

This document contains the course descriptions for the Spring 2021 semester only. It is subject to change and is not to be used for future course planning.

# Course Descriptions

Spring 2021



EMORY  

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LAW

# Spring 2021 Course Descriptions (as of November 30, 2020)

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## Foundational Courses

### **505. Civil Procedure**

4 hours. Fall. This course examines the litigation process, by which civil litigation disputes are resolved in court. It entails study of the allocation of judicial power between federal and state courts, with particular attention to the jurisdiction, venue, and trial and appellate practice in the federal courts. Specific aspects of the litigation process include pleading, discovery, adjudication, including the function and control of juries, and post-trial motions. The course also engages problems inherent in a federal system of adjudication, including the roles of federal and state law as rules of decision.

### **530. Constitutional Law I**

4 hours. Spring. An introductory study of the United States Constitution, including judicial review, the powers of Congress, the powers of the president, and the interrelationship of state and national governments. Includes an introduction to individual rights, with emphasis on the operation of the Fourteenth Amendment due process and equal protection clauses, First Amendment problems, and evolving doctrines of privacy.

### **520. Contracts**

4 hours. Fall. A study of the basic principles governing the formation, performance, enforcement, and imposition of contractual obligations, and the role of these principles in the ordering processes of society.

### **525. Criminal Law**

3 hours. Spring. A study of common and statutory criminal law, including origin and purpose; classification of crimes; elements of criminal liability and the development of the law respecting specific crimes; emphasis on the trend toward codification; and the influence of the Model Penal Code, including a study of the circumstances and factors that constitute a defense to, or alter and affect, criminal responsibility.

### **575. Legislation and Regulation**

2 hours. Fall. This course introduces students to the central role of legislatures and administrative agencies in the practice of law today, addressing how statutes and regulations are generated, changed, and interpreted. This course is a primary building block for Constitutional Law, Administrative Law, Legislation, and numerous specialized upper-level courses such as Employment Law, Environmental Law, Intellectual Property, International Trade Law, and Securities Law.

### **545. Property**

4 hours. Spring. An introduction to alternative theories of property rights, the division of property rights over time (common law estates, landlord-tenant law), concurrent ownership, private land use controls (easements, covenants), and public land use controls (eminent domain, zoning).

### **535A, 535B. Intro. To Legal Analysis (ILARC – Fall, ILA – Spring)**

2 hours per semester; 4 hours total. An introduction to law and sources of law, legal bibliography and research techniques and strategies, the analysis of problems in legal terms, the writing of an office memorandum of law and an appellate brief, and the presentation of a case in appellate oral argument.

### **550. Torts**

4 hours. Fall. A study of compensation for personal and property damages growing out of negligence, intent, or strict liability, with special attention given to nuisance, misrepresentation, defamation, and privacy. Certain concepts, such as proximate cause and privilege, are considered in depth. Social policies underlying tort law prevention and loss shifting are analyzed.

## Required Second- and Third-Year Courses

### **632X. Evidence**

4 hours. A general consideration of the rules of evidence, including relevancy, the hearsay rule, witnesses, presumptions and burdens, writings, scientific and demonstrative evidence, judicial notice, and privilege, including the constitutional privileges. Must be taken in the second year.

### **747. Legal Profession**

3 hours. A study of the law that governs the conduct of the lawyer in our society. Emphasizes the various roles of the lawyer in the different legal processes: legislative, judicial, administrative, and private.

### **671. Trial Techniques**

2 hours. Spring. An intensive instruction in every aspect of trial advocacy. Includes practical experience in trying cases, examining witnesses, introducing evidence, and dealing with objections in jury and non-jury trials. Trial experience is supplemented by textbook, lectures, and discussions. Must be taken in the second year.

## General Course Offerings

### 701. Administrative Law

**Credit:** 3

**Instructor(s):** Prof. Volokh

**Prerequisite:** Legislation & Regulation

**Grading Criteria:** Scheduled Exam

**Description:** Most areas of contemporary legal practice require lawyers to work with administrative agencies and a large body of law concerning such agencies. This course is a study of how agencies are empowered, the procedures and modes through which agencies carry out their tasks, and legal constraints on these agencies. Topics include constitutional limits on Congress' power to delegate legislative and judicial power to agencies; procedures imposed upon agency adjudication and lawmaking by the Constitution, the Administrative Procedure Act, and other statutes; the scope of judicial review of agency decisions, including the methods by which courts restrict and control agency discretion, and the limitations on the availability of federal judicial review of federal agency actions. In addition, the course will explore several recent "regulatory reform" initiatives.

**Attendance Policy:** See professor

*\*Last Updated Spring 2018*



## 918. Adv. Corporate Law

**Credit:** 3

**Instructor(s):** Prof. Georgiev

**Prerequisite:** Business Associations

**Grading Criteria:** Final Exam, Group Project, Participation

**Description:** This course offers an advanced treatment of key topics in corporate law and governance. It represents a continuation of the introductory business associations course and covers the regulation of public companies at the federal level by the Securities and Exchange Commission, as well as state and federal laws pertaining to mergers and acquisitions. Major topics include: corporate purpose; federalism and corporate governance; the roles and functions of the board of directors; director independence; the board's oversight duties, including regulations governing the audit process and internal controls; executive compensation; shareholder activism; and mergers and acquisitions. A solid grasp of these topics is essential for those interested in practicing corporate law at a law firm or in-house. (Students who complete this course will receive priority in the selection process for Prof. Georgiev's seminar in corporate governance in future semesters.)

**Attendance Policy:** regular attendance is required; excessive absences may result in a grade reduction.

*\*Last Updated Spring 2021*

## **852. Adv. Criminal Trial Advocacy**

**Credit:** 3 Hours

**Instructor(s):** Prof. Parmer, Molly

**Prerequisite:** Criminal Law, Evidence, Trial Techniques, and either White Collar/Crim Pro Procedure.

**Grading Criteria:** Attendance, Participation, & Coursework

**Enrollment:** Limited to 3Ls Only!

**Description:** Designed in a case-simulation format, this course will enable students to develop substantive knowledge of criminal law and procedures, develop case theory and witness testimony, draft pleadings, and finally conduct a full jury trial. The course will build on the skills learned in Trial Techniques and develop students' facility with the advocacy techniques necessary to prosecute or defend criminal cases.

**Attendance Policy:** Class preparation and attendance are essential in order for the class to achieve its objective. Thus, both will be weighed heavily in the determination of grades. Failure to attend or be prepared for class will result in a decrease in the final grade. Weekly class preparation and presentations will account for 50% of the final grade, the writing assignments will account for 10% of the final grade, and the final mock trial will account for 40% of the final grade.

*\*Last Updated Spring 2020*

## **842A. Adv. Int'l Negotiations**

**Credit:** 3 hours

**Instructor(s):** Dr. Liwanga, Richard

**Prerequisite:** None

**Grading Criteria:** Participation, Oral Presentation & Final Research Paper

**Description:** After a review of strategies and styles in two-party disputes, this seminar will look at complex multiparty international negotiations, including but not limited to: selected issues in Middle East Peace, the civil war in Syria, the Iran nuclear deal, the Korean peace process, the South American peace discussions, the African Great Lakes region peace talks, as well as current post-conflict discussions in Mali.

*\*Last Updated Spring 2020*

**657H. Adv. Legal Research – Mastery of Case Law (AC) (EL)**

**Accelerated Class:** Meets 1st seven weeks of the semester

**Credit:** 1 Hour (Experiential Learning Approved)

**Instructor(s):** Prof. Christian

**Prerequisite:** None

**Grading Criteria:** Participation; Attendance; Coursework; & Take-home Final

**Enrollment:** Limited to 20 students! (No 1Ls Permitted)

**Description:** Mastery of Case Law Research is a practical, skills-based course designed to improve information literacy and prepare students for practice or future study. Through practical applications, including in-class exercises, homework exercises, a group project and a take-home final exam, students will become familiar with the principles, strategies, and best practices for doing case law legal research. Topics for class sessions will include research strategy and documentation, case law, jurisdictions, citators, judicial analytics and dockets.

**Attendance Policy:** This will be a one-credit, graded course meeting on an accelerated schedule for the first seven weeks of the semester. Because student participation and hands-on practice is essential for the learning experience in this course, attendance at each class is mandatory.

*\*Last Updated Spring 2021*

**6571. Adv. Legal Research – Mastery of Regulatory Law (AC) (EL)**

**Accelerated Class:** Meets 2nd seven weeks of the semester

**Credit:** 1 Hour

**Instructor(s):** Prof. Deese

**Prerequisite:** None

**Grading Criteria:** Participation; Attendance; Coursework; & Project

**Enrollment:** Limited to 20 students! (No 1Ls Permitted)

**Description:** Mastery of Regulatory Research is a practical, skills-based course designed to provide students with a firm understanding of the fundamental structure of the US regulatory process and materials and to develop skills for finding and using those sources. Students will use traditional and transactional resources to complete skills-based tasks and complete a final project.

**Attendance Policy:** This will be a one-credit, graded course meeting on an accelerated schedule for the second seven weeks of the semester. Because student participation and hands-on practice are essential for the learning experience in this course, attendance at each class session is mandatory.

*\*Last Updated Spring 2021*

## **755A. Adv. Pretrial Lit.**

**Credit:** 3 Hours

**Instructor(s):** Prof. Elmore & Prof. Goheen

**Prerequisite:** None

**Grading Criteria:** Pass/Fail

**Description:** Course includes a number of practical exercises including oral arguments and client and witness interviews. We anticipate, as in the past, having several guest speakers on topics such as e-discovery, RICO, and Class Actions.

Advanced Pre-Trial Litigation is for students who have taken Civil Procedure and Federal Courts, and are ready for an advanced strategy practicum that prepares them for the complexities of modern litigation practice.

The Legal Strategy part of the course teaches students to consider the theoretical aspects of strategy and methods for working through a strategy problem, and then apply those theories and methods to practical problems. The problems involve a small business that encounters a series of situations requiring advice with respect to strategy.

In the second part of the course, the students will learn about negotiation theory and strategy and apply these techniques to the negotiation of an e-discovery dispute. Discovery of electronic materials, usually in digital format, creates some especially difficult, time-sensitive responsibilities for lawyers. Practicing successful methods for dealing with these responsibilities in a learning-by-doing setting provides an opportunity to adapt these methods to the individual lawyer's own situation and style.

This is "entry-level" subject matter in the sense that it does not purport to cover all the specialized aspects of e-discovery, particularly those faced by very large companies or by companies with unusual records retention practices. The purpose of this part of the course is to provide lawyers with a general methodology that will, in most cases, prevent sanctions against the client and the lawyer, while being responsive under the rules to e-discovery requests and minimizing unnecessary business interruption. However, no general method can protect against every mistake or every type of intentional wrongdoing. And no general method can minimize business interruptions in every situation.

This course is structured around the requirements of the Federal Rules of Civil Procedure and the Federal Rules of Evidence. States may have more or less restrictive requirements, but the federal rules provide a useful general benchmark, and many state jurisdictions follow them.

E-discovery problems arise in two distinct phases:

- Preservation, production, and use of e-discovery; and
- Prosecuting or defending against challenges to the sufficiency of e-discovery.

These are quite different areas and require different skills. For this reason, we have developed two separate sections on e- discovery. The first part focuses on preservation, production, and use of e-discovery and seeks to develop the skills for interviewing, negotiating, and organizing your electronic discovery. A second part focuses on challenges to the sufficiency of e-discovery and seeks to develop the skills for preparing, arguing, and defending against typical motions for protective orders, motions to compel and motions for sanctions.

The e-discovery problems also develop skills in counseling clients, negotiating with opposing lawyers and dealing successfully with vendors. These skills are directed at the first-in-time problems of e-discovery – getting it right at the start and preventing disputes or adverse decisions. The course adapts established learning-by-doing teaching materials on interviewing and counseling, and on negotiation, for the special e-discovery setting. The case law applies primarily to the second area of e- discovery: prosecuting and defending against challenges to the sufficiency of e-discovery.

Finally, in part three of the course, we will deal with the strategy and law of class action lawsuits. This part of the course will teach you how to make the decision whether to file a class action lawsuit or go it alone. It will also examine how to think about your defense options: whether to agree to a class action for settlement purposes, fight class certification, or negotiate some variation between these two extremes,(including an overview of multidistrict litigation options). This part of the course will also refine your understanding of the law and procedure (including appellate review) related to class certifications.

**Attendance Policy:** No more than 2 absences to pass this course.

\*Last Updated Spring 2019

## **605. Alternative Dispute Resolution - ADR (EL)**

COURSES ARE NOT OPEN TO STUDENTS WHO HAVE TAKEN BUSINESS SCHOOL OR LAW SCHOOL NEGOTIATIONS.

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** Profs. Athans, Menendez, & Wright

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, Coursework, & Final Paper

**Enrollment:** Limited to 16 Students!

**Description:** This skills-training course addresses negotiation, mediation and arbitration principles through topical discussions and simulation exercises. You will be divided into teams for some classes. It is important that each member participate in the exercises, along with any question and answer sessions. Forty percent of your grade is based on your class preparation and participation based on the readings and weekly hand-outs.

Please keep any information you receive confidential so you do not spoil a simulation for anyone else. Confidential material for the simulations will be provided by e-mail or in class.

Menkel-Meadow, Love, Schneider & Moffitt, Dispute Resolution, Beyond the Adversarial Model, Third Edition. The required reading is outlined on the attached syllabus.

**Attendance Policy:** CLASS ATTENDANCE IS MANDATORY! One excused absence is allowed, but prior notice must be provided to the professors at least one hour before class meets. Any additional absences will result in a zero grade being averaged for class that day.

Please Note: You will email a 3-4-page paper each week addressing a question assigned in class and email your submission to the Professors. The due dates are noted on the class schedule. Further details will be given in class. Send by e-mail to Professors Rogers and Athans no later than 5 p.m. on the due dates. If you miss a class you must nevertheless complete a Submission based upon the reading material and your thoughts about the information sent to you by the Professors. If you miss class, email Professors Rogers and Athans for more information. Absence on a due date does not excuse a submission.

You will also write a 12 – 15 page final paper on a topic of your choice at the end of the semester. More details about the paper are provided on a separate hand out, along with additional information provided in class.

The following criteria will be used to evaluate your performance this semester. All of these criteria are important in assessing your final grade. The professors will work together to be consistent in applying these criteria.



Preparation for in-class discussions and exercises:

You are expected to be prepared in advance for every class to participate in discussions and assigned exercises or simulations. The thoroughness of your preparation is demonstrated by in-class performance that reflects completion of readings, advanced planning and strategic thinking. For each simulation, the professors expect you to have a plan and a thorough knowledge of the facts and any other information provided about each assignment. Watch your e-mail account weekly for materials distributed by one or both Professors.

**Professionalism during in-class exercises:**

This course simulates professional activities such as negotiations, mediations and arbitrations. Students are expected to observe the highest standards of professionalism throughout this course. Among the standards of professionalism that are especially important in this class are civility, cooperation, confidentiality and timeliness. Students are also expected to accept constructive criticism and seek to improve in the next performance.

**Simulation performances:**

Your class performance is a major factor in determining your grade in this course. Professors will be considering the following criteria in assessing your negotiating performance.

Knowledge of the Facts, Organization, Preparation and Strategy Command of techniques, Being clear, concise, and persuasive Ability to adapt to the unexpected Ability to respond to contrary positions, Use of highest legal ethics and standards of professionalism.

**Grade weight allocation:**

- Class preparation and participation:40%
- Weekly submission:30%
- Final research paper:30%

\*Last Updated Spring2021

## **605. Alternative Dispute Resolution GRAD - ADR (AC)**

**Credit:** 3 Hours (Accelerated Course, see Format below)

**Instructor(s):** Prof. Logue

**Prerequisite:** None

**Grading Criteria:** Online Discussions, Simulations, & Final Paper

**Enrollment:** Limited to Grad (LLM & MCL) students only!

**Description:** The study of case law and the formal litigation process and the role it plays in our society is essential to effective lawyering. Yet less than 2% of civil cases are resolved by trial. This experiential course will explore the use of appropriate dispute resolution processes – negotiation, mediation and arbitration, and various hybrids – by which most legal conflicts are resolved.

The course, taught in an intensive format over three weekends, will provide practical skills and experience through a combination of lecture-discussion, exercises, and simulations to ground students in both ADR theory and practice.

### **Course Objectives:**

- Understand the various ADR processes of negotiation, mediation, arbitration, and hybrids, including the ability to consider and critique the strengths and weaknesses of each.
- Understand the causes of conflict and distinguish different negotiation styles and negotiation strategies such as integrative and distributive bargaining.
- Understand and compare the role that third parties such as mediators and arbitrators can play in dispute resolution and considerations in selecting a process.
- Understand the impact and implications of additional parties including lawyers/agents and multi-party disputes. Understand the ethical rules that apply to lawyers when negotiating, mediating and arbitrating a dispute.
- Demonstrate a working knowledge of the field.

**Course Format and Schedule:** Three weekends with 8 hours on Saturday and 4 hours on Sunday. Before the start of class, students will engage in reading and online discussion. For each class, they will be required to read from a text and prepare for a number of simulations to be conducted in class. Following each weekend session, they will be required to engage in online discussion/reflection and/or write a brief reflective journal entry. After the final class students will be required to write a brief paper.

**Class dates are 1/23-24; 2/13-14; and, 3/6-7. Class times are 8:30AM-5PM unless otherwise noted by the professor.**

*\*Last Updated Spring 2019*

## **851. ALW: Blogging & Social Media Class (EL)**

**Credit:** 3 Hours

**Instructor(s):** Prof. Romig

**Prerequisite:** ILARC/ILA for JDs, ALWAR for LLMs, and ARC for JMs

**Grading Criteria:** Blog posts and WordPress final blog project; group projects graded collectively

**Description:** Advanced Legal Writing: Blogging and Social Media is a small class where you will learn public legal writing and introductory blog design (no coding required). The course involves interim assignments throughout the semester, some guest speakers, and designing a final capstone WordPress blog on a topic of your choice, with approximately 4500 words of blog posts (collectively) in your final blog. The final capstone blog is 50 percent of the grade. Interim assignments are 30 percent of the grade. The course also involves several group projects with assigned groups of 2-4, where you will be graded collectively for 20 percent of the grade.

**Attendance:** Attendance and keeping up are crucial, as this is a small class. It is advisable to attend all classes, but you can miss up to three class sessions. Two group presentation days (to be announced) must be attended except in case of emergency. The class will end approximately 1-2 weeks before the final exam period.

\*Last Updated Spring 2020

## **560. ALWAR (LLM)**

American Legal Writing, Analysis & Research

**Credit:** 2 hours

**Instructor(s):** Prof. Daspit

**Prerequisite:** None

**Grading Criteria:** Coursework, Final Memo, Participation

**Description:** ALWAR I introduces students to the concepts of legal analysis and the techniques and strategies for legal research, as well as the requirements and analytical structures for legal writing in the American common law legal system.

**Attendance Policy:** Two or more unexcused absences can result in your grade being lowered. Note: Enrollment is restricted to only LLM students who received their first law degree from a law school/faculty in a country other than the United States.

Please Note: Enrollment is restricted to LLM students who received their first law degree from a law school/faculty in a country other than the United States; must contact the professor for approval to enroll.

*\*Last Updated Spring 2021*

## **560B. ALWAR II**

American Legal Writing, Analysis & Research II

**Credit:** 1 hour

**Instructor(s):** Prof. Daspit

**Prerequisite:** ALWAR I

**Grading Criteria:** Coursework & Final Motion Brief, Participation

**Description:** This course continues the study of legal analysis, research and writing for practice in the American common law system. The topics covered include client letters, pleadings, and persuasive writing, along with enhanced instruction covering legal citation and advanced legal research sources and techniques.

**Attendance Policy:** Two or more unexcused absences can lead to your grade being lowered.

Please Note: This class is open only to foreign-educated LL.M.s only. International LL.M. students who want to sit for the Georgia bar exam must take this class. If this class is not required for you, and you are undecided about taking the class, it is strongly recommended that you attend the first class to be considered for adding the course during the drop/add period.

If this class is not required for you and you are undecided about taking the class, it is strongly recommended that you attend the first class to be considered for adding the course during the drop/add period.

*\*Last Updated Spring 2021*

**702. Antitrust**

**Credit:** 3 Hours

**Instructor(s):** Prof. Arthur

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, & Scheduled Final Exam

**Description:** This is a survey of United States competition law. It covers agreements among competitors, horizontal and vertical mergers, unilateral conduct by monopolists, exclusive dealing and tying arrangements imposed on buyers by sellers, and restrictions imposed by manufacturers on distributors.

**Attendance:** Regular attendance is required and grades may be lowered due to excessive absences.

*\*Last Updated Spring 2020*

## **691. Asylum Law - Asylum, Refugees, Removal and Federal Immigration Litigation**

**Credit:** 2

**Instructor(s):** Prof. Kuck

**Prerequisite:** None

**Grading Criteria:** Participation, attendance, final exam (paper)

**Description:** This course will cover what happens once a non-citizen has been charged and placed in immigration removal proceedings (formerly called deportation proceedings). The student will study each step of the proceeding, with the choices that the client and her representative must make in the effort to avoid removal: responding to the charges and putting the government to its proof; determining the client's immigration history; determining the client's eligibility for any relief from removal; preparing a winning case on paper; preparing the client and other witnesses to testify what options are available for appeal and the requirements for filing a motion to reopen. The course will cover the legal standards and the preparation of the following applications for relief cancellation of removal, Violence Against Women Act (VAWA), 212 (c), LPR and non-LPR cancellation of removal, and affirmative and defensive asylum relief, along with withholding of removal and relief under the Convention Against Torture. We will also discuss federal court litigation of immigration related matters. Given that recent developments have greatly increased the complexity of asylum law, the course will cover this area in depth. The course will also briefly cover adjustment of status and voluntary departure, as well as the admission process. The course will not emphasize courtroom skills; however, we will discuss how to handle an immigration case in the court context. In addition, members of the class are welcome to arrange with me an opportunity to attend hearings in Immigration Court at any time during the semester. In addition, the skills necessary to prepare court cases will be emphasized throughout the course, with class discussions.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

**604. Banking Law**

**Credit:** 3 hours

**Instructor(s):** Prof. Elliott

**Prerequisite:** None

**Grading Criteria:** Scheduled Final Exam

**Description:** This course will examine the nature, content, and scope of the rules regulating the banking industry in light of economic and social purposes. The course will also look briefly at the history of the U. S. banking industry and will emphasize the economic and business aspects of the individual bank and of the industry as a whole.

*\*Last updated Fall 2015*



**635D. Barton Appeal Clinic (EL)**

**Credit:** 3 hours (Experiential Learning Approved)

**Instructor(s):** Prof. Reba

**Prerequisite:** None

**Grading Criteria:** Based on the individual student

**Enrollment:** Apply directly to the professor

**Description:** Students in the Appeal for Youth Clinic provide a holistic appellate representation of youthful offenders in the juvenile and criminal justice systems. By increasing the number of appeals from adjudications of delinquency, we hope to end the unwritten policies and practices that result in youths being committed to juvenile detention facilities. Similarly, by providing post-conviction representation to youths who were tried and convicted as adults, we hope to decrease the number of youthful offenders who languish in Georgia's prisons.

*\*Last Updated Spring 2016*

### **635C. Barton Child Law & Policy Clinic (EL)**

Barton Legislative Advocacy Clinic

**Credit:** 3 hours (Experiential Learning Approved)

**Instructor(s):** Prof. Carter

**Prerequisite:** Child Welfare & Policy Law, Kids in Conflict, Family Law II, or related seminars (Preferred)

**Grading Criteria:** Assessment of individual student performance and overall contribution to the clinic based on specific demonstrated competencies in the areas of research and analysis, professionalism, written and oral communication, and project management.

**Enrollment:** Interested students must apply directly to Clinic

**Description:** The Barton Policy Clinic is an in-house curricular offering through which students will engage in public policy development and advancement through research, training, and support to the public, the child advocacy community, leadership of state child-serving agencies, and elected officials in Georgia. Students in the Legislative Advocacy Clinic engage with elected state officials, participate in coalitions, draft legislation, develop advocacy strategies, and monitor the legislative session to promote research-based and data-informed approaches to improve the juvenile court, child welfare, and juvenile justice systems. Approximately 9 law and other graduate students are selected each semester to participate in the clinic.

**Attendance Policy:** Students selected for enrollment in the Legislative Advocacy Clinic receive 3 hours of graded credit for the fulfillment of 150 hours of work. Accordingly, students commit to 11-12 clinic hours per week to a routine schedule that is established at the beginning of the semester. Adjustments to clinic hours are to be requested in advance whenever possible, and hours missed must be made up. Students submit weekly time sheets accounting for their activities and hours, and students must complete the full 14-week semester.

Applications are accepted prior to pre-registration (watch for notices of the application deadline). Students must submit a resume, a statement of interest, an unofficial transcript, and a writing sample.

Detailed course information is on the Clinic website: <https://law.emory.edu/academics/clinics/faculty-led-clinics/barton-public-policy-and-legislative-advocacy-clinic.html>

*\*Last Updated Spring 2021*

## **500X. Business Associations**

**Credit:** 3 hours

**Instructor(s):** Prof. Georgiev (All students)  
Prof. Shepherd, G. (Only First Year JD students)

**Prerequisite:** None

**Grading Criteria:** Participation/Attendance & Scheduled Final Exam

**General Description:** This course surveys the formation, organization, financing, management, and dissolution of sole proprietorships, partnerships, corporations, limited partnerships, and limited liability companies. The course includes fundamental rights and responsibilities of owners, managers, and other stakeholders. The course also considers the special needs of closely held enterprises, basic issues in corporate finance, and the impact of federal and state laws and regulations governing the formation, management, financing, and dissolution of business enterprises. This course includes consideration of major federal securities laws governing insider trading and other fraudulent practices under Rule 10b-5 and section 16(b).

**Georgiev Description:** A study of foundational concepts in agency, partnership, and corporation law. Topics include choice of business form, entity formation, organization, financing, and dissolution, as well as the rights and responsibilities of, and the allocation of power among, the business entity's owners/shareholders, management, and other stakeholders. The course also covers closely held enterprises, as well as basic issues in corporate finance and federal securities law. Students will be required to complete regular homework exercises and participate in a group exercise (ungraded) over the course of the semester.

**Attendance Policy:** Regular attendance is required. Excessive absences will result in a grade reduction.

*\*Last Updated Spring 2021*

## **658. Capital Defender Practicum (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** Prof. Moore

**Prerequisite:** Evidence, Criminal Law, & Criminal Procedure

**Grading Criteria:** Participation & Coursework

**Description:** This is a three-hour clinical course thought in conjunction with the Office of the Georgia Capital Defender, the state agency responsible for representing all indigent defendants statewide facing death penalty trials or on direct appeal from a death sentence. Second and third-year law students from Emory and Georgia State will assist Capital Defender trial attorneys in all aspects of preparing their clients' cases for trial and appeal.

As an integral part of the defense team, students assist in conducting investigations, interviewing clients and potential witnesses, putting together forensic evidence, gathering documents, doing research, drafting pleadings, formulating a theory of defense and making strategic decisions for each phase of a capital case. Students will also have the opportunity to do "mock" motions arguments and to present a jury sentencing argument based on the facts of their actual cases.

In addition to working directly with attorneys and staff, students gather weekly for discussions about the cases they are working on and topics in death penalty jurisprudence. The students in this clinic are involved in the effort to make a strong case for life at trial and to build factual and legal narratives that will lead to the reversal of death sentences on appeal. This means students will focus heavily on the real (and often tragic) stories of their clients' lives, as opposed to technical or arcane points of law.

The classroom component of this clinic will meet for 2 hours each week at the offices of the Georgia Capital Defender in downtown Atlanta at the State Bar Building. A required text will be assigned. In addition to attending class, students will work on client matters for approximately 10 hours a week. A total of 150 hours is required for credit. The course is graded on a pass/fail basis. Timesheets will be collected on a weekly basis. Class meets on Tuesdays from 3:30 pm to 5:30 pm. In light of the fact that the course is taught by a practicing attorney, it is recommended that students do not schedule classes after 5:30 pm on Tuesdays in the event that the class needs to periodically meet after business hours.

Please Note: Interested students must submit a letter of interest & resume to Josh Moore, Office of the Georgia Capital Defender at [jmoore@gacapdef.org](mailto:jmoore@gacapdef.org) (<mailto:jmoore@gacapdef.org>)

*\*Last Updated Spring 2019*

## 615. Chinese Law

**Credit:** 2

**Instructor(s):** Prof. Ruskola

**Prerequisite:** None

**Grading Criteria:** Participation & Take-home Final Exam

**Description:** This course is an introduction to the comparative study of Chinese law and legal culture. It starts by analyzing the tradition of imperial Chinese law and its theoretical foundations and then turns to early twentieth-century law reforms and the introduction of socialist law and jurisprudence. The course ends with the study of post-Mao law reforms and their implications for the future of Chinese law. In addition to its substantive focus, the course considers methodological problems involved in the study of law across cultures. Some of the general themes that run throughout the course include the following: To what extent is law a useful analytical category in Sino-American comparison? How is law related to capitalism and socialism, and to culture and socio-economic organization more generally? How and why has Chinese law changed over time? What happens when "Eastern" and "Western" legal cultures come in contact with each other?

**Attendance Policy:** Attendance is mandatory

*\*Last Updated Fall 2019*

**958. Civil Trial Practice: Family Law (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** Prof. Wellon; Kessler; Judge Tusan; Judge Glanville

**Prerequisite:** Evidence & Trial Techniques (3L JD students only)

**Grading Criteria:** Course Work; Pretrial Conference; & Trial

**Description:** This is intended as a learn-by-doing course, in which all phases of a real trial will be performed by each student and thereafter critiqued, following up on Trial Techniques but tracking a particular family law fact pattern. It is intended to further the pursuit of litigation skills, taught by well-qualified trial lawyers and judges known for their expertise in the courtroom, and the ability to analyze student performances. A mid-semester hearing followed by a final trial at the end of the semester before live jurors and judges are required, having built on the preparation of the case during the semester.

**Attendance:** Attendance is taken and will be used in the overall grade.

*\*Last Updated Spring 2019*

## **624L. Climate Change Law**

**Credit:** 2

**Instructor(s):** Prof. Purdom

**Prerequisite:** None

**Grading Criteria:** Participation, Coursework, Paper and Project

**Description:** Climate Change Law examines current energy policy in the United States, and how energy policy has evolved as recent administrations respond to climate change science and international pressure. The class reviews classic energy policy and emerging energy policy proposals, as well as international, state and local impacts and legal response in a rapidly changing physical and political landscape. Students will focus small group projects and a final individual paper on proposed energy and climate adaptations with attention to the efficiency, equity and justice.

**Attendance Policy:** Students are expected to attend at least 80% of the scheduled class sessions. Students who fail to attend at least 80% of class will receive a reduced grade and, in the case of extreme absences, be dismissed from the course.

*\*Last Updated Spring 2021*

## 860A. Colloquium Scholarship Workshop

**Credits:** 2 Hours

**Instructor(s):** Prof. Nash, Jonathan

**Prerequisite:** Civil Procedure; Constitutional Law; Contracts; Criminal Law; Leg/Reg; Property; & Torts.

**Grading Criteria:** Pass/Fail: Attendance, Participation, Reaction papers

**Enrollment:** Limited to 6 students! Students enroll in the CSW in accordance with the same procedures used for seminars (advance application during the pre-selection process). On the pre-selection form please indicate the basis of your interest in the CSW and your prior experience with scholarship in an academic setting (law or otherwise).

### **Preselection Form:**

**Description:** Would you like a close-up look at the world of legal scholarship and the exchange of scholarly ideas? Are you seeking more engagement with the Emory Law faculty outside of the traditional classroom setting? Do you want to become a stronger writer? Have you ever thought you might want to become a law professor? If so, consider applying to the Colloquium Series Workshop (CSW).

**Components of CSW:** Students who participate in this two-unit workshop will participate in two activities. First, we will discuss how law students can plan to pursue careers in academia, especially legal academia. Second, in most weeks, students will attend the faculty colloquium, which meets on Wednesdays over the lunch hour, or another scholarly presentation. After a presentation, students discuss the academic work as a piece of scholarship (and as a piece of persuasive writing), critique the author's presentation, and review materials relating to the production of scholarship and the legal academic job market. In advance of the weekly meeting, students write short reaction papers to each scholarly piece.

The CSW will be graded on a pass/fail basis, but with high attendance and participation standards set for what constitutes a passing grade. **Do not apply for this class if you have other commitments during the lunch hour on Wednesdays (even only sporadic).**

*\*Last Updated Spring 2021*



## **612. Commercial Law: Sales**

**Credit:** 3 Hours

**Instructor(s):** Prof. Pardo

**Prerequisite:** Contracts

**Grading Criteria:** Attendance and Scheduled Final Exam

**Description:** This course will examine legal issues relating to the formation, terms, performance, and enforcement of contracts for the sale of goods pursuant to Article 2 of the Uniform Commercial Code (the "UCC"). Every state other than Louisiana, the District of Columbia, and the Commonwealth of Puerto Rico have adopted UCC Article 2. Topics covered in the course will include (1) the scope of UCC Article 2, (2) the formation of contracts for the sale of goods, (3) the statute of frauds, (4) the parol evidence rule, (5) warranties, (6) defenses to performance, and (7) nonmonetary and monetary remedies for breach of contract.

**Attendance Policy:** Students who miss more than 20% of the regularly scheduled class sessions will have their final grade reduced by one quality point on the 4.0 scale (e.g., from a B+ to a C+). Students who miss more than 40% of the regularly scheduled class sessions will receive an F if taking the course for a grade or a U (unsatisfactory) if taking the course pass/fail. Should the law school issue special attendance policies for the Spring 2020 semester, the attendance policy for this course will be revised accordingly.

*\*Last Updated Spring 2021*

## **610. Complex Litigation**

**Credit:** 3 Hours

**Instructor(s):** Prof. Freer

**Prerequisite:** None

**Grading Criteria:** Scheduled Final Exam

**Description:** A study of the metamorphosis of litigation from the simple two-party model to multi-party, multi-claim litigation increasingly prevalent today, including the causes of this change and ability of the legal system to resolve such disputes. The course centers on a detailed study of the class action device, including jurisdictional and due process implications. Also included is the study of the problem of duplicative state and federal litigation, judicial control of complex cases, including multi-district litigation procedures and the case management movement, discovery (including international and e-discovery), and problems relating to preclusion in complex cases.

*\*Last Updated Spring 2016*

## **709. Conflict of Laws**

**Credit:** 3 Hours

**Instructor(s):** Prof. Hay

**Prerequisite:** Civil Procedure (Preferred)

**Grading Criteria:** Participation & Scheduled Final Exam or Take-Home (student choice)

**Description:** The course deals with all problems that arise in cross-border cases (state to state, state-foreign country), such as cross-border contracts, torts, inheritance, family law issues like child custody. The three parts of the course discuss when a court has jurisdiction over out-of-state defendants, what law it applies (its own or another state's), and how out-of-state judgments are enforced. Differences between state and federal court proceedings will be emphasized.

**Attendance Policy:** Attendance is required. A student may be dropped if there are more than two (2) unexcused absences.

*\*Last Updated Spring 2020*

## **622B. Constitutional Criminal Procedure: Adjudication**

**Credit:** 3 Hours

**Instructor(s):** Prof. Waldman

**Prerequisite:** Criminal Law

**Grading Criteria:** Attendance, participation, short paper, take home exam

**Enrollment:** Limited to 36 Students!

**Description:** In contrast to a more conventional criminal procedure course, we will examine how lawyers and judges actually behave in the criminal courts throughout the United States. Topics include the doctrinal and practical dimensions of discovery, pre-trial detention, jury selection, prosecutorial charging and bargaining, ineffective assistance of counsel, double jeopardy, and speedy trial issues. Perhaps most importantly, we learn about the realities of our overburdened criminal justice system and discuss how prosecutors and defenders can operate within that system without sacrificing the rights of defendants or the interests of victims in the name of expediency.

**Attendance:** Regular attendance is required. Excessive absences will result in a grade reduction.

*\*Last Updated Spring 2021*

## **520A. Contracts I (GRAD)**

**Credit:** 3

**Instructor(s):** Prof. Schwartz

**Prerequisite:** None

**Grading Criteria:** See professor

**Enrollment:** Limited to Graduate (JM, LLM, and MCL) Students only

**Description:** A study of the basic principles governing the formation, performance, enforcement, and imposition of contractual obligations, and the role of these principles in the ordering processes of society.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

## **710. Copyright**

**Credit:** 3

**Instructor(s):** Prof. Perry (Lytle)

**Prerequisite:** None

**Grading Criteria:** See professor

**Description:** See professor

(Previous description: Copyright law protects original works, such as books, music, paintings, photographs, architectural works, and software. This course examines copyright law, including what works are eligible for copyright protection, what rights are afforded to copyright owners of particular original works, and how copyright responds to technological developments. The course also explores copyright infringement, various defenses to infringement (such as fair use), and remedies. The class will also explore the theories that justify copyright protection in the US, in contrast to other jurisdictions, and the persuasiveness of such theories.)

**Attendance Policy:** See professor

*\*Last Updated*

## **712. Corporate Finance**

**Credit:** 3 Hours

**Instructor(s):** Prof. Shepherd, George

**Prerequisite:** Business Associations

**Grading Criteria:** Scheduled Final Exam

**Description:** A study of the financial and economic theory underlying legal doctrines in corporate finance, and the relationship between these doctrines. Focuses on decisions about "value" in the context of such areas as bankruptcy reorganization, dissenters' appraisal rights, and public utility regulation. Problems of capital structure and the duties of directors to various classes of claimants are studied in light of decisions about dividend policy and reinvestment. Includes a brief review of modern portfolio theory.

*\*Last Updated Spring 2018*

## **959. Courtroom Persuasion/Drama I (EL)**

**Credit:** 1 Hour (Experiential Learning Approved)

**Instructor(s):** Prof. Metzger

**Prerequisite:** Evidence & Trial Techniques (3L JD students only)

**Grading Criteria:** Participation, Attendance, Coursework

**Enrollment:** Strictly limited to 12 students and 3Ls Only!

**Description:** This course applies theater arts techniques to the practical development of persuasive presentation skills in any high-pressure setting, especially the courtroom. Using lectures, exercises, readings, individual performance, and video playback, the course helps students develop concentration, observation skills, storytelling, spontaneity, and physical and vocal technique. Small class size encourages frequent opportunities for "on your feet" practice. Held in the Law School courtroom (online only during Covid19 restrictions), the class provides the optimal simulation of a real-life experience. Assignments and in-class exercises are designed to help students learn how to appear and feel confident; project their voice and use more vocal variety; cope with anxiety; stand still and move with purpose; improve eye contact with jurors as well as witnesses; gesture effectively and create a compelling story. The student will complete the course with increased confidence and ample tools for artful advocacy.

**Attendance Policy:** No more than two absences are permitted to receive a passing grade. This class does not meet the entire semester - see professor for dates.

**Please Note:** This accelerated class meets for 10 weeks plus an in-class final exam not during the exam period. Class periods are 75 minutes.

*\*Last Updated Spring 2021*



## **622E. Criminal Competency/Responsibility Practicum (EL)**

**Credits:** 3 hour

**Instructor(s):** Prof. Deets and Flannagan

**Prerequisite:** Criminal Law & Evidence

**Grading Criteria:** Participation, Court Performance, & Experiential Reactions Papers

**Enrollment:** Limited to 16 students!

**Description:** Students will have the unique opportunity to see how justice is actually administered in the context of criminal cases involving issues of competency or criminal responsibility in Georgia Courts and to develop their courtroom advocacy skills. We will examine, through readings and classroom discussion, the ways in which mental health cases fit or rather do not fit within the framework of the traditional criminal justice system and the practical implication of raising issues of mental health issues of competency, criminal responsibility or even offering evidence of mental health as mitigation. This class will have a classroom component but will also extend beyond that into the real and very complex practice of criminal law involving mental health issues.

Students will take multiple off-campus trips, including touring the local mental health service providers, interacting with the NICK Project (a collaboration between the DeKalb Public Defender's Office, Atlanta Legal Aid, and the Department of Behavioral Health and Developmental Disabilities) and attending actual court sessions to observe criminal case proceedings. Student will also review real competency evaluations and will conduct interviews with actual defendants, participate in discharge planning with social workers and community service providers, observe actual competency evaluations, and participate in mock classroom hearings on issues of competency, responsibility, and civil commitment.

Lastly, students will be graded primarily on their performance in both classroom and courtroom hearings and their participation in classroom discussion, and secondarily on periodic papers analyzing their experiences.

*\*Last Updated Spring 2020*

## **700C. Criminal Law Defenses**

**Credit:** 1 (Class will meet every other week)

**Instructor(s):** Prof. Berne

**Prerequisite:** Criminal Law & Evidence; Criminal Procedure is preferred.

**Grading Criteria:** Participation & Scheduled Final Exam

**Enrollment:** Limited to 14 students!

**Description:** This course will address several traditional and modern criminal law defenses, including "stand your ground" self defense, battered person's syndrome and opioid intoxication. Students will be challenged to think about possible future defenses. Attendance is mandatory and will count toward the final grade.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

## **767. Cross-Exam Techniques**

**Credit:** 3

**Instructor(s):** Profs. Lott & Norman

**Prerequisite:** Evidence (concurrently ok)

**Grading Criteria:** Participation, Attendance, Coursework, & Final Presentation

**Description:** This course is designed to conduct an exhaustive exploration of the science and art of cross examination with extensive in-class exploration and performance of advanced cross-examination techniques. In addition to performance, students will critique and analyze the cross-examinations of their peers and example cross-examinations from high-profile cases

**Attendance Policy:** Because of the experiential nature of this course, attendance, punctuality, and participation are required for all class meetings and activities. Excessive absences will result in a grade reduction.

*\*Last Updated Fall 2015*

## **897. Directed Research**

Directed research is an independent scholarly project of your own design, meant to lead to the production of an original work of scholarship. Once you have secured a faculty advisor and have defined your project, you should download the directed research form (see below). In this form, indicate whether you are seeking one unit (a 15-page paper, double-spaced, exclusive of endnotes, tables, appendices, etc.) or two units (a 30-page paper, double-spaced, exclusive of endnotes, tables, appendices, etc.).

The application form is available on the secure Directed Research web page » <https://emorylaw.wufoo.com/forms/directed-research-signature-form/>

## **898B. Directed Study**

Students may register for directed study opportunities, with the approval of a sponsoring faculty member and the Associate Dean for Academic Programs & Students or their designee. Directed study projects may range from one to four credits each semester, but are typically two credits.

The application form is available on the secure Directed Study web page » <https://emorylaw.wufoo.com/forms/lsr-directed-study-request-online/>

**659E. DD: Accounting in Action (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** Prof. MacKay

**Prerequisite:** None

**Grading Criteria:** Course Work

STUDENTS WHO HAVE PREVIOUSLY TAKEN ACCOUNTING OR FINANCE COURSES ARE NOW PERMITTED TO TAKE THIS CLASS ON A PASS/FAIL BASIS ONLY WHICH WILL TAKE UP THREE OF THEIR SIX PASS/FAIL HOURS.

**Description:** This course is designed for those liberal arts majors who know nothing about accounting and finance. Students will learn about the fundamental financial statement concepts. Then the course will turn to the study of how lawyers use those concepts in practice.

*\*Last Updated Spring 2016*

**659G. DD: Commercial Real Estate (CL) (EL)**

**Credit:** 3 Hours (Cross-listed w/B-School & Experiential Learning Approved)

**Instructor(s):** Prof. Elliott & Prof. Taylor

**Prerequisite:** Contract Drafting; & Deal Skills (concurrent okay)

**Grading Criteria:** Midterm; Participation; & Drafting of Documents

Enrollment: Limited to 18 Students!

**Description:** This course will concentrate on sales, finance, and leasing of commercial real estate. It will require significant amounts of time devoted to the financial analysis of real estate projects and to negotiating and drafting of documents. It is designed specifically to include JD, LLM, and MBA students. Workgroups will consist of JD, LLM, and MBA students working together as lawyer and client to analyze, negotiate and document the acquisition and subsequent leasing of a shopping center. The text for the course is a business school real estate finance text. Legal materials will be made available as handouts. A basic knowledge of Excel will be helpful but not required.

*\*Last Updated Spring 2016*

659A. DD: Contract Drafting (EL)

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** TBA

**Prerequisite:** Business Associations (highly recommended as prerequisite, but can be taken concurrently)

**Grading Criteria:** Homework & Final Assignment

**Enrollment:** Limited to 12 students per section!

**Description:** This course teaches students the principles of drafting commercial agreements. Although the course will be of particular interest to students pursuing a corporate or commercial law career, the concepts are applicable to any transactional practice.

In this course, students will learn how transactional lawyers translate the business deal into contract provisions, as well as techniques for minimizing ambiguity and drafting with clarity. Through a combination of lecture, hands-on drafting exercises, and extensive homework assignments, students will learn about different types of contracts, other documents used in commercial transactions, and the drafting problems the contracts and documents present. The course will also focus on how a drafter can add value to a deal by finding, analyzing, and resolving business issues.

**Please Note:** CONTRACT DRAFTING AND DEAL SKILLS WILL BE PREREQUISITES TO ALL DOING DEALS CAPSTONE COURSES

**Note:** Open enrollment will be available to non-transactional certificate students on a space-available basis to students with required prereqs once open enrollment starts.

*\*Last Updated Spring 2016*

## **659B. DD: Deal Skills (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** TBA

**Prerequisite:** Contract Drafting (required – concurrent not okay); Business Associations

**Grading Criteria:** Homework, Participation/Professionalism; Negotiation Project; & Comprehensive Individual Project

**Enrollment:** Limited to 12 Students!

**Description:** Deal Skills builds on the skills and concepts learned in Contract Drafting and emphasizes the skills and thought processes involved in, and required by, the practice of transactional law. The course introduces students to business and legal issues common to commercial transactions, such as M&A deals, license agreements, commercial real estate transactions, financing transactions, and other typical transactions. Students learn to interview, counsel, and communicate with simulated clients; conduct various types of due diligence; translate a business deal into contract provisions; understand basic transaction structure, finance, and risk reduction techniques; and negotiate and collaboratively draft an agreement for a simulated transaction. Classes involve both individual and group work, with in-class exercises, role-plays and oral reports supported by lecture and weekly homework assignments.

**Please Note:** CONTRACT DRAFTING AND DEAL SKILLS WILL BE PREREQUISITES TO ALL DOING DEALS CAPSTONE COURSES

**Note:** Open enrollment will be available to non-transactional certificate students on a space-available basis to students with required prereqs once open enrollment starts.

*\*Last Updated Spring 2018*



## **659F. DD: General Counsel (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** TBA

**Prerequisite:** Business Associations; Contract Drafting; & Deal Skills (concurrent not ok for BA or Contract Drafting)

**Grading Criteria:** Coursework

**Description:** In this course, students will develop transactional skills, with emphasis on possible differences in roles of in-house counsel and outside counsel in the context of a hypothetical transaction that will be the focal point of the entire semester. The class will be divided between the lawyers representing the buyer and the lawyers representing the seller. Students will interview the Professor (client) throughout the semester and develop goals, strategies, and documents that will meet the needs of the client. The semester will include the drafting and negotiation of a confidentiality agreement, a letter of intent, an employment agreement, a Master Services Agreement, and a Stock Purchase Agreement.

**Attendance Policy:** Because student participation is essential for the success of this experiential simulation course, attendance is mandatory. Failure to attend will affect the course grade. This course also requires collaborative work with other students and meetings with the adjunct faculty. You will be required to schedule several meetings in addition to regular class time. In addition, any students on the wait list for this class must attend the first class meeting, which sets the stage for the first several weeks of assignments.

**Note: Open enrollment will be available to non-transactional certificate students on a space-available basis to students with required prereqs once open enrollment starts.**

*\*Last Updated Spring 2019*

659J. DD: Mergers & Acquisitions Workshop (EL)

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** TBA

**Prerequisite:** Business Associations; Contract Drafting; & Deal Skills (concurrent, not okay for any)

**Grading Criteria:** Class participation (incl. but not limited to attendance), Homework, Projects

**Enrollment:** Limited to 12 students!

**Description:** This course is designed to start a process of changing how you think about lawyering by shifting your focus from academia to application. We will do this in the context of mergers and acquisitions (M&A) by providing a practical overview of the process and documentation involved and by participating in exercises designed to simulate those junior transactional associates are commonly expected to undertake. Our ultimate objective is to better prepare you for what will be expected of you in a law firm environment. Because of the experiential nature of this course, attendance is mandatory.

**Note: Open enrollment will be available to non-transactional certificate students on a space-available basis to students with required prereqs once open enrollment starts.**

*\*Last Updated Spring 2016*

## **659D. DD. Private Equity (EL)**

**Credit:** 3

**Instructor(s):**

**Prerequisite:** Business Associations (concurrently NOT okay), Contract Drafting (concurrently NOT okay), Deal Skills (concurrently okay). Recommended Prerequisites/Corequisites: Corporate Finance, Accounting in Action or Analytical Methods.

**Grading Criteria:** Midterm & Scheduled Final Exam, Group course work, & Class participation

**Enrollment:** Preselected Transactional Certificate Students will receive an email informing them how/when to enroll. Non-transactional certificate students who meet the pre-reqs may try to enroll during Open Enrollment

**Description:** The course is designed as a workshop in which law students and business students work together to structure and negotiate varying aspects of a private equity deal, from the initial term sheet stages, through execution of the purchase agreement, to completion of the financing and closing. Private equity deals that are economically justified sometimes fail in the transaction negotiation and documentation phase. This course will seek to provide students with the tools necessary to understand and resolve difficult issues and complete successful transactions. Students will be divided into teams consisting of both lawyers and business people to review, consider and negotiate actual transaction documents. Issues presented will include often contested key economic and legal deal terms, as well as common ethical dilemmas. To reinforce the key legal and financial points of an LBO transaction, there will be a short midterm and a final exam. Course Learning Outcomes: -Understand the various steps of the LBO process -Use an Excel model to evaluate how financing structures and business forecasts impact LBO returns -Prepare some of the basic legal documents and correspondences related to LBOs -Negotiate term sheets with counterparties (buyer or seller) -Review transaction structures & tax impact -Gain an understanding of key contract provisions and how they interrelate - Draft contract terms with clarity and without ambiguity

**Attendance Policy:** See professor

*\*Last Updated Fall 2019*

**880. DD: Transactional Law Program's Negotiations Team**

**Credit:** 1 Hour

**Instructor(s):** TBA

**Enrollment:** Approved by Faculty Advisor (via tryout)

**Grading Criteria:** Participation (Graded on Pass/Fail Basis)

**Description:** Team members prepare for oral negotiations, practice negotiation techniques, and draft transactional documents under the direction of one or more faculty advisors for regional, and potentially national competitions. A student selected to compete is eligible for credit in the semester in which the competition is held. The faculty advisor(s) will approve course registration and assign a grade.

*\*Last Updated Spring 2017*

## **659R. DD: Representing Investment Funds**

**Credit:** 3 Hours

**Instructor(s):** TBA

**Prerequisite:** Business Associations & Contract Drafting. Deal Skills is a recommended prerequisite but may be taken concurrently (or waived by the professor based on relevant experience or other factors).

**Grading Criteria:** Participation and Performance in Class (including but not limited to attendance), Homework as assigned; Comprehensive Individual Project

**Enrollment:** Limited to 12 Students!

**Description:** This course will simulate the structuring, formation, and regulatory work that would be performed by a junior associate or in-house counsel representing public investment companies, private investment funds, or other pooled investment vehicles. The course will focus primarily on the regulation of investment companies subject to the Investment Company Act of 1940 and its companion statute, the Investment Advisers Act of 1940; however, significant attention will be given to alternative investment vehicles, such as hedge funds, venture capital funds, private equity funds, real estate partnerships, and other private investment vehicles. Students will gain experience in analyzing securities laws and regulations that govern a fund's structure and operations; structuring public and private offerings; reviewing and drafting various documents included in a fund offering, and considering ethical issues that may arise.

These issues will be addressed through a combination of lectures, in-class exercises, homework assignments, a comprehensive individual project, and a prospectus summary project. There will not be a final exam.

**Note: Open enrollment will be available to non-transactional certificate students on a space-available basis to students with required prereqs once open enrollment starts.**

*\*Last Updated Spring 2019*

**659C. DD: Venture Capital (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** TBA

**Prerequisite:** Business Associations; Contract Drafting; & Deal Skills (concurrent not okay for any)

**Grading Criteria:** Coursework

**Enrollment:** Limited to 12 Students!

**Description:** This course will study the business and legal issues in venture capital transactions. The course will be taught primarily through simulations.

**Note:** Open enrollment will be available to non-transactional certificate students on a space-available basis to students with required prereqs once open enrollment starts.

*\*Last Updated Spring 2016*

## 668X. Employment Law

**Credit:** 3 Hours

**Instructor(s):** Prof. Cooper

**Prerequisite:** None

**Grading Criteria:** final exam, coursework, participation, attendance

**Description:** Employment law is a rapidly expanding area of law and policy, and one that touches many other practice areas, including corporate law, contracts, benefits law, and torts. Even if you don't seek to be an employment lawyer, if you advise clients who have employees, it is helpful to know the basics of employment law. This course will cover the rights and duties of employers and employees in the private workplace, including: the employment relationship, including at-will employment and exceptions; employment contracts, including agreements regarding non-competition and trade secrets; wage and hour and family leave laws; discrimination in the workplace; employee rights including under whistleblower and other laws; and more. We will discuss the major federal statutes, regulations, and common law doctrines of employment law. This course will not cover labor law (the law governing the rights of employees to organize collectively). The class will include exercises that simulate the types of issues lawyers encounter in practice in this field.

**Attendance Policy:** As required by law school policy, regular attendance in class is mandatory. Because this class will be taught online, attendance in class means participating in the class via Zoom. I will take attendance for every class. Excessive absences or tardiness can negatively affect your grade.

The law school has issued special attendance policies for this term, including administrative procedures for the waiver of excessive absences. Please see the Emory Law Student Handbook for details concerning this procedure and how to apply for this waiver: <https://law.emory.edu/studentlife/index.html>. Students are responsible for completing any work they have missed due to absences for any reason, including assignments and exams.

*\*Last Updated Spring 2021*

## **720. Entertainment Law**

**Credit:** 3 Hours

**Instructor(s):** Prof. Sanders

**Prerequisite:** Intellectual Property; Trademark Law; or Copyright Law (concurrent okay)

**Grading Criteria:** Scheduled Final Exam

**Description:** This course will provide an overview of the rapidly developing body of law associated with the entertainment industries concentrating in the areas of music publishing and commercial recording, live performance, literary publishing and motion pictures. The course will focus on a study of entertainment law cases, aspects of copyright law, personal rights, and negotiation of entertainment agreements.

*\*Last Updated Spring 2019*



## **624X. Environmental Law**

**Credit:** 3 hours

**Instructor(s):** Prof. Goldstein

**Prerequisite:** Legislation and Regulation is a strongly recommended (but not required) pre-requisite.

**Grading Criteria:** Participation & Scheduled Final Exam

**Description:** This course will focus on legal strategies to regulate and remedy environmental harms, and it will survey various federal environmental statutes, including the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act; Endangered Species Act; National Environmental Policy Act; and Nuclear Waste Policy Act. This course will also introduce students to the analytical skills necessary to understand and work in environmental and many other predominantly statutory and regulatory fields. It will frequently involve interpretation of statutes and regulations, analysis of the central role of administrative agencies in environmental law, and exploration of policies underlying environmental protection and justice.

**Attendance:** The Law School has issued special attendance policies for this term. Absent an administrative waiver, a student who misses more than 25% of his or her classes in this course may be subject to any of the following sanctions: reduction in final grade, denial of permission to complete coursework or sit for the exam, or receipt of a grade of F (failing).

*\*Last Updated Spring 2021*

## **700C. Ethics of Criminal Justice Practice**

**Credit:** 2

**Instructor(s):** Prof. Tatum

**Prerequisite:** 2<sup>nd</sup> or 3<sup>rd</sup> year JD

**Grading Criteria:** Participation and In-class exam

**Enrollment:** Limited to 14 students!

**Description:** This course is designed to allow students to apply ethical rules in a criminal law context. To learn, through interpretation and practical application of the Model Code of Conduct, how trial attorneys navigate ethics and professionalism in a courtroom setting. Special issues and obligations of prosecutors, defense attorneys, and judges will be reviewed and discussed.

**Attendance Policy:** See professor

*\*Last Updated Spring 2017*

## **620L. EU Law II**

European Union Law II: the Global Impact of EU Law

**Credit:** 2 Hours

**Instructor(s):** Prof. Tulibacka, Magdalena

**Prerequisite:** EU Law I recommended

**Grading Criteria:** Participation, Attendance, & Final Paper

**Description:** The course allows students with an interest in the European Union to focus on a number of selected areas of substantive EU law and to understand their impact globally, including on U.S. businesses. The impact is becoming quite significant in many areas of law, and the course focuses on: data protection laws, antitrust laws, consumer protection laws, product liability laws, and elements of corporate and tax law. The students will have an opportunity to vote on one additional topic of discussion. They will also receive an introduction to European civil justice systems, giving them an idea of how law is taught and practiced, how cases are litigated, what challenges litigants may expect in European courts and when using ADR mechanisms.

Classes are interactive and discussion-based. Students are expected to prepare before classes. We shall be studying EU statutory law, judgments of the EU courts, academic commentary, some policy papers, and other materials.

Because of the nature of the course, attendance is mandatory and constitutes 20% of the final grade. Participation in class (including contributions to discussions, some case reviews, and participation in group exercises) constitutes further 30% of the grade. During the course, the students will be selecting, with the Professor's help, the topic for a final paper (4000 words including footnotes). The paper will be the remaining 50% of the final grade.

**Please Note:** Guest speakers - for instance practitioners in tax law and corporate law and antitrust law scholars - will be leading discussion during some of the classes.

*\*Last Updated Spring 2020*

## **632X. Evidence**

**Credit:** 3 Hours

**Instructor(s):** Prof. Morrison (Open to all students)  
Prof. Carroll (Open to only First Year JD students)

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, & Final Exam

**General Description:** A general consideration of the law of evidence with a focus on the Federal Rules of Evidence. Coverage includes relevance, hearsay, witnesses, presumptions and burdens of proof, writings, scientific and demonstrative evidence, and privilege.

**Carroll Description:** This course is a survey of the Federal Rules of Evidence. Prof. Carroll provides a PowerPoint before class, and classes include a lecture and interactive discussions of hypotheticals that illustrate the nuances of the rules. At least one class includes guest speakers, including practicing litigators and judges.

**Attendance Policy:** See professors

**JD students must take Evidence in their second year of law school.**

*\*Last Updated Spring 2021*

## 870. Externship Program (EL)

**Credits:** 1-5 (Experiential Learning Approved)

**Instructor(s):** Multiple

**Selection:** Application process submitted through Symplicity. Questions: Please contact Professor Derrick Howard.

**Grading Criteria:** Class Participation & Successful completion of Fieldwork

**Description:** Step outside the classroom and learn to practice law from experienced attorneys. Take the skills and principles you learn in the classroom and learn how they apply in practice. Emory Law's General Externship Program provides work experience in different types of practice (all sectors except law firms) so you can determine which suits you best and develop relationships that will continue as you begin your legal career. Students are supported in their placements by a weekly class meeting with other students in similar placements, taught by faculty with practice experience in that area, in which students have the opportunity to learn legal and professional skills they need to succeed in the externship, receive mentoring independent of their on-site supervisors, and to step back and reflect on their experience and what they are learning from it.

**Attendance Policy:** See professor.

OTHER INFORMATION: Students apply for externships via Symplicity in the semester prior to the externship and all placements must be preapproved. **Warning: No student is allowed to be enrolled in more than one clinic or externship classes (except fieldwork) in a semester.**

*\*Last Updated Fall 2020*

## 633. Family Law I

**Credit:** 3 Hours

**Instructor(s):** Prof. Broyde (Open to all students)  
TBA (Open to First Year JD students only)

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, & Final Exam

**General Description:** This course explores the legal regulation of the family and its members. Materials and discussion will address the problems, policies, and laws related to the formation and dissolution of the marital family. Among the topics covered will be premarital controversies; constitutional limitations on entry into marriage; substantive and procedural regulation of marriage; marital rights and responsibilities; marriage equality; divorce; child custody, adoption, and other related topics.

**Broyde Description:** This course will focus on family law and will address the many issues related to marriage, divorce and child custody. Why marry and how to marry will be discussed, as well as alternatives to marriage. The course will then discuss the divorce process, as well as alimony, asset division, the tax and bankruptcy consequences of divorce. It will then discuss child custody. The course will end with a discussion of alternative reproduction and its impact on family law.

**Attendance Policy:** Class attendance is an integral part of the learning process and is a reflection of professional responsibility. Consistent with American Bar Association requirements, the law school requires regular attendance in all courses. Accordingly, students are expected to attend class regularly, arrive for class on time, and be prepared to participate in class discussion.

Emory Law School's mandatory attendance policy provides that a student who attends fewer than 80% of classes in a course, whether due to excused or unexcused absences, is presumed to have excessive absences. Excessive absences can result, without advance notice or warning, in reduction of your final grade.

*\*Last Updated Spring 2021*

## **721. Federal Courts**

**Credit:** 3

**Instructor(s):** Prof. Smith

**Prerequisite:** None

**Grading Criteria:** Scheduled Final Exam

**Description:** This course deals with the allocation of judicial business between the state and federal courts, as well as the jurisdictional tensions that arise from a dual judicial system. In addition, the course considers the relationship between the federal judiciary and Congress, particularly as it implicates the legislature's power to structure and limit the federal courts' subject matter jurisdiction. This is a very practical course, as well as one that implicates important theoretical issues about decision-making institutions under our federal system of government.

**Attendance Policy:** See professor

*\*Last Updated Fall 2015*

## **642. Federal Income Tax: Corporations**

**Credit:** 2 Hours

**Instructor(s):** Prof. Fowler

**Prerequisite:** Fundamentals of Income Tax or Federal Income Tax: Individual

**Grading Criteria:** Take-home Exam

**Description:** Survey of the general structure of taxation of corporations. Considers the tax issues arising from the formation, operation, liquidation, and reorganization of corporations. An important course for anyone interested in transactional law.

*\*Last Updated Spring 2015*



## **942. Federal Income Tax: Partnerships**

**Credit:** 2 Hours

**Instructor(s):** Prof. Schueneman

**Prerequisite:** N/A

**Grading Criteria:** Scheduled Final Exam

**Description:** This course will provide an introduction to the federal income tax rules that apply to partnerships and their partners (principally those rules found in Subchapter K). Topics covered will include contributions, distributions, allocations of tax items and liabilities and anti-abuse rules.

**Attendance Policy:** Students will not be permitted to have more than two (2) unexcused absences.

*\*Last Updated Spring 2020*

## **601B. First Amendment: Religious Freedom (CL)**

\*Cross-listed w/School of Theology & Undergrad Dept. of Religion

**Credit:** 3 hours

**Instructor(s):** Prof. Witte

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, Coursework, & final take home exam; 3000 word essay (choose one of three exam queries to answer)

**Description:** Religious liberty is one of the hallmarks of modern constitutional democracies, though it has come under considerable attack in recent years. This course analyzes the historical formation and current interpretation of the religious liberty guarantees of the First Amendment to the United States Constitution. Part I of the course explores the original meaning of the First Amendment guarantees of no establishment and free exercise of religion viewed in colonial and broader Western context. Part II analyzes the guarantees of free exercise and expression of religion guaranteed by First Amendment free exercise and free speech clauses and recent complementary statutes. Topics include religious liberty claims to polygamy, proselytism, Sabbath day observance, religious worship, ritual, and dress, and claims by religious individuals and groups to exemptions from general laws. It also includes the heated clashes between religious liberty and sexual liberty claims. Part III traces the requirements of no establishment of religion, particularly in cases concerning the role of religion in public education, the place of government in religious education, and the place of religious symbols and ceremonies in public and political life. Part IV analyzes the complex relationships between religious organizations and government. Topics include tax funding and exemptions for religious groups, the powers and limits of religious organizations to resolve their own internal disputes over polity and property, and their power to discipline their leaders and members for their beliefs, moral behavior, or sexual orientation.

The readings will consist of selected United States Supreme Court cases and a textbook, John Witte, Jr. and Joel A. Nichols, *Religion and the American Constitutional Experiment*, 4<sup>th</sup> ed. (Oxford University Press, 2016).

There will be a final take home examination, handed out the last class of the semester. The exam will offer a choice of three or four questions that explore different major course themes; students will pick one question and prepare a 3000-word answer based on their course notes and readings. The course has no prerequisites, and does not presuppose detailed knowledge of American history or constitutional law.

*\*Last Updated Spring 2021*

## **601A. First Amendment- Freedom of Expression**

**Credit:** 3 hours

**Instructor(s):** Prof. Arthur

**Prerequisite:** Constitutional Law

**Grading Criteria:** Participation, Attendance, & Scheduled Final Exam

**Description:** This course is a survey of the free expression clauses of the First Amendment. Doctrines are taught in large measure through problems from the Volokh casebook.

**Attendance Policy:** Regular attendance is required and final grades may be lowered if a student misses too many classes,

*\*Last Updated Spring 2021*

## 650. Franchise Law

**Credits:** 2 hours

**Instructor(s):** Prof. Prusher

**Prerequisite:** None but Contracts, Business Law and Intellectual Property or Trademark Law is strongly encouraged

**Grading Criteria:** Participation (in-class project); Attendance; & Final /Exam (take home)

**Enrollment Limit:** Limited to 25 students!

**Description:** Legal and business considerations, including the pros and cons of franchising; franchising's role in the economy; the franchisor/franchisee relationship; disclosure requirements; relevant state and federal laws; basic terms of franchise agreements; trademark law; encroachment/impact and other contentious issues; area development agreements, sub-franchising, master franchise agreements; international franchising; franchise M&A transactions; the role of alternate dispute resolution in franchising; franchising in a pandemic. Students will be divided into small teams for an oral and written presentations that will account for a large portion of their final grade.

**Attendance Policy:** Class participation and attendance are mandatory. Excused absences will be considered on a case-by-case basis, with prior notification to the instructor. Only two unexcused absences will be permitted. More than two absences without my approval will result in loss of course credit.

**Note:** Prominent franchise lawyers from law firms and corporate legal departments in Atlanta will be guest speakers.

\*Last Updated Spring 2021

## **640X. Fundamentals of Income Taxation**

**Credit:** 3

**Instructor(s):** Prof. Pennell

**Prerequisite:** None

**Grading Criteria:** Midterm & Final Exam

**Enrollment:** Students who have already taken Federal Income Tax: Individual are NOT permitted to take this course.

**Description:** Introductory study of the general structure of the federal income tax; nature of gross income, exclusions, and deductions; the income tax consequences of property transactions; the nature of capital gains and losses; basis and nonrecognition

**Attendance Policy:** Attendance policy will conform with law school attendance policy

*\*Last Updated Spring 2021*

## **890A. Fundamentals of Innovation II (EL)**

OPEN TO TI:GER STUDENTS ONLY. PROFESSOR PERMISSION REQUIRED.

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** Prof. Morris

**Prerequisite:** See professor

**Grading Criteria:** Participation

**Description:** Fundamentals of Innovation II is the second of the two-course sequence on various techniques and approaches needed to understand the innovation process. Issues explored will include patterns of technological change, identifying market and technological opportunities, competitive market analysis, the process of technology commercialization, intellectual property protection, and methods of valuing new technology.

The fall course and the companion course in the spring will provide the academic core to the student's first year in the Technological Innovation: Generating Economic Results ("TI:GER") program and will be taught as a series of learning modules. Each module and class session is lead by a faculty or guest instructor with in-depth experience in that particular technology commercialization topic. Students will take each course as a "community of participants" and will participate on both an individual and team level. Innovation teams that are comprised of the PhD candidates, MBA and JD students, will be formed mid-semester and will participate both in in-class activities and cases, as well as in an "engaged learning" experience intended to simulate the technology commercialization process. The technology/research that will drive the innovation teams will be provided by the PhD candidates and their advisors.

*\*Last Updated Spring 2017*

## **999. Georgia Law, Practice & Procedure**

**Credit:** 2 Hours

**Instructor(s):** Prof. Lott & Assistant Dean Brokaw

**Prerequisite:** None

**Grading Criteria:** Attendance, Participation, Coursework, Mid-term, Final Essay Exam

**Description:** Georgia Law, Practice & Procedure will address the distinctions between Georgia law and black-letter or federal law in the subjects commonly tested in Georgia bar exam essays and on the MBE. Each week will address an area or areas that can be tested on the Georgia bar, starting with the seven MBE subjects. Students will review a survey of bar-tested subjects and come to class prepared to discuss the Georgia distinctions on those subjects, using a “flipped classroom” approach. Students will be required to complete practice questions outside of class, including mandatory participation in Multistate Bar Exam (MBE) practice exams and workshops, as well as weekly assigned practice essay questions. Grading will be based on a combination of attendance and participation (20%), completion of West assessment questions (20%), written work (20%), a midterm written project (20%), and a two-hour final essay exam (20%). Students will be allowed to redo some coursework for partial added credit. This course will include some group work and will not be subject to the mandatory mean.

**Attendance Policy:** See professors

*Last updated: Spring 2021*

## **736. Health Law**

**Credit:** 3 hours

**Instructor(s):** Prof. Satz

**Prerequisite:** None

**Grading Criteria:** Final exam

**Description:** Comprising nearly 20% of the economy, health care in the U.S. is a highly regulated system of providers, public and private payers, drug and device manufacturers, and various third-party intermediaries. This course will provide an introduction to the legal framework underlying the dynamic and challenging practice of health law, including selected aspects of the recently enacted Affordable Care Act (commonly referred to as “Obamacare”). Likely topics include: regulation and accreditation of physicians and institutions, coverage and reimbursement of medical services and drugs/devices, patient confidentiality and informed consent, fraud and abuse, and antitrust issues with provider and insurer consolidation. Coverage may also include recently enacted or proposed reforms, or areas of current debate with significant impact on the healthcare system.

**Attendance Policy:** I take attendance daily at the beginning of each class, so please be on time to avoid being marked absent. Please enter your full name as it appears on OPUS in the chat box at the beginning of class. If your attendance becomes irregular due to unexcused absences, I will discuss future attendance with you and what penalty will be imposed if your attendance does not improve. Please cross-reference the special University and Law School 2020 Policies on administrative waiver of absences and attendance during COVID-19.

*\*Last Updated Spring 2021*



## 657D. Health Law Research (EL)

\*\*Accelerated Class – First Seven Weeks of the semester

**Credit:** 1

**Instructor(s):** Prof. Glon

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, Final Project

**Enrollment:**

**Description:** Health Law Research is a practical, skills-based course designed to provide students with a firm understanding of the fundamental structure of the legislation and regulations that govern health law and to develop skills for finding and using those sources. Attention will also be paid to secondary sources, understanding the structure of medical literature, and practical tips for new health law attorneys. Due to the experiential nature of this course, Health Law Research satisfies the requirements for one credit-hour of experiential learning.

**Attendance Policy:** Health Law Research is a one-credit, graded course meeting on an accelerated schedule for the first seven weeks of the semester. Because student participation and hands-on practice is essential for the learning experience in this course, attendance at each class session is mandatory.

*\*Last Updated Spring 2021*

## **624C. Human Sex Trafficking**

**Credit:** 3

**Instructor(s):** Profs. Racine & Harris

**Prerequisite:** Evidence

**Grading Criteria:** Participation, Classroom Exercises, & Written Assignments.

**Enrollment:** Limited to 16 students only

**Description:** This class will provide an overview of the topic of Human Trafficking and the impact it has on legal systems, service providers and society-at-large. Through this course, we will inspect the code sections that deal with this subject matter on a federal, local, domestic and international level. We will also cover issues with the prosecution and how to effectively prosecute a human trafficking case. In addition, we will discuss and research how to deal with the victim population and recidivism into “the life”. Finally, this course will cover the impact of human trafficking on society and how to create real-world solutions to this epidemic. Note: The course will meet once per week. The course will consist of speaker presentations, review of assigned readings, and student presentations

**Attendance Policy:** See professor

*\*Last Updated Spring 2019*

## **570A. Introduction to the American Legal System ("IALS")**

**Credit:** 2 hours

**Instructor(s):** Prof. Koster

**Prerequisite:** None – Open only to LLM, MCL students

**Grading Criteria:** Attendance/Participation, Oral Presentation, & In-class Final Exam

**Description:** Designed for lawyers trained outside of the United States, the course provides an overview of the constitutional principles, history, and governmental structures that shape the U.S. legal system; the constitutional foundations of the U.S. legal system, including the concepts of separation of powers and federalism; the structure of the state and federal court systems and concepts of jurisdiction; the mechanisms by which the law is assessed and applied by the courts; the role of lawyers and the relationship between law and society; and the primary subject areas of first-year legal study.

Please Note: *OPEN ONLY TO FOREIGN-EDUCATED LLM STUDENTS & MCL STUDENTS*

*\*Last Updated Spring 2021*

## **570E. Introduction to the American Legal System ("IALS")**

**Credit:** 2 hours

**Instructor(s):** TBA

**Prerequisite:** None – Open to JM students only

**Grading Criteria:** Attendance/Participation, Oral Presentation, & In-class Final Exam

**Description:** This course provides an overview of the constitutional principles, history, and governmental structures that shape the U.S. legal system; the constitutional foundations of the U.S. legal system, including the concepts of separation of powers and federalism; the structure of the state and federal court systems and concepts of jurisdiction; the mechanisms by which the law is assessed and applied by the courts; the relationship between law and society; the primary subject areas of first-year legal study; the role of lawyers and non-lawyers in the management of legal matters; and legal analysis and advocacy skills.

Please Note: *OPEN ONLY TO JM STUDENTS*

*\*Last Updated Spring 2021*

## **690L. International Human Rights**

**Credit:** 3 Hours

**Instructor(s):** Prof. Van der Vyver

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, Weekly Assignments, & Scheduled Final Exam or Paper

**Description:** This course focuses on international concerns for the upholding of human rights standards in legal systems of the world. It defines the concept of human rights and distinguishes different categories of human rights that have developed over the years, namely (a) natural rights of the individual; (b) civil and political rights; (c) economic, social and cultural rights; and (d) solidarity rights. General problems relating to the theoretical basis of human rights will come under the spotlight in this section, including the universality and relativity of human rights, and the right to self-determination of peoples.

The course further deals with mechanisms for the protection and promotion of international human rights at three distinct levels: (a) globally, under auspices of the United Nations Organization, with emphasis on the binding effect of the human rights standards enunciated in the Charter of the United Nations and the Universal Declaration of Human Rights, promotion and protection of those rights by the Human Rights Council, and the proclamation and enforcement of certain categories of rights in virtue of international conventions and covenants sponsored by the United Nations; (b) regionally, in Europe under auspices of the Council of Europe, the European Union, and the Helsinki Accord, in the Americas under auspices of the Organization of American States; and in Africa under auspices of the African Union; and (c) thematically, under auspices of specialized agencies such as the International Labor Organization (ILO) and UNESCO.

When dealing with the promotion and protection of human rights under auspices of the United Nations, special attention will be given to the question whether or not the provisions in the U.N. Charter dealing with human rights are self-executing in the United States, and decisions of the Human Rights Council dealing with, for example, the defamation of a religion, and human rights violations committed by Israel in the West Bank and in Gaza. We have also singled out particular rights and freedoms for closer scrutiny, such as freedom of speech, freedom of religion or belief, and the international protection of rights of the child.

The section on the Council of Europe pays special attention to the doctrine of a margin of appreciation developed by the European Court of Human Rights, which affords to High Contracting Parties a first bite at the cherry to decide whether circumstances exist in their respective countries that would warrant limitations to be imposed on particular rights or freedoms enunciated in the European Convention for the Protection of Basic Human Rights and Fundamental Freedoms, and to the doctrine of positive obligations, which places on High Contracting Parties a duty to protect persons under their jurisdiction against violations of their rights by the State and by non-State actors. It further focuses on a selection of judgments of the European Court of Human Rights, such as those relating to torture, sexual orientation, and extradition constraints (the latter involving the United States).

The section on the Inter-American system for the protection of human rights singles out decisions of the Inter-American Commission of Human Rights that condemned the United States for not observing basic principles of the Inter-American Declaration of the Rights and Duties of Man of 1948, for example ones that dealt with racial discrimination in the sentencing of convicted criminals, the death penalty, abortions, and non-compliance by the United States with the Vienna Convention on Consular Relations.

The latter set of cases will also bring into contention three judgments of the International Court of Justice condemning the United States for non-compliance with the Vienna Convention on Consular Relations, and responses from the U.S. Supreme Court and the Constitutional Court of Germany to those judgments. The enforcement of international human rights in federal courts of the United States in cases such as *Medéllin v. Texas* and in virtue of the Alien Torts Statute and Article 1, Section 8, Paragraph 10 of the U.S. Constitution places the Vienna Convention judgments in a broader perspective.

## **676C. International Humanitarian Law Clinic (EL)**

**Credit:** 3 Hours (Experiential Learning Approved)

**Instructor(s):** Prof. Blank

**Prerequisites/Co-requisites:** International Law; International Humanitarian Law; International Criminal Law; International Human Rights; Transitional Justice; National Security Law

**Grading Criteria:** Based on individual student performance, please note that this class cannot be taken on a pass/fail basis!

**Enrollment:** By application, contact Professor Blank

**Description:** The International Humanitarian Law Clinic provides opportunities for students to do real-world work on issues relating to international law and armed conflict, counter-terrorism, national security, transitional justice and accountability for atrocities. Students work directly with organizations, including international tribunals, militaries, and non-governmental organizations, under the supervision of the Director of the IHL Clinic, Professor Laurie Blank.

The IHL Clinic also includes a weekly class seminar with lecture and discussion introducing students to the foundational framework of and contemporary issues in international humanitarian law (otherwise known as the law of armed conflict).

*\*Last Updated Spring 2021*

## 732. International Law

**Credits:** 3 hours

**Instructor(s):** Youshea Berry and Michelle Godette

**Prerequisite:** None

**Grading Criteria:** See professor

**Description:** This course provides students with a comprehensive understanding of the nature and relevance of international law in the modern world. The course will introduce students to various aspects of international law including the historic foundations, international stakeholders/actors and operations of international law. This course will examine the structure, sources and procedures/processes of international law; international legal developments; problems of compliance and enforcement; the application of international law in relation to state and statehood and among and within states; relations between individuals and non-governmental organizations; relations between individuals and corporations; and the use of military force by states and non-state entities. This course will cover key subject matter areas such as human rights, the law of the sea, international environmental law, the law of war and U.S. foreign relations law.

By the end of the course, students should have a solid understanding of the legal structures underpinning international law as well be able to apply the fundamental principles of international law to current events and contemporary international issues shaping the future of foreign relations.

As an introductory international law course, there are no pre- or co-requisites.

**Grading Policy:** Students will be evaluated on performance during Zoom class discussions, short written assignments and a check out final exam. The basis of evaluation will include a student's demonstration of understanding of reading material and lecture notes, ability to incorporate reading material into analysis of questions or problems, ability to articulate core concepts and legal issues into written assignments and the check out final exam.

**Attendance Policy:** Since this class will be 100% virtual, it is imperative that students participate actively in class discussions on the basis of their knowledge of the readings and an understanding of the issues relevant to the topics. Attendance throughout each class is mandatory; repeated absences or tardiness can negatively affect a student's grade. This course will be taught completely on the Zoom platform thus students' participation will be gauged through active individual and group participation in practical exercises, raising probing and relevant questions, engaging in polls and contributing comments, and zoom breakout sessions.

*\*Last updated Spring 2021*



## **761A. International Legal Research (EL)**

**\*\*Accelerated Class - Second Seven Weeks of the semester**

**Credit:** 1 hour (Experiential Learning Approved)

**Instructor(s):** Prof. Flick

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, Homework, Final Research Project

**Description:** International Legal Research is a practical, skills-based course designed to introduce students to specialized techniques for research in international law. Students will become familiar with research in international law through lectures, in-class research exercises, research homework assignments, a group project, and a final research project on international law. Topics for class sessions will include treaties, U.S. foreign policy, the United Nations, the European Union, international courts, international human rights law, and international trade law. Due to the experiential nature of this course, International Legal Research satisfies the requirements for one credit-hour of experiential learning.

**Attendance Policy:** International Legal Research is a one-credit, graded course meeting on an accelerated schedule for the last seven weeks of the semester. Because student participation and hands-on practice are essential for the learning experience in this course, attendance at each class session is mandatory.

*\*Last Updated Spring 2021*

## **639. International Tax**

**Credit:** 3

**Instructor(s):** Profs. Kaywood & Harvel

**Prerequisite:** Federal Income Tax: Corporations highly recommended

**Grading Criteria:** Scheduled final exam

**Description:** Students will gain an introductory understanding of International Tax, which will include how and when a foreign person is subject to tax in the US, how and when a US person is subject to tax in the US on foreign income, and the impact of tax treaties and tax reform.

**Attendance Policy:** See professor

*\*Last Updated Fall 2018*

## 608D. Intellectual Property Litigation Practicum (EL)

**Credit:** 3

**Instructor(s):** Profs. Rothman, Andersen, and Aquilino

**Prerequisite:** An intellectual property survey class; evidence; demonstrated interest in intellectual property

**Grading Criteria:** Pass/Fail based on litigation projects submitted

**Enrollment:** Limit: approximately 12 students. Targeted students will have an interest in intellectual property and litigation. **Student selection method: preselection by application submitted to professor on or before 12/15/2020.** ([joel.rothman@sriplaw.com](mailto:joel.rothman@sriplaw.com))

**Description:** *In this practicum students will assist experienced intellectual property counsel in the representation of real "live" clients in copyright infringement litigation. Students will learn, through classroom instruction, the role the litigator plays in representing clients in intellectual property matters at all phases.*

**Attendance Policy:** Regular attendance and consistent preparation and participation are expected and required by the American Bar Association, the School of Law, and the professors. Attendance will be taken at every class. Your attendance certifies that you are prepared for class—you have read the assigned material, prepared written assignments, and are ready to participate in class discussions.

*\*Last Updated Spring 2021*

## 608. Intellectual Property Survey

**Credit:** 3 Hours

**Instructor(s):** Prof. Morris (Open to all students)  
Prof. Bagley (Open to First Year JD students only)

**Prerequisite:** None

**Grading Criteria:** Participation/Attendance & Final Exam

**Morris Description:** This course will introduce students to the concept of intellectual property through the three most important forms of intellectual property regimes in the United States: trademarks, copyrights, and patents.

**Bagley Description:** This course will serve as an introduction to patent, trademark, copyright, and trade secret law. The course will explore the policy and legal foundations for these areas of law and the requirements for and scope of protection for each area. The course will introduce the administrative frameworks relevant to patents and trademarks and consider some of the current issues engendered by technological developments and the explore the appropriateness and sometimes unintended consequences of the expansion in subject matter for each for these areas over the past several years. The course will also consider intellectual property transactions and the ways in which they shape and facilitate the distribution, commercialization, and use of ideas, creative expression, technologies, and information. This course is designed both for those who are interested in pursuing IP as a career, and those who are looking only for a basic overview of the subject. There are no prerequisites, and a scientific background is not required.

Morris Attendance Policy: Students are allowed up to 3 absences; 4 or more absences may impact the student's grade for the course.

Bagely Attendance Policy: As required by law school policy, regular attendance is mandatory. I will be taking attendance every day. Excessive absences or tardiness, or lack of participation, can all negatively affect your grade. I understand that this semester due to the pandemic, some students might be sick or will need to go into isolation or quarantine. If you are sick, understand that I will be as flexible about attendance as the ABA Standards and law school policy permit.

*\*Last Updated Spring 2021*

## **628Y. Introduction to Law & Economics**

**Credit:** 3

**Instructor(s):** Prof. Shepherd, J.

**Prerequisite:**

**Grading Criteria:** exam and participation

**Description:** This course introduces students to the economic analysis of the law. Because economics provides a tool for studying how legal rules affect the way people behave, understanding the economic analysis of legal problems has become an important part of a lawyer's education. The ability to predict the effects of legal rules helps the practicing lawyer furnish advice and make arguments before courts. It is also a prerequisite for the evaluation of legal policy. Over the last thirty years, the economic approach has grown in importance in academia as well as in legal and judicial practice. The course will explore several economic methods and concepts and apply them to illuminate and critique familiar areas of law, including criminal law, torts, contracts, property, and civil procedure. There are no prerequisites for this course; a background in economics is not necessary (or even very helpful).

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

## **535B. Intro. to Legal Advocacy (ILA)**

**Credit:** 2 hours

**Instructor(s):** Prof. Carroll; Prof. Cooper; Prof. Kirk; Prof. Mathews; Prof. Romig; Prof. Schwartz; Prof. Pinder; & Prof. Koster

**Prerequisite:** ILARC (or an equivalent course)

**General Grading Criteria:** Class assignments

**Cooper Grading Criteria:** Participation, coursework, attendance, written product

**Enrollment:** This course is limited to first-year students and transfer students who need the course to graduate

**General Description:** This course builds on skills presented in ILARC and introduces students to the process of effectively employing persuasive strategies in both written and oral formats.

**Cooper Description:** This course introduces students to the foundational legal analytical, research, and writing skills necessary to generate effective and well-reasoned predictive legal analysis. Attendance is required at all class meetings and more than two unexcused absences may affect one's grade.

*\*Last Updated Spring 2019*

## 759. Introduction to Financial Compliance

**Credit:** 2

**Instructor:** Prof. Clemons

**Prerequisite:** None

**Grading Criteria:** Participation (25%), Final Exam (75%)

**Enrollment:** maximum 40

**Description:** This course is intended for students with an interest in financial institutions and regulatory compliance, specifically those thinking about working in big law or in-house at a fintech start-up company, looking to effect change in financial services policies and regulations, or planning to work in consulting, compliance, or risk with a consulting firm. Financial services regulatory compliance related to consumer protection is experiencing a boom. Many attorneys and professionals are unprepared to understand the enforcement of the rules and supervision of institutions under state regulators', the Federal Reserve, the FDIC, the Office of the Comptroller of the Currency, and the Consumer Financial Protection Bureau's authority, as these agencies work across many industries and institutions, including banks, credit unions, mortgage companies; student loan companies; auto lenders; payday loan lenders; fintech companies, etc. This course will introduce students to financial services regulatory compliance, and students will familiarize themselves with regulations and trends in financial services. Students will interpret regulations, review cases, and balance real-world business considerations, including financial and reputational consequences, in order to tackle real legal issues and challenges.

**Attendance Policy:** Attendance is strongly encouraged as the course is progressive. Students are expected to arrive on time to each class. Over the course of the semester, students are permitted **one unexcused** absence. Any other absences, including for sickness, family emergency, interviewing, etc. require notification to the professor by email to [morgan.clemons@emory.edu](mailto:morgan.clemons@emory.edu) **prior** to the start of class. Attendance will be taken at the start of each class and will be reported to the registrar's office to the extent required. Any student missing more than three classes will be required to schedule a meeting with the professor to consider options.

*Last updated: Spring 2021*

## **627. Islamic Law (CL)**

**Credit:** 3 Hours (Cross-listed with Cander School of Theology & Undergrad Dept. of Religion)

**Instructor(s):** Profs. Abdugfurov & An-Na'im

**Prerequisite:** None

**Grading Criteria:** Attendance & Final Exam

**Description:** Origins and development of Sharia (Islamic law), review of major fields of the subject (constitutional law - law and religion issues, contract and commercial law, criminal law and international law), the relationship between Sharia and modern legal systems, international law and human rights.

**Attendance Policy:** Very strictly enforced attendance policy: a student who has an unexcused absence in 2 classes is penalized in the final grade, and absence in 3 classes or more will not be allowed to take the final examination, i.e. fail the course.

*\*Last Updated Spring 2019*



## 664. Jewish Law (CL)

**Credit:** 3 Hours (Cross-listed w/ Candler School of Theology & Undergrad Dept. of Religion)

**Instructor(s):** Prof. Pill

**Prerequisite:** None

**Grading Criteria:** Attendance, Participation, Online Discussion Contributions, Final Paper

**Description:** This course explores Jewish law as one of the central organizing concepts of Jewish religion and life. We begin by framing this conversation around some of the central questions that animate Western jurisprudence: What is the nature of law; what are the goals and methods of legal decision-making? With these concerns in mind, we explore the sources, principles, and history of Jewish law before surveying several substantive topics in ritual, civil, and family law that help illustrate the methodologies by which Jewish law evolves and responds to changing contexts. Finally, we explore the ways in which halakhah is both more and less than what most Western observers think of when they think of law. Halakhah is not a set of rules imposed by the state, things that happen in court, or standards that regulate relationships among people and between individuals and society. Halakhah does many of the things that other cultures treat as philosophy, ethics, politics, and theology, while injecting them with a distinctly legal form. While halakhah no doubt legislates the rules and practices incumbent upon Jews, it is simultaneously the primary vehicle through which Rabbinic thinkers have expressed their thoughts on life, love, God, justice, community—basically all of life's greatest questions.

**Attendance Policy:** You are expected to attend all scheduled classes on time. You will be permitted up to two unexcused absences without any detriment to your grade. Each additional absence will result in your Class Participation grade being reduced by one-half point (e.g., from an A- to a B+) unless the absence is cleared with me in advance, or, in case of emergency, as soon as possible thereafter. I will take attendance at the beginning of each class. Students who arrive late should see me after the end of class so they can be marked "present/late." Habitual tardiness over the course of the semester without an adequate excuse will result in a full letter grade reduction to the Class Participation component of your grade. I will warn you in writing if your lateness is approaching "habitual" levels so that you may correct the issue without detriment to your grade.

*\*Last Updated Spring 2021*

## **699C. Juvenile Defender Clinic (EL)**

**Credit:** 3 hours (Experiential Learning Approved)

**Instructor(s):** Prof. Waldman

**Prerequisite:** Evidence (required; can be co-enrolled); Criminal procedure, Kids in Conflict with the Law or Family Law II (preferred)

**Grading Criteria:** Portfolio of student coursework

**Description:** The Juvenile Defender Clinic (JDC) is an in-house legal clinic designed to provide students with an opportunity to provide holistic legal representation to children in delinquency and status offense proceedings. Student attorneys represent youthful clients in juvenile court and provide legal advocacy in special education proceedings, school suspension proceedings, and other forums according to the clients' needs, when such advocacy is derivative of a client's juvenile court case. Through the combination of client representation and class sessions, students will learn to integrate theory with practice in a context-based educational setting.

**Attendance Policy:** Attendance at all clinic meetings and during office hours is mandatory. If you need to miss a clinic meeting for any reason, you must contact Professor Waldman in advance. If you will miss office hours, you must follow the procedures outlined in the Clinic Manual.

**Please Note:** Applications are accepted via Symplicity or e-mail to professor Waldman prior to pre-registration (watch for notices of the application deadline). Students must submit a resume, a statement of interest, an unofficial transcript, and a writing sample.

*\*Last updated Spring 2021*

## 699. Kids in Conflict with the Law

**Credit:** 2 hours

**Instructor(s):** Prof. Waldman, Randee

**Prerequisite:** None

**Grading Criteria:** Participation, Simulation Exercise, Short Paper, & Final Paper

**Description:** The juvenile court was founded in 1899 on the philosophy that children are inherently different from adults, and that the state should take on the responsibility of protecting and rehabilitating young offenders. Beginning in the late twentieth century, the court has undergone both an ideological and an institutional change from its original form. This course will trace the trajectory of juvenile justice in the United States over the course of the last century, from its birth as a separate system in the early 1900s, through the due process revolution of the 1960s and 1970s and the widespread punitive reforms of the 1990s, to the recent rulings on the juvenile death penalty, juvenile life without parole, and juvenile interrogations. We will explore critical issues such as search, seizure, and interrogation of minors; waiver from juvenile to adult court; the unique procedural mechanisms of juvenile courts; sentencing and confinement; and implications of emerging scientific research on adolescent development. Finally, we will explore the relationship between the juvenile delinquency and school systems. Throughout the course, we will focus on two key questions:

- How are juvenile offenders treated differently from adult offenders?
- To what extent should they be?

**Attendance Policy:** Class attendance and participation, jointly, count for 15% of a student's grade. Students are expected to attend each class. Students seeking excused absences for religious holidays or illnesses should notify me by email in a timely manner before the expected absence or need arises. If illness or extenuating circumstances prevent advance notice, students should notify me as soon as possible after the absence.

*\*Last Updated Spring 2020*

## **736A. Law in Public Health**

**Credit:** 2 hours

**Instructor(s):** Profs. Ghosh, Ford, & Stettner

**Prerequisite:** None, but Constitutional Law will be helpful and is strongly encouraged!

**Grading Criteria:** Participation (in-class project); Attendance; & Final Paper/Exam (take home)

**Description:** Law and public health are tightly intertwined. Law school students can benefit from an improved understanding of the legal principles and laws underlying the complex and cross-disciplinary field of public health practice in the United States. This course surveys law as it defines public health and is used by local, state, and federal government agencies as a tool to address contemporary public health problems in the United States. The course specifically addresses foundational sources for public health law in the United States, including constitutional, statutory, regulatory, and case law. It provides an examination of controlling law and emerging legal issues associated with selected topics drawn from public health emergencies; public health surveillance and outbreak investigations; and key public health topical areas, such as environmental issues; vaccination; foodborne diseases; and tobacco use-related problems.

**Attendance Policy:** Class participation and attendance are mandatory. Excused absences will be considered on a case-by-case basis, with prior notification to the instructors. Only two unexcused absences will be permitted.

**Please Note:** Though there are three primary instructors, the course does utilize a selection of guest speakers (attorneys and public health practitioners) from the Centers for Disease Control and Prevention, the Department of Justice, and other public health institutions. The course also includes a tour of the David J. Sencer CDC Museum.

*\*Last Updated Spring 2019*

## **613A. Law of Payment**

**Credit:** 2 hours

**Instructor(s):** Prof. Fraher

**Prerequisite:** None

**Grading Criteria:** Attendance & Scheduled Final Exam

**Description:** This course will provide an overview of the legal and regulatory structure of payment systems in the U.S. These systems include legacy payments such as checks, wire transfers, automated clearing house transactions, and various forms of card based transactions. The course will also cover legal and policy issues related to emerging payments systems, including crypto currencies, faster or "real time" payments (including the Fed's proposal to offer a new service in support of faster payments in the U.S.), and some comparison between payments law in the US and in other countries.

Attendance policy: a student who misses more than two class sessions will become subject to a downward adjustment of her/his final grade

**Attendance Policy:** If a student misses more than two class sessions, that student's final grade in the class will be adjusted downward from the grade they receive on the final examination.

*\*Last Updated Spring 2020*

## **708C. Law & Religion Perspectives: The Law and Religion of American Slavery**

**Credit:** 2

**Instructor(s):** Prof. Savage

**Prerequisite:** None

**Grading Criteria:** Participation, Attendance, Final Paper

**Enrollment:**

**Description:** Addressing the racism against Black Americans in the 21st century requires an understanding of the foundations of the country's beginnings. This course will explore the history of slavery in the U.S. through the interaction of law and religion. It will first analyze the slave codes and predominant religious traditions of pre-Revolutionary America and then review the transformation of American society caused by the First Great Awakening. The provisions of the founding documents, primarily the U.S. Constitution, establishing or protecting that "peculiar institution" will be analyzed. The course will then trace the effects of this establishment after the nation's founding until the Civil War. The course will end with a review of the impact of this early American history of slavery on modern movements to counter racism against Black Americans, as well as the current resurgence of white supremacy. The course will present African slaves and their descendants as actors responding to and shaping the legal and religious traditions of America.

Assessment: Final paper (80%); Engaged Participation (20%)

**Attendance Policy:** Mandatory, no more than 2 absences allowed

*\*Last Updated Spring 2021*

## 747. Legal Profession

**Credit:** 3 hours

**Instructor(s):** Prof. Broyde & Prof. Pinder

**Prerequisite:** None

**General Grading Criteria:** Attendance, Participation & Scheduled Final Exam

**General Description:** The rules and principles of professional ethics, other regulatory constraints on lawyers, the elements of malpractice liability and the values of professionalism. Study of the rules (primarily the ABA's Model Rules of Professional Conduct) and deeper principles that govern the legal profession, including the nature and content of the attorney-client relationship, conflicts of interest, confidentiality, appropriate advocacy, client identity in business contexts, ethics in negotiation, and professionalism.

**Broyde Description:** The rules and principles of professional ethics, other regulatory constraints on lawyers, the elements of malpractice liability and the values of professionalism. Study of the rules (primarily the ABA's Model Rules of Professional Conduct) and deeper principles that govern the legal profession, including the nature and content of the attorney-client relationship, conflicts of interest, confidentiality, appropriate advocacy, client identity in business contexts, ethics in negotiation, and professionalism. Attendance is considered in the final grade.

**Attendance Policy:** Attendance will be taken every class. A student's final grade can be lowered at the professor's discretion for more than two absences.

Note: This is a required course for students seeking a JD degree.

STUDENTS CONSIDERING A LITIGATION FIELD PLACEMENT IN THEIR THIRD YEAR ARE STRONGLY ENCOURAGED TO TAKE LEGAL PROFESSION IN THEIR SECOND YEAR.

*\*Last Updated Spring 2021*

## 621. Literature & Justice/Writers on Trial (CL)

**Credits:** 3 hours (Cross-listed with Laney Graduate School)

**Instructor(s):** Prof. Felman

**Prerequisite:** None

**Grading Criteria:** Attendance; Class participation; 2 Short papers; Reading responses; and Oral presentation.

**Enrollment:** Graduate Seminar, M 4pm-7pm, (Limited to 16; Law School up to 10)!

**Description:** History has put on trial a series of creative thinkers. At the dawn of philosophy, Socrates drinks the cup of poison to which he is condemned by the Athenians for his influential teaching, charged with atheism, and corruption of the youth. Centuries later, in modernity, similarly influential (similarly charismatic and ironically subversive) Oscar Wilde is condemned by the English for his homosexuality, as well as for his provocative artistic style. In France, the most outstanding writers-- Flaubert and Baudelaire -- are both indicted as criminals for their first (shockingly innovative) literary works; Emile Zola is condemned for defending a Jew against the state which has convicted him, and flees from France to England to escape imprisonment.

However different, all these accused have come to stand for something greater than themselves: something that was symbolized -- and challenged -- by their trials. Through the examination of a series of historical and literary legal dramas, this course will ask: Why are literary writers, artists and philosophers, repetitively put on trial, and how in turn do they challenge culture and society? What is the role of art and literature as political actors in the struggles over ethics, and the struggles over meaning?

**Texts:** Texts selected among: Plato's Dialogues; Molière's plays; Shakespeare's plays; Oscar Wilde (Plays, Autobiography, Critical writings); Gustave Flaubert (novels, letters); Charles Baudelaire (poems, criticism, theory of art); Emile Zola (political writings); Herman Melville (novellas); Bertolt Brecht (plays)); Hannah Arendt (Essays, Interviews); Spinoza (Ethics); Sigmund Freud (Psychoanalytic Writings); Jacques Lacan (psychoanalytic seminar); E. M. Forster (novel); Virginia Woolf (novel); Franz Kafka (short stories, parables).

**Particulars:** Regular attendance; Two short papers distributed throughout the course of the semester; Brief oral presentations; Intensive weekly reading assignment (weekly one-page reading reports) and active preparation of texts for class discussion; ongoing participation.



## **652. National Security Law**

**Credit:** 3

**Instructor(s):** Prof. Blank

**Prerequisite:** None

**Grading Criteria:** Scheduled Final Exam

**Description:** This course surveys the framework of domestic and international laws that authorize and restrain the pursuit of the U.S. government's national security policies. Central issues include the sources, foundation and structure of national security law; the participants in the national security system, their constitutional roles, and the nature of power-sharing among branches of government; and the law applicable to specific national security issues such as the use of military force, the activities of the intelligence community, and counter-terrorism activities.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

## **656. Negotiations (EL)**

**Credit:** 2 Hours (Experiential Learning Approved)

**Instructor(s):** Profs. Lytle-Perry; Rumfelt & Miller

**Prerequisite:** None

**General Grading Criteria:** Class preparation/participation and written assignment – No Exam (Lytle-Perry)

**General Description:** This hands-on skills course will explore the theoretical and practical aspects of negotiating settlements in both a litigation and a transactional context. The objectives of the course will be to develop proficiency in a variety of negotiation techniques as well as a substantive knowledge of the theory and practice, or the art and science of negotiations. Each week during class, students will negotiate fictitious clients' positions, sometimes preceded by a lecture and followed by critique and comparison of results with other students. Each problem will be designed to illustrate particular negotiation strategies as well as highlight selected professional and ethical issues. Preparation for class will include the development of a negotiation strategy, reflective written memoranda required.

**Attendance Policy:** See professor

COURSE NOT OPEN TO STUDENTS WHO HAVE TAKEN ALTERNATIVE DISPUTE RESOLUTION IN THE LAW SCHOOL OR NEGOTIATIONS IN THE BUSINESS SCHOOL

## 6584X. Negotiation and Mediation in an International Setting

**Credit:** 2 Hours

**Instructor(s):** Prof. Zwier

**Prerequisite:** None

**General Grading Criteria:** Class participation (60%) and final paper (40%)

**General Description:** After a 7-week overview of strategies and styles in two-party and three-party negotiations and mediations, this seminar will look at complex multiparty international negotiations, including but not limited to: selected issues in Middle East Peace, the civil war in Syria, conflict resolution in South Sudan, and the territorial dispute between Bolivia, Chile, and Peru.

For the first seven weeks our text will be *ADVANCED NEGOTIATION AND MEDIATION THEORY AND PRACTICE: A REALISTIC INTEGRATED APPROACH*, 2d. ed., (NITA) by Paul J. Zwier and Tom Guernsey. Our text for the last seven weeks will be *PRINCIPLED NEGOTIATION AND MEDIATION IN THE INTERNATIONAL ARENA: TALKING WITH EVIL*, by Paul J. Zwier: which deals with research on the wide array of potential approaches to international conflict resolution. The focus of these case studies is taken from The Carter Center's work in Palestine/Israel, Syria, the conflict in South Sudan, and in Bolivia/Peru and Chile. Reading materials during the latter portion of the course is also selected from institutions involved in conflict resolution negotiations, including The Carter Center, and the Geneva-based Center for Humanitarian Dialogue and the Stockholm-based International IDEA. These materials, along with simulations that we will be using, will be provided electronically.

The student's grade will be based on both class participation and a final paper. Students will also engage in "learning-by-doing" simulations, both individually, and in groups, designed to raise negotiation and mediation topics and skills. I will use a "flipped" classroom pedagogy, where the theory and strategy issues will be provided to you either by readings, online video, or pre-negotiation questionnaires. Please note this means you will be expected to spend significant time on your preparation before class. We will typically use the first half of the class to engage in a simulation, and second half to debrief the simulation. The debrief will give instruction and techniques for effective negotiations, advocacy in mediation, and creative problem-solving.

**Attendance Policy:** As required by law school policy, regular attendance is mandatory. Because this class will be taught online, attendance in class means participating in the class via live Zoom. I will be taking attendance every day. Excessive absences or tardiness can negatively affect your grade.

## **754A. Patent Litigation**

**Credit:** 3 Hours

**Instructor(s):** Professor Holz

**Prerequisite:** IP or Patent Law

**General Grading Criteria:** Class participation and final paper

**General Description:** This course covers patent litigation with a focus on U.S. District Court proceedings. Most of the course will follow the sequence of trial-level proceedings, starting with topics like standing and venue, through the post-trial phase. Other planned topics include appeals, post-issuance proceedings at the USPTO, the International Trade Commission, and a brief introduction to international patent litigation. Students should have a foundation in patent law, for example, from prior completion of an intellectual property survey or patent law course.

**Attendance Policy:** See professor

## **630A. Practical Lawyering Skills: Pro Bono in Practice Practicum (EL)**

**Credit:** 2 hours (Experiential Learning Approved)

**Instructor(s):** Prof. Babcock, Sarah

**Prerequisite:** Evidence (concurrently ok) & must become certified under Student Practice Act.

**Enrollment:** Limited to 12 Students!

**Preselection Form:** <https://forms.gle/Br2uhym75QKmzNca7>

([https://docs.google.com/forms/d/e/1FAIpQLSebCa\\_oGydWEszA8Le-HFwBD8gsoDbwwoeEFg1-8FSwl45Xgg/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLSebCa_oGydWEszA8Le-HFwBD8gsoDbwwoeEFg1-8FSwl45Xgg/viewform?usp=sf_link))

**Grading Criteria:** Participation, attendance, mock or real client representation – Final Project

**Description:** This course will provide a holistic overview of pro bono work, examining why lawyers can (and should) do pro bono, discussing how to do pro bono well, and developing practical skills that students can leverage for success in the private law firm context. Through Pro Bono in Practice, students will: (1) explore why lawyers perform pro bono work and address some of the common challenges of doing pro bono work in private practice; (2) discuss the daily realities of poverty and analyze how those circumstances can impact pro bono representation of low-income clients; (3) develop client management, communication, counseling, and interviewing skills; and (4) practice newly developed skills through simulated and (potentially) actual client representations. Attendance at each class session is mandatory and a significant part of the student's grade. Excused absences for illness, religious observance, etc. are permitted.

**Please Note:** This class will include an actual client representation or a simulated client representation. In both cases, it will be necessary to meet with the actual or mock client and attend mediation and/or court outside of class time.

*\*Last Updated Spring 2021*

## 741. Remedies

**Credit:** 3

**Instructor(s):** Prof. Partlett

**Prerequisite:** None

**Grading Criteria:** Scheduled Final Exam

**Description:** Rights in tort, contract, and constitutional law are enforced in court. Whether the remedies that enforce rights are part of the substantive right or supplementary to it, remedies are theoretical and practically essential in understanding, and being fully equipped to practice in, both private and public law. This course will cover legal and equitable remedies. Restitution and monetary damages (including the "rightful position" principle, consequential damages, and damages for dignitary and constitutional harms) form the core, while injunctions "preventive, reparative, and structural" supplement remedies with which students will be familiar from courses in torts, contracts, property, and constitutional law. Other topics will include declarative judgments, contempt, and attorneys' fees, which are necessary to understanding the power of the courts to deliver justice. Reference will be made to the scope of self-help and apology, and similar non-monetary relief.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

## 854. Rights of Prisoners

**Credit:** 3 (EL)

**Instructor(s):** Prof. Geraghty

**Prerequisite:** Constitutional Law

**Grading Criteria:** Class participation, Attendance & Two (2) Legal document-drafting assignments

**Description:** Rights of Prisoners will explore the substantive, ethical, and strategic issues involved in litigating civil rights cases on behalf of people in jail and prison. The United States incarcerates approximately two million people. A basic knowledge of the rights accorded to incarcerated people is an important part of legal education because of the massive sweep and reach of the criminal legal system into the lives of millions of Americans. We will study principles of First, Eighth, and Fourteenth Amendment jurisprudence through the lens of prisoners' rights litigation. Reading materials will include cases, statutes, articles, legal pleadings, and autobiographical accounts of imprisonment. Students will learn basic principles and apply them to litigation using problem sets. This is an experiential learning course with opportunities for drafting legal documents, mock arguments, team case strategy sessions, and self-evaluation. Students will come away with a deeper understanding of constitutional law principles, and the application of those principles in litigation.

**Attendance Policy:** Students are expected to attend class and to take part in discussion of all assigned reading material.

*\*Last Updated Spring 2020*

## 713. Secured Transactions

**Credit:** 3

**Instructor(s):** Profs Pardo. Prof. Sybblis

**Prerequisite:** Pardo: Contracts and Property; Sybblis: N/A

**Grading Criteria:** Pardo: Attendance and Scheduled Final Exam; Sybblis: Participation and Timed Final Exam

**Pardo Description:** This course will examine the creation, perfection, and enforcement of security interests in personal property pursuant to Article 9 of the Uniform Commercial Code (the "UCC"). Every state, the District of Columbia, and the Commonwealth of Puerto Rico have adopted UCC Article 9.

Broadly speaking, a secured transaction is one pursuant to which a debtor agrees to give an interest in some of his or her personal property (i.e., collateral) to a creditor in order to secure repayment of a debt owed to the creditor. As a result of the agreement, the creditor acquires a right to have the collateral seized and sold in the event of the debtor's failure to comply with the repayment terms—that is, a right contingent on the debtor's default. Upon sale of the collateral, the creditor can apply the sale proceeds to satisfy the outstanding debt.

By the end of the semester, students should know: (1) the distinction between secured and unsecured credit; (2) the types of transactions that fall within the scope of UCC Article 9; (3) how UCC Article 9 security interests are created; (4) the types of collateral and obligations that can be subject to a secured transaction under UCC Article 9; (5) the measures that a creditor must take to perfect a security interest in collateral in order to achieve priority over third parties who may make competing claims to the same collateral; (6) the rules for determining the relative priorities of competing claims by various parties to the same collateral; and (7) the remedies available to a secured party after a debtor's default and the protections afforded to a debtor in such a scenario.

**Pardo Attendance Policy:** Students who miss more than 20% of the regularly scheduled class sessions will have their final grade reduced by one quality point on the 4.0 scale (e.g., from a B+ to a C+). Students who miss more than 40% of the regularly scheduled class sessions will receive an F if taking the course for a grade or a U (unsatisfactory) if taking the course pass/fail. Should the law school issue special attendance policies for the Spring 2020 semester, the attendance policy for this course will be revised accordingly.

**Sybblis Description:** This course will examine the creation, perfection, and enforcement of interests in personal property to secure payment or performance of an obligation. The focus will be on secured transactions that fall within the scope of Article 9 of the Uniform Commercial Code, which every state, the District of Columbia, and the Commonwealth of Puerto Rico have adopted. This course does not serve as a substitute for a course on bankruptcy law.

**Sybblis Attendance Policy:** Students are required to regularly attend class.

*\*Last Updated Spring 2021*



## 673. Securities: Brokers/Dealers

**Credit:** 3 Hours

**Instructor(s):** Prof.Terry

**Prerequisite:** None

**Grading Criteria:** In-class quiz and final exam. (Excessive absences can also affect grade)

**Description:** The primary participants in the securities industry are issuers, investors and the intermediaries acting between or on behalf of them, as well as, of course, regulators, This course focuses on the regulators and the intermediaries - broker-dealers and investment advisers, and a new class of intermediaries, crowdfunding portals. My goal is to provide an academic foundation of relevant law, as well as practical guidance relating to issues frequently arising in practice, whether in private practice or an industry participant.

Course coverage will include the SEC and state securities regulators, as well as the Financial Industry Regulatory Authority (FINRA), a self-regulatory body that is the principal day-to-day regulator of broker-dealers and portals. In addition to the SEC and state regulators, FINRA is the entity with which broker-dealers and their counsel will commonly interact with regard to most regulatory matters.

In addition, the course will examine the regulation of investment advisers, a segment of the securities industry that has been growing in size and importance in recent years. Investment advisers are regulated either by the SEC or by state regulators, depending upon their size.

The course will provide insights into the practical considerations of interactions among counsel, clients, and regulators, in both routine compliance settings as well as enforcement matters. In addition to other changes in approaches to capital formation, the course will include a look at the new and evolving crowdfunding sector, including very recent rule proposals (and probably, by the time of the course, new rules) relating to it.

**Attendance Policy:** Attendance is important. A student may miss up to 5 scheduled classes without the imposition of a grade penalty, but each additional class missed will result in a deduction of 3 points from the combined quiz and exam score (of 100). I realize that, if we are “virtual” this semester, participation can be challenging, but I still encourage it and will try to facilitate it. I like questions and discussion! Ask questions! Make comments! If you do, I promise you will get more from the class.

**Grading Criteria and Textbook:** In-class closed-book objective quiz on the last scheduled class day (30%) and open-book scheduled final exam (70%). Attendance may also affect the final grade. There is no textbook for the class. I will assign readings from various sources, including articles and opinions of various tribunals. The readings themselves, or links to them, will be provided. We will also make frequent reference to various statutes, rules and regulations, all of which are readily available online.

*\*Last Updated Spring 2021*

## 667. Securities Regulation

**Credit:** 3 Hours

**Instructor(s):** Prof. Terry

**Prerequisite:** Business Associations (If you are a non-JD and have not taken BA but are interested in this course, please contact the professor)

**Grading Criteria:** There will be a closed-book scheduled final exam. Attendance may also affect the final grade.

**Description:** A study of federal and state regulation of the coverage of federal and state securities laws, the issuance and transfer of securities and the attendant potential liabilities. My goal is to provide an academic foundation of relevant law, as well as practical guidance relating to issues frequently arising in practice, whether in private practice or an industry participant.

Course coverage will include both the securities registration process and the availability of exemptions from registration. Recent developments in securities regulation, including expanded exemptions and tools (such as crowdfunding), and the growth of "cybersecurities," are also considered.

**Attendance Policy:** Attendance is important. A student may miss up to 5 scheduled classes without the imposition of a grade penalty, but each additional class missed will result in a deduction of 3 points from the combined quiz and exam score (of 100). I realize that, as a "virtual" class, participation can be challenging, but I still encourage it and will try to facilitate it. I like questions and discussion! Ask questions! Make comments! If you do, I promise you will get more from the class.

**Textbook:** The textbook is Securities Regulation: Cases and Materials, Cox, Hillman et al, 9th Edition (Aspen Casebook Series). From time to time, I will also assign readings from various other sources. I will provide those readings or links to them. We will also make frequent reference to various statutes, rules and regulations, all of which are readily available online.

*\*Last Updated Spring 2021*

## 693. Sports Law

**Credit:** 3 Hours

**Instructor:** Prof. Mack

**Prerequisite(s):** First-year required courses

**Grading Criteria:** Participation, Attendance, In-class Presentation, & Scheduled Final Exam

**Description:** This course explores how various bodies of substantive law and regulation are applied in the context of the sports industry— as it relates to both professional and amateur athletics. The course examines the legal relationships, duties and obligations among college and professional athletes, teams, leagues, agents, universities, coaches, governing bodies, sports facilities, licensees, and fans as threaded together through contract, antitrust, labor, intellectual property, constitutional, and tort law. Students will also study the impact that sports have on society, community, education and the human experience. Students will learn the concepts explored in this class through a variety of interactive experiences including but not limited to traditional lecture, mock negotiations, oral presentation, legal research and writing, basic contract drafting exercises and guest lectures.

**Attendance Policy:** Attendance will be taken at the start of every class meeting. Students who are unable to attend class on a given day should notify me prior to the class. Please arrive to class on time. If for some reason you cannot attend class, you are required to send me an e-mail notifying me of your absence. Excessive unexcused absences (more than THREE) may result in a forced withdrawal from the course. Your first two absences are free, meaning they do not require any excuse or justification to be excused (“freebies”). You will only need to email me to notify me of your absence.

Absences accrued beyond the allotted "freebies" are required to have a valid justification or excuse. Please send me an email to provide said excuse and accompanying evidence of your required absence. If you miss more than two classes after the add/drop period, you MUST see me. Failure to follow the procedures outlined in this policy and/or excessive absence can negatively impact your grade.

*\*Last Updated Spring 2020*

## **641. Tax Controversies**

**Credit:** 2 Hours

**Instructor(s):** Prof. Craft (Loechel)

**Prerequisite:** Fundamentals of Income Tax or Federal Income Tax: Individual

**Grading:** Writing Assignment, Participation, & Scheduled Final Exam

**Description:** This course will focus on the resolution of federal tax controversies through both administrative procedures and litigation. Specifically, we will consider filing requirements, audit procedures, administrative appeals, deficiencies, assessments, penalties, interest, and the statute of limitations. Additionally, we will take a practical approach to problems and considerations arising in the litigation of cases before the U.S. Tax Court, District Court, and the Court of Federal Claims, including jurisdictional, procedural, and evidentiary issues. We will examine the choice of forum, pleadings, discovery, privileges, and tax trial practice. Finally, we will discuss summons enforcement litigation, civil litigation, levy and discharging, and the tax lien and its priorities.

**Attendance Policy:** Attendance is required. If possible, please notify me in advance if you will miss class. Class participation will be factored in to final grades.

*\*Last Updated Spring 2021*

## 724. Transitional Justice

**Credit:** 3 hours

**Instructor(s):** Prof. Ludsin

**Prerequisite:** None **Enrollment:** N/A

**Grading Criteria:** Participation, Attendance, Two (2) Short Assignments, & Take-home Final Exam

**Description:** This course explores the legal issues and real-life challenges in countries emerging from dictatorship, repression and armed conflict. Class sessions and reading materials examine key transitional justice principles and debates, the workings of multiple transitional justice mechanisms, and the dilemmas arising in societies transitioning from conflict and repression. In particular, this course will focus on:

- The history and theories that underlie transitional justice;
- The central goals of transitional justice and the interplay and friction between and among these goals;
- The central international law frameworks for transitional justice;
- The constituent elements, mechanisms and tools used to achieve key transitional justice goals;
- The key challenges related to the design and implementation of core transitional justice mechanisms;
- Contemporary transitional problems in several current conflicts.

**Attendance Policy:** Class attendance is mandatory; repeated absences or tardiness can negatively affect your grade.

*\*Last Updated Spring 2020*

## 671. Trial Techniques (EL)

**Credit:** 2 Hours (Experiential Learning Approved)

**Instructor(s):** Prof. Ginsberg

**Prerequisite:** Evidence

**Grading Criteria:** Attendance at all sessions in May & Active Participation

**Description:** Trial Techniques is a "learning-by-doing" course. The students will receive instruction on various trial skills and then be asked to perform those skills. The Spring sessions will focus on case analysis, direct and cross examination, impeachment, and use of exhibits at trial. The May sessions will take the students through a entire case, with a Daubert hearing mid-week and a jury trial on the final day of the program.

**Attendance Policy:** Because of the integrated nature of the program, attendance is mandatory. Students may request one excused absence of one Spring session class or one-half day of the May session. Excused absences will be granted at the sole discretion of the Director of Trial Techniques, and make up work will be required. Because Trial Techniques is mandatory, a student who fails to complete the course will have to repeat the course in the following year.

**Please Note: This course is required for all 2L Students.** Also, the Spring regular sessions will take place on the following dates: TBD and the Trial Techniques week will run May 8 – 14.

*\*Last Updated Spring 2021*

## 697C. Turner Environmental Law Clinic (EL)

**Credit:** 3 hours (Experiential Learning Approved)

**Instructor(s):** Prof. Goldstein

**Prerequisite:** Environmental Advocacy or Environmental Law are strongly preferred (but not required) pre-requisites or co-requisites.

**Enrollment:** Directly to professor

**Grading Criteria:** participation, attendance, and casework

**Description:** The Turner Environmental Law Clinic provides important pro bono legal representation to individuals, community groups, and nonprofit organizations that seek to protect and restore the natural environment for the benefit of the public. Through its work, the Clinic offers students an intense, hands-on introduction to environmental law and trains the next generation of environmental attorneys. The key matters occupying the Clinic's current docket – fighting for clean and sustainable energy; promoting regenerative agriculture and local food systems; and protecting our water, natural resources, and coastal communities – are among the most critical environmental issues for our city, state, region, and nation. The Clinic's students benefit and learn from immersion in these real-world representations, and they take part in all aspects of complex civil litigation, present arguments at administrative hearings, draft and negotiate transactional documents, and work on legislative and policy issues at the local, state, and national levels. Students will leave the Clinic with newfound expertise and confidence, and will also understand from firsthand experience the importance of providing public interest environmental representations.

**Attendance:** The Law School has issued special attendance policies for this term. Absent an administrative waiver, a student who misses more than 25% of the weekly Clinic meetings may be subject to any of the following sanctions: reduction in final grade, denial of permission to complete coursework or sit for the exam, or receipt of a grade of F (failing).

*\*Last Updated Spring 2021*

**599. US Culture & Language for Law (MCL only)**

**Credit:** 1 hour

**Instructor(s):** Prof. Schaetzel

**Prerequisite:** None

**Grading Criteria:** Pass/Fail

**Description:** This seminar is designed to prepare students for the teaching and learning in US law classes and to give them an opportunity to review the principles of US academic legal discourse. It introduces students to how professors expect them to learn in US law classes, to US written discourse structure, to using and attributing source materials, and reviews legal English sentence structure, grammar, and mechanics. Students will practice the skills they learn through the development and writing of a short paper.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*



## Upper-Level Seminars

Upper-level seminars allow JD students to meet the upper-level writing degree requirement by writing a 30-page paper.

### **SEM. 837. Animal Law**

**Credit:** 3 hours

**Instructor(s):** Prof. Satz

**Prerequisite:** None

**Grading Criteria:** Paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 16 Students

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** Animal law is a burgeoning field. Over 135 law schools in North America offer courses in animal law, six specialty journals are devoted to the topic, and at least one poll indicates a career in the area is in the top seven of all desired careers. Whether it is our clothing, food, household products, companions, or back yards, our daily lives are touched by animals.

Nonhuman animals are considered property under law, and a sprawling body of federal and state civil and criminal law regulates human use of them.

This seminar will explore our legal and ethical obligations to nonhuman animals, focusing on domestic animals. Selected topics may include: conceptions of animals, standing to sue on behalf of animals, preemption of animal protection statutes, companion animal abuse, breed discrimination, exotic pets and public health, veterinary malpractice, farm animals, hunted and poached animals, exhibited animals, service and emotional support animals, police and military dogs, exhibited and entertainment animals, laboratory animals, animals used for fiber and medicine, animals and religious freedom, and animal trusts and custody.

The seminar is divided into eleven topics from which we will choose eight or nine. Longer topics may be discussed over two weeks or covered in part. I estimate we will spend ten to eleven weeks on the topics and a few weeks on our class conference.

*\*Last Updated Spring 2021*

## **SEM. 796. Counterterrorism**

**Credit:** 3

**Instructor(s):** Prof. Carson

**Prerequisite:** None, although courses such as National Security Law and International Humanitarian Law would be helpful

**Grading Criteria:** Paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 16 Students

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** This course will expose students to the major principles of U.S. counterterrorism law. This course will highlight the wide range of legal issues implicated by such laws and efforts both domestically (CONUS) and abroad (OCONUS). This course will be rooted in legal foundations, although conversations will also include relevant policy considerations. Through this course of instruction, students will analyze issues involving international and domestic law as it relates to counterterrorism activities, the authorities for use of force, offensive operations overseas, surveillance of terrorists, capture, detention, and interrogation of terrorism suspects, prosecutions in military commissions and domestic courts, and other legal authorities for addressing terrorism-related issues.

**Attendance Policy:** Mandatory attendance at weekly lectures. Participation is 30% of final grade.

*\*Last Updated Spring 2021*

**SEM: 823. Family Law: From Partners to Parents (CL)**

**Credit:** 3 Hours (Cross-listed w/ WGS 730)

**Instructor(s):** Prof. Fineman

**Prerequisite:** None

**Grading Criteria:** Paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 16 Students!

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** This seminar will explore the trends in family law governing marriage and parenthood over the past several decades. During the latter part of the 20th century, substantial changes in behavior have occurred, reflecting attitudinal shifts about women's equality, sex and sexuality, and the importance and permanence of the marriage bond. Often identified as battlegrounds in the "cultural wars," these are areas where the law has scrambled to adjust to evolving expectations and emerging notions of equity and equality. We will look at "traditional" marriage, challenges from those excluded from marriage, the "breakdown" of marriage, and alternatives to formal marriage, such as contract and non-marital cohabitation. Laws governing the parent-child relationship have also changed in response to or as part of the disruption of the traditional family model. The very idea of absolute parental rights has been questioned as the child has partially emerged from the cloak of family privacy and is seen as an independent rights holder in some circumstances. The seminar will also consider how new technologies and altered attitudes about assisted reproduction have presented unique challenges for the law in regard to who is or how one becomes a parent.

*\*Last Updated Spring 2021*

## **SEM. 840M. FinTech Law & Policy**

**Credit:** 3

**Instructor(s):** Prof. Johnson

**Prerequisite:** Business Associations (concurrent enrollment permitted)

**Grading Criteria:** 30-page research paper, several short papers & class participation (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 16 Students

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** This seminar will focus on the role of technology in transforming and democratizing the development and delivery of traditional financial services including, banking, capital and credit markets, investment advisory services and consumer financial services. This seminar examines the impact of the integration of financial technology (“FinTech”) on market dynamics, the competition among conventional and emerging financial institutions, and the evolution of consumer financial services firms and platforms. This course provides a basic introduction to innovation adopted by FinTech platforms such as decentralized distributed digital ledger technology (commonly described as blockchain applications and used to originate cryptocurrency) and artificial intelligence. The seminar will explore the opportunities for FinTech platforms to expand access to banking, investment and financial services as well as data privacy, cybersecurity and risk management concerns. The seminar will examine the limits of existing financial, legal and regulatory systems, and the potential for the development of alternative systems.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

**SEM: 783. Law & Morality**

**Credit:** 3 Hours

**Instructor(s):** Prof. Perry

**Prerequisite:** None

**Grading Criteria:** Participation & Paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 16 Students!

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** In this seminar, we will address several questions concerning the proper relationship of morality, including religiously based morality, to law. We will do so in part by discussing two books: John Finnis's now-classic book, *Natural Law and Natural Rights*, and Nigel Biggar's important new book, *What's Wrong with Rights?* Students will write a paper (in lieu of a final exam). The possible paper topics include divisive legal controversies that are also divisive moral controversies, prominent contemporary examples of which concern abortion, capital punishment, same-sex marriage, and physician assisted suicide.

*\*Last Updated Spring 2021*

**SEM: 833. Law & Vulnerability (CL)**

**Credit:** 3 Hours (Cross-listed w/ WGS 585)

**Instructor(s):** Prof. Fineman

**Prerequisite:** None

**Grading Criteria:** Paper (Satisfies Upper-Level Writing Requirement)

**Enrollment:** Limited to 16 students!

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** This seminar explores the relationship between law and vulnerability from both a theoretical and a practical perspective. The course is anchored in the understanding that fundamental to our shared humanity is our shared vulnerability, which is universal and constant and inherent in the human condition. It will offer students an opportunity to engage with multiple perspectives on vulnerability, with an emphasis on law, justice, state policy, and legislative ethics. While vulnerability can never be eliminated, society through its institutions confers certain "assets" or resources, such as wealth, health, education, family relationships, and marketable skills on individuals and groups. These assets give individuals "resilience" in the face of their vulnerability. This seminar will explore how a society now is structured, however, certain individuals and groups operate from positions of entrenched advantage or privilege, while others are disadvantaged in ways that seem to be invisible as we engage in law and policy discussions.

*\*Last Updated Spring 2021*

## **SEM. 950. Law, Institutions and Growth**

**Credit:** 3

**Instructor(s):** Prof. Sybblis

**Prerequisite:** First Year Law School Curriculum (especially contracts and property)

**Grading Criteria:** Attendance, Participation and Paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 16 Students

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** This seminar will study a range of theories that seek to explain the relationship between law and economic development. We will explore development through the lens of legal institutions in developing countries and consider at a high level the influence of international organizations (including the International Monetary Fund (IMF), World Trade Organization (WTO), United Nations (UN) and World Bank (WB)) on the transformation of domestic legal institutions. We will also seek to place legal reforms aimed at economic growth in their appropriate context (cultural, historical and political).

There will be guest speakers for some class meetings.

**Attendance Policy:** See professor

*\*Last Updated Spring 2021*

## **SEM. 951. Law, Rights, and Privacy in the Surveillance Society**

**Credit:** 3

**Instructor(s):** Prof. Cloud

**Prerequisite:**

**Grading Criteria:** Paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to 15 Students

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** The seminar will examine the fundamental and unpredictable twenty-first century upheaval in human society—including politics, economics, communications, education, social media, commerce, human relationships, and of course, law and the nature of rights—through which we are living. Much of our work will be organized around a recent, highly celebrated book: SHOSHANA ZUBOFF, *THE AGE OF SURVEILLANCE CAPITALISM: THE FIGHT FOR A HUMAN FUTURE AT THE NEW FRONTIER OF POWER* (2019). The book is available in hardcover (ISBN No. 978-1-61039-569-4) and ebook (ISBN No. 978-1-61039-570-0) formats.

The first part of the semester will be devoted to discussions of issues raised in Zuboff's book, the second part will be devoted to discussions of student papers. Class will meet once a week for two hours. Students will have great latitude in selecting the topics for their papers. Each student's grade will be based upon both class participation and the written paper.

**Attendance Policy:** Because the class meets only once each week, attendance is mandatory. Requests for permission to miss a class must be personally approved by Professor Cloud.

*\*Last Updated Spring 2021*



## **SEM. 838. Product Liability**

**Credit:** 3

**Instructor(s):** Prof. Zwier

**Prerequisite:** None

**Grading Criteria:** Paper -75% (Satisfies Upper-level Writing Requirement) and Performance in simulations (25%)

**Enrollment:** Limited to 16 Students

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** After a review of history of products liability common law and regulation, this seminar will use negotiation theory and practice and advocacy exercises to examine various hot topics involving products liability litigation, including but not limited to: Automotive litigation, Toxic Substances, (including asbestos, tobacco), and related problems in mass torts, Pharmaceutical Litigation, including the use of the False Claims Act, and state consumer protection laws, and the involvement of state's attorney generals and their private contracting with law firms to prosecute consumer protection laws. Our texts are Owen and Davis, Products Liability and Safety: Cases and Materials, 8th ed. and the 2020 Case and Statutory Supplement. Additionally, students will engage in "learning-by-doing" simulations designed to raise advanced negotiation and advocacy topics and skills. The student's grade will be based on a paper and class participation.

**Attendance Policy:** Class participation and regular class attendance is expected.

*\*Last Updated*

## **SEM. 736Y. Public Health Law**

**Credit:** 3

**Instructor(s):** Prof. Price

**Prerequisite:** None

**Grading Criteria:** Participation, presentation, and paper (Satisfies Upper-level Writing Requirement)

**Enrollment:** Limited to those pre-selected, remaining seats will NOT be made available during Open Enrollment.

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** This seminar provides an opportunity to write a paper on a topic related to public health law. During the first two-thirds of the semester, reading assignments will include the control of pandemics (both globally and in the U.S.), federal and state government health powers, constitutional limitations, and public health emergency law. The remainder of the semester will be devoted to presentations by students based upon a draft of their seminar papers. Student papers are not limited to the topics covered in the seminar readings, but may be written upon a broad range of topics as approved by the instructor.

**Attendance Policy:** Attendance and preparation for class are required and your grade will reflect both. If you have to miss a class, you must inform your professor in writing before the class you will miss. In the absence of special circumstances approved by the professor, you may not miss more than two classes during the semester

*\*Last Updated Spring 2021*

## SEM: 806A. The Right to War - The Legality of Armed Interventions

**Credit:** 3 Hours

**Instructor(s):** Prof. Van der Vyver

**Prerequisite:** None

**Grading Criteria:** Paper (Satisfies Upper-Level Writing Requirement)

**Enrollment:** Limited to 16 Students!

**Preselection Form:** <https://emorylaw.wufoo.com/forms/lsr-spring-2021-seminar-preselection/>

Students must apply during the pre-selection window. (For Spring 2021 the window runs October 20, 10:00 AM EST to October 21, 12:00 PM EST.)

**Description:** For many years now, the international community of states have attempted to place an embargo on the use of force as a means of settling international disputes. Article 2(3) of the Charter of the United Nations thus provides: "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered." The UN Charter authorized military action in two instances only, namely (a) if the Security Council authorizes an armed intervention as a means of counteracting a situation that constitutes a threat to the peace, a breach of the peace, or an act of aggression (art. 42), and (b) as a matter of individual or collective self-defense if an armed attack occurs against a Member of the United Nations (art. 51). This raises the question of whether or not the UN Charter deals comprehensively with instances of armed conflicts that would be lawful under contemporary rules of international humanitarian law.

The United Nations itself recognized armed interventions not mentioned in the UN Charter, for example in the Uniting for Peace Resolution of 1950 affording to the General Assembly the competence to authorize military action to counteract a breach of the peace or an act of aggression, by supporting wars of liberation against colonial rule, foreign occupation, or a racist regime, and by extending the provisions of Article 51 to legalize pre-emptive self-defense action. There is furthermore overwhelming support for upholding the legality of humanitarian intervention to protect a population from acts of supreme repression by their own government. Currently, the ISIS crisis has prompted the development of an emerging norm of *jus ad bellum* which contemplates the legality of an armed intervention against perpetrators of terrorism if the Government of the State from which those acts of terror violence are being launched is either unwilling or unable to counteract the atrocities.

In laboring the above principles of law, reference will be made to (a) armed interventions authorized by the Security Council (the Korean War, Operation Desert Storm and airstrikes in Libya,); instances of humanitarian interventions (NATO airstrikes in Serbia, and military interventions in Syria contemplated by France, the United Kingdom, and the United States following the use of chemical weapons by the Syrian Government against rebel groups in that country); and acts of aggression committed by the United States (in Nicaragua in the 1980's pursuant to the Reagan Doctrine, and the Gulf War of 2003), and by the Russian Federation (in Georgia and in Ukraine).

A special emphasis of the seminar is the current state of affairs relating to the prosecution of the crime of aggression in the International Criminal Court.

Students are required to submit a 30-page essay on an approved topic within the confines of the seminar focus.

**Textbook:** Johan D. van der Vyver, *Acts of Aggression and Prosecuting the Crime of Aggression* (2015).

*\*Last Updated Spring 2018*

## Juris Master Online Courses

These classes are only available to Juris Master students.

### **590E. Analysis, Research and Communications for Non-Lawyers**

**Credit:** 3 hours

**Grading Criteria:** Regular Assignments & Final Project

**Description:** This course will provide an introduction to legal analysis, research and effective legal writing. Students will be introduced to the fundamentals of legal analysis and the structure of legal information. Students will learn how to navigate multiple legal resources to discover legal authority appropriate for different types of legal analysis and communications. Students will learn the concepts of effective legal analysis and will develop the skills necessary to produce objective legal analyses.

### **730E. Business Transactions in Practice: The fundamentals of making a deal**

### **520E. Contract Law**

### **629E. Corporate Health Law**

### **672E. Data Management Protection, Cyber Security, Privacy**

### **570E. Introduction to the American Legal System ("IALS")**

**Credit:** 2 hours

**Grading Criteria:** Attendance/Participation, Oral Presentation, & In-class Final Exam

**Description:** This course provides an overview of the constitutional principles, history, and governmental structures that shape the U.S. legal system; the constitutional foundations of the U.S. legal system, including the concepts of separation of powers and federalism; the structure of the state and federal court systems and concepts of jurisdiction; the mechanisms by which the law is assessed and applied by the courts; the relationship between law and society; the primary subject areas of first-year legal study; the role of lawyers and non-lawyers in the management of legal matters; and legal analysis and advocacy skills.

### **599E. Kick Off Residency & Orientation**

### **747E. Law and Legal Professionals**

### **736E. Public Health Law**