will have two components, a seminar and a field placement. In the seminar, through discussions and simulations, students will learn mediation skills and look at the role of mediation in civil actions. For their field placements, students will serve as mediators in Small Claims Court, for the City and County of San Francisco, and for the State Division of Labor Standards Enforcement (DLSE). Parties who voluntarily agree to mediation will be assigned to students who will co-mediate in pairs. A wide variety of disputes will be mediated: in Small Claims Court, landlord-tenant, creditor-debtor, consumer, and neighbor-to-neighbor problems; for the City and County, Equal Employment Opportunity matters; and for DLSE, employee retaliation claims. Students will gain experience in applying the mediation theory discussed in class.

NOTE: Students who enroll in this clinic may not enroll in Mediation (3 Units).

CRIMINAL PRACTICE CLINIC AND CRIMINAL PRACTICE CLINIC FIELDWORK – FALL/SPRING (LAW*910/911)
(12 Units. 4-unit non-GPA class and 8-unit fieldwork component, graded pass-fail, must be taken concurrently. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)

Prerequisites: Prior enrollment in Criminal Procedure, Evidence, Trial Advocacy I, and a course fulfilling the professional responsibility requirement. Criminal Procedure: The Adjudicative Process is recommended but not required.

Open to 4th, 5th or 6th semester students with preference given to students in their 5th or 6th semester.
Satisfies professional skills requirement.

This course will emphasize intensive skills training in the classroom supplemented by structured, carefully supervised criminal practice experience in a limited number of prosecutor and public defender offices. Skills covered in class and field placements will include interviewing of clients and witnesses, case planning and investigation, plea negotiations, written and oral motion practice, witness examination in hearings and trials, and trial preparation. There will be required readings for the class component and required videotaped simulation exercises. The class meets intensively through the first two weeks of the semester. Students will work a minimum of 32 hours per week in a fieldwork placement (information on these is available in the Externships and Pro Bono Programs Office, 100 McAllister, Room 350). It is expected that all of the placements will involve students making court appearances, and students must be certified by the State Bar of California under the Student Practice Rules. The cost of the certification is $55.

ENVIRONMENTAL LAW CLINIC AND ENVIRONMENTAL LAW CLINIC FIELDWORK – SPRING (LAW*913/914)
(6 Units. 2-unit class and 4-unit fieldwork component, both graded pass-fail, must be taken concurrently. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)

Prerequisites: Prior enrollment in any two of the courses listed in the course catalog which constitute the Environmental Law curriculum, or one of those courses plus the first-year Environmental Law statutory course. The placement given may depend on the courses in which the student has enrolled. 4th, 5th, or 6th semester students only. Spring Semester only.

Satisfies professional skills requirement.

The course will cover strategies of environmental practice as well as problems that arise in environmental negotiation and litigation. These include working with experts in other fields, obtaining and distilling complex scientific data, presentation of the case to an administrative agency, access to the courts, and risk assessment and related problems of proof. The instructor will probably explore these issues by requiring the class to work through a single case from client presentation, to consultation with experts, to negotiation with opposing counsel, to commencement of litigation, to final judgment.

Students are expected to average a minimum of 20 hours a week in a designated fieldwork placement. (Information on the placements is available in the Externship and Pro Bono Programs Office, 100 McAllister, Room 350.) Enrollment is contingent on acceptance into a fieldwork placement offered through the clinic.

IMMIGRANTS’ RIGHTS CLINIC AND IMMIGRANTS’ RIGHTS CLINIC FIELDWORK – FALL/SPRING (LAW*907/908)
(6 Units. 2-unit non-GPA class and 4-unit fieldwork component, graded pass-fail, must be taken concurrently. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)

Prerequisite: Prior or concurrent enrollment in Refugee Law strongly preferred but not required. 3rd, 4th, 5th, or 6th semester students only. Admission to the Clinic requires the prior approval of the instructor. Students should submit a statement of interest and a resume which includes language abilities to Nancy Stuart in the Externships and Pro Bono Programs Office, 100 McAllister, Room 350. (Knowledge of a foreign language is not a prerequisite for the clinic but may be considered as a factor since many of the clients will not speak English.)

Satisfies professional skills requirement.

The Immigrants’ Rights Clinic affords students an opportunity to work directly with clients facing immigration problems. The immigration issues range from defending clients facing removal by the INS, those seeking political asylum in the U.S. and others who wish to become U.S. citizens. Students will work primarily at placements outside of the law school. Most of the client representation will be through work with local immigrant rights projects involved in law reform or litigation. Students will be directly supervised by Professor Boswell. The primary focus in this clinic will be client interviewing and counseling, case planning and legal writing. Students who enroll in the clinic can also expect to be involved in adversarial hearings before immigration judges. The clinic is divided between a classroom or seminar component focusing on skills and case strategy and analysis discussions, and the representational component (sometimes referred to as a fieldwork component) where students engage in the actual work of representing the client.

of legislative history and extrinsic aids in interpreting statutes, and the “plain meaning” approach to statutory construction. The importance of the initial interpretation of a statute by an administrative agency responsible for its implementation will also be examined, as will the canons.
LEGISLATION CLINIC (3 PARTS - 13 UNITS TOTAL) - SPRING
This Clinic includes the Fieldwork component (8 Units), Advanced Legislative Process Seminar (2 Units), and Bill Drafting & Statutory Interpretation (3 Units). Spring semester only. All classes meet in Sacramento.

Satisfies professional skills requirement.

Fieldwork – (LAW*923) (8 Units)
Prerequisite: Legislative Process or permission of the instructor
Co-requisites: Advanced Legislative Process Seminar and Bill Drafting and Statutory Interpretation.

Clinic students work 32 hours each week for 14 weeks as interns for a legislator who is a lawyer, a legislative committee staffed by a lawyer, or a selected public entity involved with the legislative process and principally staffed by lawyers. Typical placements might involve working with the office of the Legislative Counsel, the President pro tempore of the Senate, the Speaker of the Assembly, the Legal Affairs Division of Governor’s Office a committee like the Senate or Assembly Committee on the Judiciary, the legislative division of an agency like the Judicial Council or Justice Department, or with an individual legislator who is an attorney.

The internships’ goal is to give students the opportunity to observe the lawyer’s role in legislative process first-hand by attending committee hearings and floor sessions and assisting in crafting and promoting legislation. Through their work, students will develop their legal research and writing skills through bill drafting, amendment and analysis; their negotiations skills by participating in “working a bill” through the legislative process and their advocacy skills by engaging in the coalition building necessary to promote legislation in various forums, including legislative committees.

Placements are arranged by the clinic director, although a student may arrange for his or her own placement if approved by the clinic director. Each student is required to keep a journal that outlines his or her clinical work assignments, summarizes daily activities connected to the clinical placement, reports on each of the required activities, comments on the legal and procedural issues confronted, and generally addresses the clinical experience.

Advanced Legislative Process Seminar – (LAW*763) (2 Units)
May satisfy writing requirement; check with instructor.

Prerequisite: Legislation
Enrollment limited to students currently enrolled in the Legislation Clinic. This class meets in Sacramento.

The seminar will provide each student with the opportunity to reflect on his or her clinical experience, share that experience with other clinical participants and explore both issues of legislative process and issues of substantive law that are connected to specific legislation on which the intern is working. The seminar will also address the jurisprudence/ “legisprudence” of statutory law and the legislative and judicial cultures; the allocation of power to enact and interpret statutes and constitutional provisions; parliamentary law and the legislative rules of procedure; the legislature’s investigative power; legislative ethics; the relevance of the administrative law to statutory law; the budget process and related legal issues. Guest speakers who are participants in the legislative process will be a key element of the seminar. Each student will be required to report on his clinical experience periodically. Grades will be based on class attendance and participation, and on a presentation and paper to the seminar on a selected topic relating to the legislative session.

Bill Drafting and Statutory Interpretation – (LAW*215) (3 Units)
Prerequisite: Legislative Process
Enrollment limited to students currently enrolled in the Legislation Clinic. This class meets in Sacramento.

The class explores the contemporary literature of statutory interpretation, including the role of courts in construing statutes, the controversy surrounding the use of statutory interpretation and the criticism of those canons.

Simultaneously, the class will focus on the professional skills needed to draft bills effectively. Readings will include both time-honored literature on the subject (such as Karl Llewellyn’s work, and Reed Dickerson’s Legislative Drafting) and more contemporary sources (such as Legal, Legislative, and Rule Drafting in Plain English by Martineau and Salerno). The class will include hands on drafting, both in the context of the student’s clinical placement, and in the form of drafting exercises and assignments prepared for the class.

LOCAL GOVERNMENT LAW CLINIC AND LOCAL GOVERNMENT LAW CLINIC FIELDWORK – FALL/SPRING (LAW*918/919)
(5 Units. 1-unit non-GPA class and 4-unit fieldwork
component, graded pass-fail, must be taken concurrently. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)

Prerequisite: Constitutional Law I; completion of or concurrent enrollment in either State & Local Government Law or California Local Government Law

Recommended courses: Labor Law, Administrative Law (Fieldwork placement may depend on which specific courses have been taken.) 4th, 5th, or 6th semester students only.

Satisfies professional skills requirement.

The local government law clinic provides students with practical experience in the problems associated with representing a local government. The clinic has an academic and a fieldwork component. The academic component focuses on skills training, developing the ability to learn from critical self-reflection, and draws on the students’ experiences in their placements to advance not only their understanding of basic principles of substantive and procedural law relevant to their placements, but of the role of lawyers and legal institutions in society as well. The course will also address the professional and ethical responsibility of lawyers who represent cities and municipalities.

For the fieldwork component, students work 16 hours per week in a department of the San Francisco City Attorney's office. (Placements are sometimes also available in the Berkeley, Oakland and Palo Alto City Attorney’s Offices.) The placements offer the opportunity to work on projects that enable them to begin to understand the role of the city attorney and the nature of public law practice generally, and to begin to acquire the substantive knowledge and practical skills lawyers practicing local government law need. Typical departments would include, in the San Francisco City Attorney’s Office, the general government group, the health, education and social services group, the land use and environment group, and the labor group. The focus of the clinic is not on litigation, so placements in the trial division are excluded.

Enrollment is contingent on acceptance into an approved fieldwork placement.

REFUGEE & HUMAN RIGHTS CLINIC – FALL/SPRING (LAW*931/932)

(6 Units. 2-unit class and 4-unit fieldwork component, class is graded, fieldwork is graded pass-fail, must be taken concurrently. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)

Prior or concurrent enrollment in Upper class Immigration Law or Refugee Law, or International Human Rights strongly preferred but not required. 3rd, 4th, 5th, or 6th semester students only. Admission to the Refugee and Human Rights Clinic (RHRC) requires prior approval of the instructor. Students should submit a completed application and copy of their resume to Amberjae Freeman, freemana@uchastings.edu. The application can be downloaded by going to the RHRC home page at http://www.uchastings.edu/academics/clinical-programs/refugee-human-rights/index.html.

Satisfies professional skills requirement.

Students will work 16-20 hours per week on projects involving refugee and human rights issues, and will have a unique opportunity to develop a range of skills relevant to legal advocacy in these areas. In the refugee area, there will be the opportunity to engage in the direct representation of asylum seekers, and to do policy and community education work on these issues. Human rights work may involve fact-finding and report writing, collaborative projects with other non-governmental organizations, and advocacy at regional human rights bodies, such as the Inter-American Commission on Human Rights. A number of the projects may be in partnership with the law school’s Center for Gender and Refugee Studies (CGRS). CGRS is one of the nation's leading refugee advocacy organizations, engaging in research, national policy work, impact litigation, and other strategies in defense of asylum seekers.

Students will be given as much individual responsibility as feasible, with one-on-one supervision, so as to provide them with mentoring and the opportunity to develop important professional skills and values. Students will participate in the weekly 2-unit class seminar, and focus on the development of lawyering skills and issues of ethics. Peer learning will be emphasized through the use of “clinical rounds” and reflective discussion.

The Refugee and Human Rights Clinic will be of particular interest to students who are interested in exploring how successful advocacy on individual cases can impact the development of the law, and how “non-legal” approaches, as through media and grassroots mobilization, can strengthen traditional legal strategies.

WORKERS’ RIGHTS CLINIC – FALL/SPRING (LAW*921/922)

(3 Units, 1-unit non-GPA class and 2 units fieldwork component graded pass-fail, must be taken concurrently. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)

Prerequisite: Prior or concurrent enrollment in Employment Discrimination, Labor Law, Labor &
Employment Law, or Sex Discrimination Seminar. 4th, 5th, or 6th semester students only.

Satisfies professional skills requirement.

The Workers’ Rights Clinic provides students with practical experience in a wide range of employment related problems as they deliver free legal information and assistance to low-income workers. The Clinic operates two evenings a week and is supervised by attorneys from the Employment Law Center and the private bar. Students conduct initial client interviews and in consultation with the supervising attorneys, provide counseling, legal information and referral. In some cases, students provide limited follow-up assistance including drafting letters or administrative complaints, or representing workers at administrative hearings.

The accompanying classroom component, which meets one evening a week for 50 minutes, operates in a seminar format. The seminar addresses selected topics in employment law as well as discussions of legal concepts, skills development and illustrative cases derived from the client experiences. The seminar also allows students to compare their experiences and learn with each other.

NOTE: Monday classes meet in the Dining Commons at Hastings, 6:00-8:00 p.m.; Wednesdays classes meet at the Employment Law Center, 600 Harrison St., 5:15-8:15 p.m.

EXTERNSHIPS

ALTERNATIVE DISPUTE RESOLUTION EXTERNSHIP PROGRAM – FALL/SPRING – (LAW*959/958)
(1 Unit, non-GPA academic credit, 4 units clinical credit) – Fieldwork units count against the 18 unit maximum credit for non-classroom work.
Prerequisite: Two courses in the negotiation or dispute resolution area.
Open to 4th, 5th, or 6th semester students only.

Satisfies professional skills requirement.

The Alternative Dispute Resolution [ADR] Externship provides students with a unique opportunity to study dispute resolution processes from a practical as well as theoretical perspective. The Externship is a course for advanced dispute resolution students who want an in-depth practical experience and an opportunity for research, writing, and analyzing challenging topics in this area of study. The academic component focuses on developing competence in advanced problems of dispute resolution, such as psychological factors, system design, game theory, risk assessment, ethical responsibilities of practitioners, and public policy developments.

For the fieldwork component, students work at least 16 hours per week in a placement approved by the Director of the Center for Dispute Resolution.

Past placements have included the San Francisco Superior Court’s ACCESS Mediation Program and the Department of Industrial Relations State Mediation and Conciliation Services.

CURRENT ISSUES IN CRIMINAL PRACTICE AND CRIMINAL PRACTICE EXTERNSHIP – FALL – (LAW*988)
(5 or 6 units. 2-unit non-GPA class and 3- or 4-unit fieldwork component, graded pass-fail. Enrollment in the fieldwork component is not required, but preference will be given to students who have arranged placements in the same or a following semester. Fieldwork satisfies professional skills requirement and counts against the clinical maximum.)

Prerequisites:
Current Issues in Criminal Practice: None.
Criminal Practice Externship: Concurrent enrollment or prior satisfactory completion of Current Issues in Criminal Practice is required. Some placements may have additional prerequisites.

Open to 4th, 5th, or 6th semester students only.

The Current Issues in Criminal Practice class examines various substantive criminal law and procedure issues within the context of practice. Topics will include prosecutorial and criminal defense ethics, as well as current issues in criminal practice (e.g., appellate practice, parallel proceedings, reentry and deferred sentencing, federal sentencing). Seminar topics may also include professional role development, collaboration and communication, and challenges in work-life balance. Students will be graded on written submissions and class participation. Students who are concurrently placed in externships will engage in regular reflective journaling exercises. We expect that all students will be required to give a classroom presentation towards the end of the semester.

This class is open to all 4th, 5th and 6th semester students. Students who are concurrently enrolled or who plan to enroll in a Criminal Practice Externship are given preference in enrollment.
For the fieldwork component, students earn 3 or 4 units of clinical credit by working 12 or 16 hours per week in a criminal placement approved by the Director of Externship Programs. Approved placements have included the U.S. Attorney's Office, Criminal Division and the First District Appellate Project.

JUDICIAL EXTERNSHIP PROGRAM
The Judicial Externship Program consists of a classroom component and a fieldwork component, described below, which must be completed simultaneously. In addition, each student must complete a 2-3 unit pre- or co-requisite course of his or her choice from the list below. Minimum 2.5 GPA. Enrollment is limited to 60 students each semester (30 during the summer). Satisfies professional skills requirement.

CLASSROOM COMPONENT – FALL/SPRING (LAW*899)
(1 Unit, graded pass-fail)
The Judicial Externship classroom component consists of a required eight-hour orientation program and ongoing supervision by the faculty supervisor. The orientation takes place at Hastings during the two days preceding the first day of classes for the semester. The ongoing supervision requires students to keep a journal during their fieldwork and to be in contact with the faculty supervisor several times during the semester. This contact may be by telephone or e-mail if the student’s fieldwork is outside of the Bay Area.

FIELDWORK – (LAW*940)
(3 to 9 Units, graded pass-fail. Fieldwork units count against the 18 unit maximum credit for non-classroom work.)
All judicial externships are open to 4th, 5th and 6th semester students.

Students may earn up to 9 units of fieldwork credit by working as externs at any level of state or federal courts and at some selected administrative agency tribunals. If the externship does not afford a substantial research and writing experience, only up to 5 units may be earned. Students may work part-time and earn between 3 and 8 units of fieldwork credit, computed at the rate of one unit for every 45 hours of work. Full-time externs may earn 9 units by working a minimum of 12 weeks of at least 35 work hours each. Students may extern anywhere in California without seeking advance permission; externships outside California require the permission of the faculty supervisor.

Interested students should inquire at the Externships and Pro Bono Programs Office, 100 McAllister, Room 350, early in the semester prior to the semester or summer during which they would like to extern. Group meetings about the program’s requirements are held periodically. A student who accepts a judicial externship position may not withdraw to take a position with another judge or court.

A student who wishes to enroll more than once in a judicial externship will be given last priority for purposes of the enrollment limitation and must participate in the supervision aspects of the classroom component without unit credit (but need not attend the orientation again).

DESIGNATED PRE- OR CO-REQUISITE COURSES FOR JUDICIAL EXTERNS:
The following courses offered in 2009-2010 satisfy this requirement. Students need only take one course.


If you have not taken one of the above courses and want to take a course more closely tailored to your externship, you may take one of the following instead.

For Federal District and Circuit Courts: Complex Litigation, Federal Courts, Federal Criminal Law, Federal Pretrial Litigation

For any appellate court externship: Appellate Advocacy

For any California court: California Civil Procedure

For California appellate courts: California Appellate Process
For California family law courts: Family Law

For California probate courts: Wills & Trusts

For bankruptcy courts: Bankruptcy & Creditors’ Remedies

For Immigration court: Immigration Law – upper division

LEGAL EXTERNSHIP PROGRAM - FALL/SPRING (LAW*933/934)
(1 unit, non-GPA academic credit, 3 or 4 units clinical credit) (Fieldwork units count against the 18 unit maximum credit for non-classroom work).

Prerequisites: Vary according to placement. Please consult Director of Externships and Pro Bono Programs.

Recommended courses: Vary according to placement. Please consult Director of Externships and Pro Bono Programs. 4th, 5th, or 6th semester students only. Satisfies professional skills requirement.

This program provides students with the opportunity to participate in an approved externship program at a government agency or non-profit legal organization. The clinic has an academic and a fieldwork component. The academic component focuses on skills training, developing the ability to learn from critical self-reflection, and draws on the students’ experiences in their placements to advance not only their understanding of basic principles of substantive and procedural law relevant to their placements, but of the role of lawyers and legal institutions in society as well.

For the fieldwork component, students work either 12 or 16 hours per week in a placement approved by the Director of Externships and Pro Bono Programs. Enrollment is contingent on acceptance into a fieldwork placement approved by the Director.

OTHER PROGRAMS

SCHOLARLY PUBLICATIONS (UP TO 2 UNITS)
A number of second-year students are selected to participate for credit on one of the following student-edited scholarly publications at Hastings:

Hastings Business Law Journal
Hastings Communications and Entertainment Law Journal (COMM/ENT)
Hastings Constitutional Law Quarterly
Hastings International and Comparative Law Review
Hastings Law Journal
Hastings Race and Poverty Law Journal
Hastings Science and Technology Law Journal
Hastings West-Northwest Journal of Environmental Law and Policy
Hastings Women’s Law Journal

Each publication's board of editors selects solicited and unsolicited articles on legal scholarship. Second-year members work on source pulls and citation checks, and write Student Notes usually under the guidance of third-year student mentors.

First-year students who are interested in becoming a member of a journal during their second year are required to enter the Inter-Journal Writing Competition, which begins immediately after spring semester finals and ends about 12 days later. The competition is administered by the college’s O’Brien Center for Scholarly Publications, which provides all materials necessary for completion of the competition. Each of the journals editors use base guidelines for the evaluation of writing competition entries as well as other criteria particular to each journal.

For more information about the journals and about the Inter-Journal Writing Competition, see http://www.uchastings.edu/academics/journals/index.html, or contact the O’Brien Center for Scholarly publications at scholarp@uchastings.edu.

LAND CONSERVATION LAW INSTITUTE: SUPERVISED RESEARCH, WRITING, AND EDITING (1 UNIT) – (LAW*964)
This credit is for selected students who have already taken the Land Trust Seminar and who continue to edit and write for "The Back Forty." Permission of the instructor is required before registration and enrollment.

MOOT COURT BOARD – (LAW*971)
(1 Unit fall; 1 Unit spring)
Prerequisite: Appellate Advocacy
All students who successfully complete Appellate Advocacy are invited to apply for membership on the Moot Court Board. Moot Court Board Members work as Teaching Assistants for Moot Court in the Spring and Appellate Advocacy in the Fall. Board Members also work on various committees and assist with Board Member selection, the Awards Ceremony, the David E. Snodgrass Competition and judging, and the Intercollegiate Moot Court Program. Board Members act as bailiffs for oral arguments, conduct videotape practices for students, proofread and edit Moot Court briefs, and provide written and oral guidance to their advisees on their topic and the law pertaining to it. Board Members give advice on citation format, persuasive writing and the development of student work. Board Members also attend regular meetings with the professor and the Moot Court Director to improve their teaching skills and editing and conference techniques.

Moot Court Board Members receive one unit of academic credit and a stipend each semester for their work. Board members can serve for three semesters after completion of Appellate Advocacy.
INTERCOLLEGIATE MOOT COURT COMPETITIONS – (LAW*973) – FALL/SPRING
(2 Units upon completion of competition)
Satisfies professional skills requirement.

Hastings has one of the most successful Moot Court Competition programs in the United States. Hastings students win National Championship awards, Best Brief awards, Best Oral Advocate awards, and many other honors each year in competitions held throughout the nation in a variety of topics.

Competition students usually participate as a three-member team with two oral advocates and a brief editor. The students write an appellate brief and prepare to argue both sides of the case for the oral arguments. They participate in 12-15 formal oral argument practices that are judged by students, faculty and practitioner panels. Competitors are well-prepared for the tournaments which are sponsored by schools, bar associations, courts and institutes.

Hastings pays for the travel costs (including meals and lodging) to the tournaments when students are competing. Students who win regional events also compete at national final rounds.

Tryouts for the competition teams are held in April and are open to all Hastings students. Each applicant prepares a 5-10 minute oral argument from a brief utilized in a competition that year, submits a résumé and writing sample, and participates in an informational interview with the competition selection committee. The teams for the upcoming year are announced at the Moot Court Awards Ceremony held at the end of April each year.

Competition students receive two units of academic credit for each competition as well as personalized, individual support and guidance to maximize their learning and performance in the competition subject area and in appellate written oral argument.

ALTERNATIVE DISPUTE RESOLUTION BOARD – (LAW*974) – FALL/SPRING
Prerequisite: Negotiation & Settlement or Negotiation & Mediation

ADR Board members participate in organizing and training the ADR Team throughout the school year. They assist with the development of new and prospective Team members by helping them prepare for negotiation and mediation practice sessions, and conducting instructional sessions in Problem Analysis, Making Opening Statements, Listening, Questioning & Reframing, and Self-Evaluation. They judge practice sessions, proofread and edit negotiation planning documents, provide written and oral guidance to their advisees on the topic of practice negotiations and the law pertaining to these simulations, conduct video practice sessions, lead debriefing sessions and provide individual feedback designed to develop their negotiation skills, problem-solving ability and experience in the competition environment. Board Members also attend regular meetings with the Team Coach to improve their teaching skills, and feedback and mentoring techniques.

Board members recruit new Team members. They organize and manage the logistics for practice and teaching sessions. They maintain the Team’s website to provide participants with the Team’s calendar, assigned roles for practice sessions, competition links, reading materials, and other information. They assist in the organization of the annual In-School Competition, the qualifying event for membership on the Team.

CLIENT COUNSELING TEAM (1 OR 2 UNITS) – SPRING – (LAW*978)
Satisfies professional skills requirement only if 2 units received.

The Hastings Client Counseling Team (HCCT) is an organization designed to focus on skills development, and integrating “real world” experience with theories and principles of client interviewing and counseling. All HCCT team members must have completed the Interviewing and Counseling course, or in the alternative, may participate after obtaining instructor pre-approval.

Although enrollment in the HCCT takes place in the spring semester, HCCT activities begin in the fall semester. All interested students are invited to attend a 2-hour introductory session in the fall semester. Students who have completed or are concurrently enrolled in Interviewing and Counseling, or have obtained instructor approval, may enter the in-school competition held in mid-November. The students selected through the in-house competition will represent Hastings in the ABA Regional Client Counseling Competition. (Hastings will pay for the travel costs, including meals and lodging, for the ABA competition). At the instructor’s discretion, students who are not selected to compete, but who would like to continue to participate on the HCCT, may be invited to join the HCCT as non-competing members. Over the winter break, all HCCT team members are required to study materials on interviewing and counseling, as well as the substantive law chosen for the ABA competition. In the spring semester, all team members engage in
mandatory 2-1/2 hour practices twice a week through mid-February. Competing team members are expected to work with the team coach outside of regular practices in order to prepare further for the ABA competition. All team members, whether competing or non-competing, receive individual support, coaching and mentoring designed to increase their interviewing and counseling skills.

Students who meet all participation requirements and who also compete in the ABA Regional competition are eligible to receive 2 units per year, to be awarded in the spring semester. Students who meet all participation requirements and who also serve as President and/or Team Coach are eligible to receive 2 units per year, to be awarded in the spring semester. Students who meet all participation requirements but who are non-competing members are eligible to receive 1 unit per year, to be awarded in the spring semester. The HCCT is open to first-year students but they cannot receive credit for participation. In the past, first-year students have represented Hastings in the ABA competition.

All HCCT units are subject to the overall 18-unit credit limit for non-classroom work as set forth in 1203 of the Academic Regulations and Other Rules Applicable to Students.

**INTERCOLLEGIATE ADR COMPETITIONS (1 UNIT PER SEMESTER*) – (LAW*977) – FALL/SPRING**

Satisfies professional skills requirement only if 2 units are received.

Since its formation in 2000, the Hastings Negotiation Team has successfully competed in national and international negotiation and mediation competitions. Students participate in 2-member teams negotiating deals and settling disputes arising in a variety of factual and legal contexts. The competitions are held in-person or online using specialized web-based technology. In participating on the Team, students receive individual support, coaching and mentoring designed to maximize competitive performance, to increase understanding of legal problems and their practical implications, and to develop problem-solving skills.

Hastings pays for the travel costs (including meals and lodging) to in-person competitions. Students who win regional events also compete at national final rounds.

The tryout for the Team is an In-School Competition held in late September or early October. The In-School Competition is open to all Hastings students, and consists of two rounds of negotiation and mediation. It is judged by panels of mediators, local practitioners, coaches and experienced team members using competition standards. To prepare interested students for the In-School Competition, a month of weekly coached practices is offered during September.

*Team members receive one unit of credit for each semester in which they participate in an outside competition.

**INTERCOLLEGIATE TRIAL TEAM COMPETITIONS (2 UNITS PER SEMESTER) – (LAW*979) – FALL/SPRING**

Satisfies professional skills requirements.

Hastings has a nationally recognized Trial Team, which competes against other law schools around the country in various mock trial competitions sponsored by law schools, bar associations, and legal organizations. The competitions involve both civil and criminal topics, and members of the team compete in at least one tournament a semester.

A tournament team usually is composed of four students, two of whom represent the plaintiff or prosecution side of the topic and two of whom represent the defense. Students will give either an opening or closing statement, and will be responsible for conducting at least one direct and one cross examination. In addition, students will present and argue motions *in limine* before the trial begins. When one side is acting as lawyers, the other two students act as witnesses for their colleagues. A competition usually entails two or three preliminary rounds, which average about three hours in length. Most tournaments then have a semi-final and final round to determine the champion.

Fact patterns and trial materials for a given competition are distributed about seven weeks before the competition. Students work with the coaches, alumni, their individual team members and the Trial Team as a whole to prepare for the competition, and will participate in numerous practice trials in the weeks leading up to the competition.

Hastings pays for the travel costs (including meals and lodging) for the students participating in the tournaments. Tryouts for the team are held in April, and are open to all Hastings students. A student trying out for the team is given a fact pattern from a past tournament and is asked to give a closing statement and conduct a short cross examination of one of the witnesses. The student also participates in a short
informational interview with the selection committee.

Trial Team members receive two units of academic credit each semester, and receive intense training in evidence, trial advocacy, and trial ethics. Students can expect to leave the Trial Team with a complete command of the nature and nuances of trial preparation and courtroom advocacy.

INDEPENDENT STUDY

Second and third year students may earn a maximum of two units of credit for a single independent study project. No student may enroll in more than two independent study projects during his or her law school career. To enroll in an independent study, the student should develop a topic under the supervision of a full-time faculty member and then submit a petition to the Records Office describing the proposed project. Grades received for independent study are not considered in calculating the student's cumulative GPA. With the supervising faculty member’s approval, a 2-unit independent study may satisfy the College’s writing requirement. No independent study credit will be awarded if the student receives monetary compensation or other academic credit for the project. Students who wish to be supervised by an adjunct faculty member need to obtain permission of the Associate Academic Dean in order to participate in an independent study project.

EXCHANGE PROGRAMS AND STUDY ABROAD OPPORTUNITIES

EDUCATIONAL OBJECTIVES OF THE FOREIGN EXCHANGE AND STUDY ABROAD PROGRAMS:

Our objective in sending students for foreign study is to increase their understanding of foreign law and to provide them with the information, skills, and experience to work more effectively as attorneys in a global legal environment. Most of the programs offer a concentration in a specialized field of law. Students shall follow a course of study that is consistent with the objectives of each program.

Dual J.D/LL.M Degree Programs

With approval of the Academic Dean and International Programs Committee, a student who earns an LL.M degree at a foreign law school may transfer to Hastings a maximum of 24 credits from that LL.M. program (see Academic Regs. 2208). Hastings has three official dual degree programs with SOAS, Paris II, and Deusto. Students must indicate intention to enroll in the full year LL.M. degree at the time of application to the exchange program, and must have completed 62 credits and four full semesters in residency at Hastings by the start of the LL.M program.

PROGRAMS

Studying Law at Central European University, Budapest, Hungary

Students may spend a fall or spring semester during their second or third years at CEU studying the comparative constitutional law, human rights law, or business law, with a special focus on the study of social change and policy implications of transition to open societies. The program is taught entirely in English. Tuition is paid to CEU directly for the semester. For more information see www.ceu.hu/legal

Studying European Union Law at the University of Copenhagen, Denmark

Students may spend a fall or spring semester during their second or third years at the University of Copenhagen studying the law of the European Union. The program is taught entirely in English and includes students from all the European Union countries. Tuition is paid to Hastings for the semester. For more information see www.jur.ku.dk/english/kandidat/upperlevelcourses/

Studying International or E.U. Law at Leiden University, Leiden, The Netherlands

Students may spend a fall or spring semester during their second or third years at Leiden studying the law of the European Union. Leiden, the Netherlands’ oldest and most famous university, is located in the heart of Europe and only a short train ride from Amsterdam and The Hague, where the International Criminal Court and the World Court sit. The program is in English and includes students from other E.U. member countries. Tuition is paid to Hastings for the semester. For more information see www.law.leidenuniv.nl

Studying Law and Development at the School of Oriental and African Studies Law Faculty at the University of London, London, United Kingdom

Students have two options at SOAS: 1) spend a fall semester during their third year at the School of Oriental and African Studies (SOAS) studying comparative law and development in the developing countries; 2) apply for the dual degree full-year LL.M program at SOAS for the final third year of law study. GPA minimum requirement is 3.0. Tuition is paid directly to SOAS. For more information see www.soas.ac.uk
Studying Law at University of New South Wales, Sydney, Australia
Students may spend fall or spring semester during their second or third years at UNSW. Tuition is paid directly to Hastings for the semester. For more information see http://www.law.unsw.edu.au/

Studying Law at Austral University, Buenos Aires, Argentina
Students may spend fall or spring semester during their second or third years at Austral. Spanish fluency is required. Tuition is paid directly to Hastings for the semester. For more information see http://www.austral.edu.ar/.

Studying Law at The International University College of Turin, Torino, Italy
Students may spend fall or spring semester during their second or third years at IUC of Turin studying Law and Globalization. Courses are offered in English. Tuition is paid directly to Hastings for the semester. For more information see http://www.iuctorino.it/

Studying Law at Peking University, Beijing, China
Students may spend fall or spring semesters during their second or third years at Peking. Proficiency in Mandarin is helpful but not required. Classes taught in English are available. Tuition is paid directly to Hastings for the semester. For more information see http://www.whu.edu.cn/en/.

Studying International Business Law at Bucerius Law School, Hamburg, Germany
Students may spend fall semester during their second or third years at Bucerius. Courses are taught in English, however optional German courses are available to fluent German Speakers. Tuition is paid directly to Hastings for the semester. For more information see http://www.law-school.de.

Studying Law at Freie University, Berlin, Germany
Students may spend spring semester during their second or third years at Freie University. Courses are taught in German: fluency required. Tuition is paid directly to Hastings for the semester. For more information see http://www.fu-berlin.de/.

Joint J.D/LLM Studying European Law at University of Paris II, Paris, France
Students may complete a one-year LL.M degree in Public or Private European Law in their third year of study. Courses are taught in English. Tuition is paid directly to Hastings for the semester. GPA minimum requirement: 3.0. For more information see http://www.u-paris2.fr/

Studying Law at Deusto University, Bilbao, Spain
Students have two options at Deusto: 1) spend fall semester during third year at Deusto taking law classes in English; 2) enroll in full-year LLM and spend fall at Deusto and spring at their partner university in the Netherlands, Tilburg.

Studying Environmental Law at the Vermont Law School, Royalton, Vermont
Students may spend the fall or spring semester during their second or third years at the Vermont Law School studying environmental law. The law school is situated in a beautiful rural New England town, and it boasts one of the top programs in environmental law in the United States. Tuition is paid to Hastings for the semester. For information see www.vermontlaw.edu/

APPLICATION PROCESS

Students who are interested in any of these programs apply during their first or second year at Hastings to the International Programs Committee. The committee selects students based upon their personal statements, experience, academic performance, and an interview. In addition, students must have successfully completed the first-year curriculum in order to be eligible. Although there is no required GPA minimum for admissibility to these programs, selection for participation in these programs is competitive. In general, we have found that students with a GPA below 2.7 are unlikely to be selected. An application can be obtained from Pamela Serota Cote in the Office of the LL.M. Program, room 310 (3rd floor) in the 200 building, or by printing it directly from the Hastings website. Application deadline is February 1st for participation in either fall or spring semester programs in the following academic year.

INDEPENDENT STUDY ABROAD

In addition to these programs, students may design their own study abroad program at a recognized foreign law faculty through approval from the Associate Academic Dean’s Office. Students may not, however, design their own study abroad program at any of the foreign universities where Hastings has an established exchange program. Application deadlines for independent study abroad:
Fall programs, June 15th; Spring programs, November 1st.
JOINT DEGREE PROGRAM

Students may participate in a joint degree program between Hastings and another graduate school in a law-related discipline. To be eligible for the joint degree program, students must successfully complete the first-year Hastings curriculum before beginning course work at another institution. Students who wish to pursue the joint degree program must submit a request for approval form (available in the Records Office), a written statement of objectives, and a proposed curriculum to the Associate Academic Dean. A maximum of 12 units may be transferred to Hastings from a joint degree program.

LL.M. PROGRAM

The LL.M. (master of laws) Program in U.S. Legal Studies is a one-year program open to students who hold a law degree from a faculty of law located outside the United States. The purpose of the program is to increase knowledge of the U.S. legal system, promote the rule of law, and add global perspective to the educational experience of J.D. students at Hastings.

LL.M. candidates will be required to complete 24 credit hours of classes, including a specially-designed legal writing and research seminar for LL.M. candidates only and a first-year required course offered in the first semester. All other classes will be held with J.D. candidates.

Interested persons holding a law degree from a foreign law faculty should contact the LL.M. Office directly. This program is not open to J.D. candidates or to anyone holding a J.D. from a law school in the United States.

AREAS OF STUDY AND PRACTICE

In order to help you identify various types of practice and fields of substantive law, the Hastings curriculum can be divided into areas of study and practice. These are only suggested areas of study as opposed to a formal concentration in a particular area which is described under upper class concentrations. A well-rounded class schedule might include at least a few courses from each of the major fields. You may use the areas of study and practice list as a guide to recognized interrelationships among courses, their prerequisites, and the faculty members most familiar with practice in that field.

Required first-year courses are omitted from the lists, as they form the basis for all courses in the curriculum. Please note that certain courses, particularly seminars, may not be offered each year.

ADMINISTRATIVE & PUBLIC LAW

GPA Lecture Courses

Administrative Law
Advanced Environmental Law: Contaminated Property Issues
Animal Law
Antitrust
Arbitration
Archaeology, Relics, and the Law
Children & the Law
Constitutional Law
Disability Law
Employment Discrimination
Environmental Law (first-year statutory course)
Environmental Quality Law & Policy
Food & Drug Law (first-year statutory course)
Health Policy
Immigration Law
Insurance
Labor & Employment Law
Labor Law I
Land Use Regulation
Law, Psychiatry & the Mental Health System
Legislation Law
Regulated Industries
Remedies
Securities Regulation
Water Resources

Seminars, Non-GPA Courses & Clinics

Alternative Dispute Resolution Seminar
American West: Law, Culture & Environment
Bioethics & the Law Seminar
California Nonprofit Corporation Law & Charitable Foundations Seminar
Civil Justice Clinic
Civil Rights Seminar
Community Economic Development Seminar
Constitution of the Family Seminar
Judicial Elections & the Role of the Judiciary in American Democracy Seminar
Land Use Regulation Seminar
Law & the Japanese American Internment Seminar
Legislation - Statutory Interpretation & Bill Drafting
Mass Media Law Seminar
Negotiation & Mediation: Process & Practice
Public Finance Seminar
Public Policy Advocacy Seminar
Psychiatry & the Law Seminar
Tax Problems of Exempt Organizations Seminar
Water Resources Seminar
Workers' Rights Clinic

Faculty Counselors
Aaronson
Bhagwat
Boswell
Carrillo
Cohen
Diamond
Faigman
Goishi
Hillman
Jung
Lee
Leib
Levine
Massey
Marshall
McCall
Nelken
Rao
Rappaport
Reiss
Schiller
Silverstein

ADVOCACY & LITIGATION

GPA Lecture Courses
Advanced Civil Procedure - Complex Litigation
Advanced Negotiation: Multi-Party, Multi-Issue and Group Processes Arbitration
California Appellate Process
California Civil Procedure
Conflict of Laws
Criminal Procedure
Domestic Violence Law
Evidence
Federal Courts
Federal Pretrial Litigation
Mass Torts
Personal Injury Litigation
Remedies
Roles & Ethics in Practice
Science in Law

Seminars, Non-GPA Courses & Clinics
Advanced Evidence Seminar
Alternative Dispute Resolution Seminar
Appellate Advocacy
Case Studies in Contract Law Seminar
Civil Justice Clinic (multiple clinics)
Civil Justice Mediation Clinic
Civil Rights Seminar
Criminal Practice Clinic
Current Issues in Civil Litigation Seminar
Environmental Law Clinic
Facilitation for Attorneys
Forensic Evidence Seminar
International Litigation & Arbitration Seminar

Faculty Counselors
Aaronson
Bisharat
Bloch
Boswell
Dodge
Faigman
Freshman
Goishi
Jung
Lee, Eumi
Lee, Evan
Levine
Little
Marcus
Marshall
Nelken
Park
Piomelli
Ryu
Tierney
Wingate

BUSINESS & COMMERCIAL

GPA Lecture Courses
Advanced Civil Procedure - Complex Litigation
Advanced Negotiation: Art of the Deal (2 or 3)
Antitrust
Arbitration
Bankruptcy & Creditors' Remedies
Business Planning
Comparative Antitrust Law
Conflict of Laws
Constitutional Law II
Contract Writing & Analysis
Corporate Finance
Corporations
Employment Discrimination
Entertainment Law
Federal Income Taxation
Federal Income Taxation of Corporations & Partnerships
Federal Income Taxation of Real Estate & Other Investments
Hedge Funds & Investment Management
Insurance
International Business Transactions
Labor & Employment Law
Labor Law I
Regulated Industries
Remedies
Sales & Leases of Goods
Secured Transactions
Securities Regulation
Sports Law
Telecommunications Law
U.S. Taxation of Foreign Transactions & Investments

Seminars, Non-GPA Courses & Clinics
- Alternative Dispute Resolution Seminar
- Business Planning Seminar
- California Nonprofit Corporations Law & Charitable Foundations Seminar
- Case Studies in Contract Law Seminar
- Introduction to Mergers & Acquisition Seminar
- Investor-State Arbitration Under NAFTA Seminar
- Mediation
- Negotiation & Mediation: Process & Practice Seminar
- Negotiation & Settlement Seminar
- Real Estate Finance Law Seminar
- Sports Law Seminar
- Tax Concentration Seminar
- Tax Problems of Exempt Organizations Seminar

Faculty Counselors
- Bhagwat
- Dodge
- Field
- Hutton
- Knapp
- Lambert
- Lathrope
- Lefstin
- Leib
- Levine
- Marcus
- Martinez
- Lind
- McCall
- Prince
- Rappaport
- Tierney
- Wang

ENVIRONMENTAL LAW

GPA Lecture Courses
- Administrative Law
- Advanced Environmental Law: Contaminated Property Issues
- California Water Resources
- Environmental Law (first-year statutory course)
- Environmental Quality Law & Policy
- Federal & Interstate Water Resources
- Land Use Regulation
- Public Land & Natural Resources Law Remedies

Seminars, Non-GPA Courses & Clinics
- American West Seminar
- Environmental Law Clinic
- Environmental Law Seminar
- Land Trusts & Conservation Easements Seminar
- Public Lands & Natural Resources Seminar
- Takings & the Environment Seminar
- Water Resources Seminar

Faculty Counselors
- Aviram
- Bisharat
- Bloch
- Diamond
- Faigman
- Lee, Eumi
- Lee, Evan
- Little
- Park
- Rappaport
- Weithorn

CRIMINAL LAW & PROCEDURE

GPA Lecture Courses
- Criminal Procedure
- Evidence
- Federal Criminal Law
- International Criminal Law
- Law, Psychiatry & Mental Health System
- Roles & Ethics in Practice

Seminars, Non-GPA Courses & Clinics
- Advanced Criminal Law Seminar: Issues in Criminal Defense
- Capital Punishment Seminar
- Civil Justice Mediation Clinic
- Comparative Criminal Procedure & Evidence Seminar
- Criminal Justice Reform Seminar
- Criminal Practice Clinic
- Criminal Punishment Seminar
- Forensic Evidence Seminar
- Law & Psychiatry Seminar
- Legal Interpretation: The Language of Jury Instructions Seminar
- Post-Conviction Remedies Seminar
- Terrorism and the Law Seminar (2)
- Trial Advocacy I
- Trial Advocacy II (Criminal)
- Trial Advocacy II (Personal Injury)

Faculty Counselors
- Aviram
- Bisharat
- Bloch
- Diamond
- Faigman
- Lee, Eumi
- Lee, Evan
- Little
- Park
- Rappaport
- Weithorn
FAMILY LAW

**GPA Lecture Courses**
- Children & The Law
- Community Property
- Family Law
- Federal Income Taxation
- Selected Problems in Family Law
- Taxation of Family Wealth Transfers
- Wills & Trusts

**Seminars, Non-GPA Courses, & Clinics**
- Advanced Family Law Seminar
- Bioethics & the Law
- Children and the Law
- Constitution of the Family Seminar
- Family Law Concentration Core Seminar
- Healthcare Decisionmaking Seminar
- Mediation
- Negotiation & Mediation: Process & Practice
- Negotiation & Settlement

**Faculty Counselors**
- Carrillo
- Hutton
- Lathrope
- Lee

**INTERNATIONAL LAW**

**GPA Lecture Courses**
- Comparative Law
- Conflict of Laws
- Immigration Law
- Immigration Law (first-year statutory course)
- International Business Transactions
- International & Comparative Intellectual Property
- International Criminal Law
- International Human Rights
- International Trade Law & Policy
- Introduction to Chinese Law
- Islamic Law
- Legal Reform in East Asia
- Maritime Law
- National Security & Foreign Relations Law
- Public International Law
- Refugee Law & Policy
- The United Nations System
- Transnational Law
- U.S. Taxation of Foreign Transactions & Investments

**Seminars, Non-GPA Courses & Clinics**
- Accountability in International Human Rights Law
- Advanced International Law Research Seminar
- Asian Pacific Americans & the Law
- China – Business Law & Economic Rights
- China and the International Legal Order
- Comparative Constitutional Law
- Comparative Cyberlaw
- Comparative Rights Adjudication
- Immigrants’ Rights Clinic
- International Commercial Arbitration
- International Environmental Law
- International Negotiations & Dispute Settlement
- International Patent Law & Practice
- International War Crimes Prosecution
- Introduction to Japanese Legal System
- Law & Business in Japan
- Law & Development
- Law & Economics
- Law & Social Anthropology
- Law & the Japanese American Internment
- Law & the Society of Japan
- Law in the Middle East
- Legal Implications of Climate Change
- Military Law
Political Economy of Law
Refugee & Human Rights Clinic
Reparations for Injustices: Domestic & International

Faculty Counselors
Bisharat  Mattei
Boswell  Musalo
Dodge  Paul
Hand  Roht-Arriaza
Keitner  Tierney

LAW AND HEALTH SCIENCES

GPA Lecture Courses
Introduction to Health Law
Scientific Methods for Lawyers
Disability Law
Domestic Violence Law
Employment Discrimination
Environmental Law
Environmental Quality Law & Policy
Family Law
Federal & Interstate Water Resources
Food and Drug Law
Insurance Law
Intellectual Property
Law and Biosciences
Patents & Trade Secrets
Science in Law
Trademarks and Unfair Competition

Seminars, Non-GPA Courses
Advanced Environmental Law: Contaminated Property Issues Advance Evidence Seminar
Advance Family Law Seminar
Bioethics, Law & Healthcare Decisionmaking Seminar
Bioethics, Law & Society Seminar
Children & the Law
Constitution and the Family Seminar
Criminal Environmental Law & Civil Enforcement Seminar
Forensic Evidence Seminar
Genetics: Issues in Law & Policy Seminar
Incentives in Health Care Seminar
International Environmental Law Seminar
International Patent Law Seminar
Issues in Law & Health Policy Seminar
Law and Economics Seminar
Law, Psychiatry & the Mental Health System Seminar
Legal Implications of Climate Change Seminar
Law & Social Anthropology Seminar
Mass Justice Seminar
Personal Injury Litigation Seminar
Psychiatry & Law Seminar
Public Health & Homelessness Seminar
Public Lands & Natural Resources Seminar
Public Policy Advocacy Seminar
Science in Law Seminar
Social, Legal & Ethical Implications of Human Reproductive & Genetic Tech. Seminar
Sociology of the Criminal Justice System Seminar
Special Education Law Seminar
Takings and the Environment Seminar
Trademark Prosecution Seminar
Venture Capital & the Start-Up Company Seminar
Water Resources Seminar

CLINICS
Environmental Law Clinic

Faculty Counselors
Cohen  Leshy
Faigman  Nelken
Feldman  Obasogie
Freshman  Park
Gray  Rao
King  Weithorn

LEGAL PHILOSOPHY & SYSTEMS

GPA Lecture Courses
American Legal History: Colonial America to the Civil War
American Legal History: 1865 to the Present
Comparative Law
English Legal History: An Introduction
Jurisprudence
Legal Ethics & the Philosophy of Law
Professional Responsibility
Roles & Ethics in Practice

Seminars, Non-GPA Courses & Clinics
Critical Race Theory Seminar
Bioethics, Law & Society Seminar
Feminist Legal Theory Seminar
Judicial Elections & the Role of the Judiciary in American Democracy Seminar
Judicial Process Seminar
Law & Economics Seminar
Law & Morality Seminar
Legal History of Immigrants in the United States Seminar
Legal Theory Seminar: Issues in the Philosophy of Law
Public Policy Advocacy Seminar (2)
The Rule of Law Seminar
**PERSONAL INJURY LAW**

**GPA Lecture Courses**
- Arbitration
- Complex Litigation
- Insurance
- Mass Torts
- Personal Injury Litigation
- Products Liability
- Remedies
- Roles & Ethics

**Seminars, Non-GPA Courses & Clinics**
- Alternative Dispute Resolution
- Class Action Seminar
- Mediation
- Negotiations & Settlement
- Science in Law Seminar
- Scientific Method for Lawyers
- Trial Advocacy II (Personal Injury)
- Trial Objections

**Faculty Counselors**
- Cohen Levine
- Diamond Martinez
- Jung Roht-Arriaza

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**TAXATION**

**GPA Lecture Courses**
- Advanced Federal Income Taxation
- Federal Income Taxation
- Federal Income Taxation of Corporations & Partnerships
- Federal Income Taxation of Real Estate & Other Investments
- Mergers & Acquisitions
- Non Profit Organizations
- Public Finance
- Taxation of Family Wealth Transfers
- U.S. Taxation of Foreign Transactions & Investments

**Seminars, Non-GPA Courses & Clinics**
- Business Planning Seminar
- Estate Planning Seminar

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**Faculty Counselors**
- Bisharat Mattei
- Bloch McCall
- Carrillo Parrish
- Hazard Prince
- Jung Schiller
- Lee Tierney
- Malone Weisberg
- Massey Wingate
- Little

**Land Trusts & Conservation Easements Seminar**

**PROFESSIONAL SKILLS COURSE LIST**

**CLINICS/EXTERNSHIPS**
- Alternative Dispute Resolution Externship Program
- Civil Justice Clinic/Fieldwork (Community Economic Development)
- Civil Justice Clinic/Fieldwork (Group Advocacy and Policy Reform)
- Civil Justice Clinic/Fieldwork (Individual Representation)
- Civil Justice Mediation Clinic/Fieldwork
- Criminal Practice Clinic/Fieldwork
- Current Issues in Criminal Practice and Criminal Practice Externship
- Environmental Law Clinic/Fieldwork
- Immigrants’ Rights Clinic/Fieldwork
- Judicial Externship/Fieldwork
- Legal Externship/Fieldwork
- Legislation Clinic/Fieldwork
- Local Government Clinic/Fieldwork
- Refugee & Human Rights Clinic/Fieldwork
- Workers Rights Clinic

**COMPETITIONS**
- Client Counseling Team
- Intercollegiate ADR Competition (for 2-unit credit only)
- Intercollegiate Trial Team Competition
- Moot Court Intercollegiate Competition

**SEMINARS**
- Advanced Legislative Process*
- Alternative Dispute Resolution*
- Business Planning *
- Case Studies in Contract Law*
- Community Economic Development*
- Current State & Local Government Problems*
- Estate Planning*
- Forensic Evidence*
- International Negotiation & Dispute Settlement*
- Judicial Process Seminar*
- Litigating Class Action Employment Cases*
- Patent Prosecution
- Special Education Law*
- Trademark Prosecution

**NON-GPA COURSES**
Advanced Legal Research
Appellate Advocacy
Basic Contract Writing & Analysis
Community Law Program
Contract Writing & Analysis of Commercial Agreements
Interviewing and Counseling
Mediation
Negotiation & Mediation
Negotiation & Settlement
Pre-trial Practice
Problem Solving & Professional Judgment in Practice
?? Statutory Interpretation & Bill Drafting
Trial Advocacy I and II
Trial Objections

*Satisfies writing or professional skills requirement but not both.

BAR EXAMINATION REQUIREMENTS

The scope of the bar examinations varies from state to state. You should contact the bar examiners of the state where you plan to practice to ascertain what the requirements are. Following are the general subjects tested on the bar examinations of some sample jurisdictions, as well as the coverage of the multistate examination. Please note that this information is provided simply as a courtesy and is subject to change. This information is not intended to be comprehensive. Students contemplating any bar examination should verify requirements with applicable state bar examination authorities.

MULTISTATE BAR EXAMINATION (MBE)
The majority of states include the Multistate Bar Examination (MBE) as a component of their examination. It consists of a six-hour test comprised of 200 multiple choice questions. The subjects covered are:
Constitutional Law
Contracts/Sales
Criminal Law (includes Criminal Procedure)
Evidence
Real Property
Torts

Each of these subjects is presently offered at Hastings. As used by the multistate bar examiners, however, Criminal Law includes Criminal Procedure, Real Property includes Future Interests, and Contracts includes UCC Articles 2 and 9 (general coverage of those articles is available in the first year Contracts course and Sales and Secured Transactions).

CALIFORNIA
The California Bar Examination is a 3-day exam covering the Multistate Bar Exam (MBE), essay questions, and the Performance Tests (PT’s). These include:

Multistate Bar Exam:
Constitutional Law
Contracts/Sales
Criminal Law/Procedure
Evidence
Real Property
Torts

Essay subject:
Federal Rules of Civil Procedure
CA Civil Procedure
Corporations
Agency
Partnership
CA Community Property
CA Evidence
CA Professional Responsibility
Remedies
Trusts
CA Wills & Succession
plus all MBE subjects

Performance Test:
“Closed universe” practical problems using instructions, factual data, cases, statutes and other reference material supplied by examiners.

California also requires passage of the Multistate Professional Responsibility Exam. The MPRE is administered three times each year; in March, August and November. Students are eligible to take this test during their second or third year. The Hastings course entitled Professional Responsibility approximates the subject matter of the MPRE, and successful completion is required for graduation.

California has no residency requirement; the examination is given in February and July. Law students must have registered with the Bar Examiners within three months of commencing their law studies. Applications must be filed approximately 3 months prior to examination. Specific dates are set by the Bar Examiners.

For further information contact:
Office of Admissions
State Bar of California
180 Howard Street
San Francisco, CA 94105
HAWAII
The Hawaii Bar is a two-day exam that consists of the following:

MBE subjects:
Constitutional Law
Contracts/Sales
Criminal Law/Procedure
Evidence
Real Property
Torts

MEE Essay subjects:
Agency
Commercial Paper (Negotiable Instruments)
Conflict of Laws
Corporations
Decedents' Estates
Family Law
Federal Civil Procedure
Partnerships
Sales
Secured Transactions
Trusts & Future Interests
*Plus* all MBE subjects and Hawaii Rules of Professional Conduct

MPRE
A scaled score of 85 on the MPRE within two years before or within one year after the Hawaii Bar Exam is required for admission.

For further information, contact:
Board of Bar Examiners
417 South King Street
Honolulu, HI 96813
Tele: (808) 539-4977
www.courts.state.hi.us/index.jsp

NEVADA
The Nevada Bar Examination is a 2-1/2 day exam that covers the following:

MBE subjects:
Constitutional Law
Contracts/Sales
Criminal Law/Procedure
Evidence
Real Property
Torts

Nevada Essay subjects:
Agency
Commercial Paper
Community Property
Conflict of Laws
Corporations
Ethics
Nevada & Federal Rules of Civil Procedure
Partnerships
Persons & Domestic Relations
Remedies
Sales
Secured Transactions
Wills
Estates & Trusts
*Plus* all MBE subjects

Nevada also requires passage of the Multistate Professional Responsibility Examination.

Nevada's examination is given in February and July.

For Further Information:
State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, NV 89104.
(702) 382-2200
www.nvbar.org

NEW YORK
The New York Bar Examination is a 2-day exam consisting of the following:

MBE subjects:
Constitutional Law
Contracts/Sales
Criminal Law/Procedure
Evidence
Real Property
Torts

New York subjects:
Agency
Commercial Paper
Conflict of Laws
Corporations
Domestic Relations
Equity
Federal Jurisdiction
Future Interests
Insurance (No Fault)
Mortgages
New York Practice
New York Professional Responsibility
Partnership
Personal Property
Secured Transactions
Trusts
Wills
Workers' Compensation
*Plus* NY distinctions for all MBE subjects
New York also requires the passage of the Multistate Professional Responsibility Examination. The examination is given in February and July. Applications must be filed at least between 90-120 days prior to examination.

For Further Information:
State Board of Law Examiners
Corporate Plaza – Bldg. 3
254 Washington Ave. Extension
Albany, NY 12203-5195
Tel: (518) 452-8700
(800) 342-3335 (in NY only)
Fax: (518) 452-5729
www.nylawexam.org