

MARQUETTE UNIVERSITY LAW SCHOOL

COURSE DESCRIPTIONS

ACADEMIC YEAR 2015-2016

1L CURRICULUM

7000

Civil Procedure

4 Credits

An examination of the progression of civil cases, including jurisdiction, pleading, discovery, pretrial practice, the civil trial process, and post-verdict proceedings. The principal objectives of the course are to equip students with an understanding of the civil litigation process, to contrast the processing of a civil case with that of a criminal case, and to explore the roles of plaintiff and defense counsel.

7001

Constitutional Law

4 Credits

An introduction to the constitutional system of the United States, organized around 1) the judicial role in the constitutional scheme; 2) the allocation of power between the national government and the states; 3) the division of authority among the branches of the national government; and 4) the limitations imposed upon both national and state government for the protection of individual rights. The course exposes students to alternative theories of constitutional interpretation and contrasts constitutional decision-making with the resolution of disputes under statutory or common law.

7002

Contracts

4 Credits

An examination of the principles governing the formation, performance, and enforcement of promissory obligations. The principal objective of the course is the development of the foundational skills of legal reasoning and legal analysis, skills that the course seeks to develop principally by examining how judge-made common law rules emerge and evolve and how lawyers facilitate that evolution through the representation of clients. In addition, the course will contrast the challenges to the lawyer posed by common-law rules with those posed by statutes and constitutions.

7003

Criminal Law

3 Credits

A study of the sources and purposes of the criminal law, the definition of crimes, theories of group criminality, and defenses to criminal liability. This course will introduce students to the interpretation and construction of statutes, the use of statutory codes, and will explore the dynamics of the relationship between courts and legislatures.

7004 **3 Credits**
Legal Analysis, Writing and Research 1

This course is the first of two courses that introduce students to researching the law, analyzing how the law applies to a set of facts, and writing a document that reflects that research and analysis. Legal Analysis, Writing, and Research 1 focuses on predictive legal writing.

7005 **3 Credits**
Legal Analysis, Writing and Research 2

This course builds on the skills learned in Legal Analysis, Writing, and Research 1. The course teaches students how to implement the legal research process using both print and electronic media, how to analyze the results of that research, and how to write a document that reflects that research and analysis. Legal Analysis, Writing, and Research 2 focuses on persuasive writing.

7006 **4 Credits**
Property

This course focuses on ownership, the varieties of interest in land, considerations in the buying and selling of land, and the control of land use through private arrangements and the common law of nuisance. The course also emphasizes multi-stage analysis of legal problems, the intersection of diverse doctrines, and the unique concerns in the practice of transactional law.

7007 **4 Credits**
Torts

A study of claims and defenses relating to civil liability for the infliction of harm to person and property. Uses of the civil process in shaping and presenting tort actions will also be addressed. The course also will trace the evolution of the common law related to civil liability. Students will consider how social policy shapes the civil duties that are assigned, the standards for the level of care that are imposed, the causation that is recognized, and the damages that are allowed.

UPPER-LEVEL REQUIRED COURSES

7191 **3 Credits**
Evidence

Survey of the law of evidence, focusing upon the Federal Rules of Evidence and corresponding Wisconsin rules. Subjects covered include evidentiary burdens and presumptions, relevancy, hearsay, impeachment and examination of witnesses, selected privileges, and authentication of physical and demonstrative evidence.

7266 **3 Credits**
The Law Governing Lawyers

An introduction to legal and ethical principles governing lawyers, the legal profession, and the practice of law. Study of the principal ways in which lawyers are regulated -- through bar admission, lawyer disciplinary actions, and legal malpractice suits. The course explores the lawyer-client relationship and the scope and limits of duties owed to the client, the legal system, and third parties.

7332 **3 Credits**
Trusts and Estates

Examination of intestate succession, wills and various will substitutes, inter vivos and testamentary trusts, future interests in real and personal property, and problems arising in the administration of decedents' estates and trusts.

GENERAL ENROLLMENT COURSES

Students who have not completed the entire 1L curriculum must consult with the Associate Dean for Academic Affairs prior to enrolling in upper level courses.

Course prerequisites are found on the Course Prerequisite List.

7101 **3 Credits**
Administrative Law

A study of state and federal procedures, including the creation and operation of agencies and their relationship to the courts. Special attention is given to administrative investigation, adjudication, and rule making. *Satisfies the Law School's process elective requirement.*

7102 **3 Credits**
Advanced Civil Procedure

An examination of procedural aspects of civil litigation that builds upon and goes substantially beyond the mandatory first-year course. Particular attention will be paid to (1) certain aspects of Wisconsin civil procedure that differ from those of the federal system, and (2) various aspects of complex litigation, such as class actions, joinder, and multidistrict litigation. Additional topics may include extraordinary writs, settlements, and perfecting appeals. *Satisfies the Law School's process elective requirement.*

7105 **Alternative Dispute Resolution** **3 Credits**

An examination of extrajudicial methods of dispute resolution, including negotiation, mediation, arbitration and mini-trials. *Satisfies the Law School's process elective requirement.*

7106 **Amateur Sports Law** **3 Credits**

This course covers various amateur sports law issues and focuses on legal regulations of interscholastic, intercollegiate, and Olympic sports. Topics covered may include constitutional law, tort law, contract law, Title IX gender discrimination, federal disability discrimination laws, the legal relationship between a university and its student athletes, regulatory authority of the National Collegiate Athletic Association, United States Olympic Committee, and high school athletic associations, antitrust law, resolution of disputes affecting Olympic sports (including the jurisdiction and operation of the Court of Arbitration for Sport), and regulation of private education institutions and sports associations.

7108 **American Legal History** **3 Credits**

This course examines selected topics in American legal history. It focuses on the emergence of legal doctrines (e.g., contract, property, criminal law) and institutions (e.g., the changing roles of judges) in the broader social, cultural and political context. *Satisfies the Law School's perspectives requirement.*

7110 **Antitrust Law** **3 Credits**

Examination of the application of the Sherman, Clayton, and Federal Trade Commission Acts to typical antitrust cases. Emphasis on the application of federal and state statutes to such business practices as price-fixing, exclusive dealing, trade association practices, tying, monopolization, and conspiracy to monopolize.

7115 **Aviation Law** **2 Credits**

This course serves as an introduction to the law of aviation and as a survey of legal issues associated with modern aviation. It covers the basic legal framework of aviation law including international treaties, federal and state statutes, federal and state regulations, and case law. The course will include an introduction to the governmental regulation of aircraft, air carriers, pilots, and airports. Specific topics will include aircraft ownership, control of airspace, airport land use, aircraft manufacturing and certification, accident litigation, and aviation insurance. The course will deal with the laws that govern the safety and economics of recreational and commercial air transportation.

7120 **Bankruptcy Jurisdiction and Procedure** **2 Credits**

A study of the jurisdiction, procedures and practices in Federal Bankruptcy Court. Areas of study would include, but not be limited to, the Bankruptcy Court's Jurisdiction and Venue, Concurrent

Jurisdiction and Venue, Concurrent Jurisdiction with State Courts, Jury Trials, Adversary Proceedings, Motions and Appeals. Students will receive training in the electronic filing of pleadings in the Bankruptcy Court's CM/ECF system.

7125

3 Credits

Business Associations

This course examines the laws and principles of agency. It also explores the laws that regulate, the characteristics of, and the policies behind, different business organizations, including partnerships, limited liability companies and corporations, with a focus on the closely-held corporation. Topics covered with respect to these business organizations include: entity formation, capital structure and financing, the rights and obligations of the equity holders and managers, and fiduciary duties of managers.

7128

2 Credits

Business Basics for Lawyers

This course introduces basic business, economic, and finance concepts and issues to students with little or no business knowledge or experience. The course aims to reduce the insecurity that not knowing these basic concepts and issues can produce in students entering foundational post-1L courses dealing with, e.g, business associations, taxation, antitrust, securities, bankruptcy, and real estate. The material discussed in the course also will prove useful to students pursuing studies in areas such as divorce, estate planning, and small business. The course will introduce students to issues such as debt and equity, interest rates, present value, real estate, accounting and financial reporting, securities, trading in stocks and bonds, and related topics.

7126

3 Credits

Business Torts

Examination of law relating to such business torts as business defamation, product disparagement, interference with contractual obligation, and wrongful discharge.

7135

3 Credits

Constitutional Law 2: Speech and Equality

Focus on the principal individual rights protections of the United States Constitution: Equal protection, including race and sex discrimination and the emerging conflict over "reverse" discrimination; freedom of expression, including the law of subversive advocacy, defamation, obscenity, and commercial speech; and the problem of state action, the relationship between the Constitution and private discrimination. *Satisfies the Law School's public law requirement.*

7142

3 Credits

Community and Economic Development

Community and Economic Development (CED) Law fills the gap when market forces are not sufficient to provide low-income communities with the affordable housing and other services they need. Topics include an overview of the real estate development process, an in-depth analysis of incentives used by the CED industry such as low-income housing tax credits, HOME funds, New Market Tax Credits, Renewable Tax Credits, Tax Incremental Districts, Business Improvement Districts, Brownfields incentives, and other resources. An emphasis is

placed on how entrepreneurship and the real estate development process in core urban areas differ from entrepreneurship and development driven by market forces. Students interested in real estate law, contracts, small businesses law, tax law, non-profit law and urban issues will benefit most from this course.

7144

3 Credits

Community Prosecution

In this course, students will examine the shift of American prosecutors away from a response-driven model to an innovative and nationally recognized proactive model focused on preventing crime and increasing quality of life. Prosecutors across the United States are embracing the idea that communities are the central institution for crime prevention, and the success or failure of prosecutors, police, schools, and families are dependent on that community foundation. Community Prosecutors are now asked to use their legal knowledge in the field with police officers, use their communication skills to reach out to community members, use their courtroom and trial skills to prosecute the most violent criminals, and use their creativity to fashion appropriate alternatives to traditional prosecutions.

7143

2 Credits

Comparative Criminal Law and Procedure – in Spanish

This course will compare criminal law and procedure under Wisconsin law with criminal law and procedure in Latin American legal systems. Focus will be on the 1971 Latin-American Model Penal code, drafted by a group of leading scholars. Students will also examine some penal codes currently in force in Latin-American countries, comparing them to selected Wisconsin criminal statutes and cases. Students will not only gain insights on Latin-American legal solutions, but also will achieve a better understanding of American criminal law. An additional goal is to teach students the specialized legal Spanish necessary to represent Hispanic clients in criminal cases. The class will address ethical and practical considerations in working with interpreters, attorney-client relations, cultural competency and client education. Because the class will be taught in Spanish, students should be able to speak and write well enough in Spanish to benefit from the course.

7132

3 Credits

Comparative Law

This course is the study of the Civil Law tradition and the Common Law tradition. These are the two most common types of legal systems in the world. Students are expected to compare their Common Law training to that of the Civil Law tradition and consider what theoretical and legislative lessons can be learned from the comparison. *Satisfies the Law School perspectives requirement.*

7134

3 Credits

Constitutional Criminal Procedure

Focus on constitutional issues relating to the investigative stage of a criminal case. Issues considered include investigative detention; arrest, search, and seizure; interrogation of suspects; and procedures used to identify suspects. *Satisfies the Law School's public law requirement.*

7137

Contemporary Legal Issues

1-3 Credits

Courses on various contemporary legal issues proposed by faculty members and approved by the Law School Curriculum Committee. Courses under this title may be repeated where the subject matter is different. *Recent Contemporary Legal Issues offerings include:*

Clemency Initiative – 2 semesters/3 credits

In the American constitutional system, presidents and governors have the power to grant clemency (pardons or sentence commutations) to convicted offenders. Historically, clemency has played an important role in correcting wrongful convictions and mitigating excessively harsh sentences. Students in this course will learn how the executive clemency process works and will prepare one or more clemency petitions for actual clients under the instructor's supervision. This process involves extensive document collection and review, one or more interviews of the client and others, legal research, and the drafting of a persuasive memorandum.

The course is a two-semester experience; both semesters must be taken in order to earn credit. Students will meet weekly with the instructor over the two semesters, sometimes in a classroom setting with other students and sometimes in one-on-one conversations to discuss the student's assigned cases. Classroom sessions will be concentrated in the fall term. In the spring term, students will focus on their casework.

The course is ungraded (pass/fail). Enrollment is limited to four students. Students must have the instructor's permission to register for this course.

Green Bay Prison Initiative – 1 credit

This one-credit course will prepare students for and encompass a trip to the Green Bay Correctional Institution, where students will participate in a restorative justice program for inmates. The prison program is facilitated by retired Marquette Law Professor Janine Geske. Students must be available to attend at least two days of the three-day program – dates to be announced. Class sessions leading up to the program will focus on the criminal process in Wisconsin, current issues in incarceration, diversion and problem-solving alternatives to sentencing, and the theory and practice of restorative justice. At the prison, students will participate in a restorative justice circle that includes inmates, crime victims, and other community members. Afterwards, students will write a paper reflecting on the experience in light of assigned readings.

7141

Copyrights

3 Credits

This course, building on the Intellectual Property Law course, covers copyright law in more detail, including copyrightability, ownership, infringement and fair use.

7138 **2 Credits**
Corporate Finance

Examination of the ways in which corporations gain access to capital. This course may cover, among other things, equity securities, debt securities, futures, forwards, options, warrants, leverage and portfolio theory.

7139 **3 Credits**
Creditor-Debtor Law

Examination of substantive and procedural state and federal law relating to creditors and consumer debtors, including Federal Bankruptcy Law. The bankruptcy focus is primarily on Chapter 7 and Chapter 13 bankruptcies.

7148 **3 Credits**
Crime and Punishment in American History

Throughout American history, legal definitions of, and responses to, crime have shifted in many important ways as social values have changed. This course will survey the dynamic relationship between criminal law, legal institutions, and social change in America from the colonial period to the present. *Satisfies the Law School's perspectives requirement.*

7140 **3 Credits**
Criminal Process

An examination of the progression of a criminal case from the initial decision to charge through post-trial proceedings, including the decision to prosecute, judicial screening, bail, discovery, pretrial motions, plea negotiations, trial, and sentencing. The principal objectives of the course are to equip students with a knowledge of the operation of the criminal justice system and to explore the ways in which lawyers fulfill the prosecutor and defense functions. *Satisfies the Law School's process elective requirement.*

7150 **2-3 Credits**
Current Issues in Business and Commercial Law

This is a variable topic course relating to diverse issues encountered in the practice of business or commercial law, such as business bankruptcy, antitrust, and trade law.

7151 **2-3 Credits**
Current Issues in Civil Dispute Resolution

This is a variable topic course addressing current issues that arise in the context of civil litigation and dispute resolution.

7152 **2-3 Credits**
Current Issues in Criminal Law and Procedure

This course focuses on advanced issues in the substantive law of crimes, criminal evidence, or criminal procedure.

7153 **2-3 Credits**
Current Issues in Environmental Law

This is a variable topic course addressing current issues that arise in the practice of environmental law.

7154 **2-3 Credits**
Current Issues in Estate Planning

This is a variable topic course addressing current issues that arise in the practice of estate planning law.

7155 **2-3 Credits**
Current Issues in Family Law

This is a variable topic course addressing current issues that arise in the practice of family law.

7156 **2-3 Credits**
Current Issues in Health Law

Selected current issues in health law, including such topics as public health issues, forensic sciences, health care finance and delivery reform, and genetics behavior, and the law.

7157 **2-3 Credits**
Current Issues in Intellectual Property and Technology Law

Selected current issues in intellectual property and technology law, including such topics as computer law, entertainment law, and the law of biotechnology.

7158 **2-3 Credits**
Current Issues in International, Comparative, and Foreign Law

This is a variable topic course addressing current issues that arise in the context of international, comparative, and foreign law. *Recent Current Issues in International, Comparative, and Foreign Law include:*

Asian Law – 3 credits

With the rise of Asian “tiger economies”, and the United States’ growing commercial, political and strategic involvement with Asia, exposure to the legal issues of the region is increasingly important for law graduates. In this course, students are introduced to the characteristics of the legal systems of a number of Asian nations, including China, Indonesia and Malaysia. The course will consider the legal institutions that comprise and compare the respective systems, as well as substantive legal topics such as human rights, criminal procedure and constitutional law. Special emphasis will be laid on understanding institutions, rules and norms from a socio-cultural perspective, and contemporary issues and case studies, to increase cross-cultural sensitivity and reflexive understanding and awareness of the underpinnings of the United States legal system. *Satisfies the Law School’s perspectives requirement*

European Union Law – 3 credits

This course will examine the unique constitutional system of the European Union, from its inception in the 1950's with the creation of the "European Communities", through the last six decades of widening membership and deepening governance. The course will introduce the history, theory, origins, and functions of EU institutions and laws, including comparisons of the EU quasi-federal system with the U.S. federal system. Substantive elements of EU law will also be examined, such as human rights, the "four freedoms", and antitrust law. *Satisfies the Law School's perspectives requirement*

7159

2-3 Credits

Current Issues in Labor and Employment Law

This is a variable topic course addressing current issues that arise in the practice of labor and employment law.

7160

2-3 Credits

Current Issues in Real Estate Law

This is a variable topic course addressing current issues that arise in the practice of real estate law.

7161

2-3 Credits

Current Issues in Sports Law

This is a variable topic course addressing current issues that arise in the context of sports law. *Recent Current Issues in Sports Law include:*

Sports as a Social Institution – 3 credits

This course explores the ways in which sports law and culture shape and construct our ideas, perceptions, and assumptions about race, gender, and sexual orientation and how race, gender, and sexual orientation influence sports law and culture. This course will draw upon cases, film, and legal, historical, and sociological scholarship to consider these relationships and connections. *Satisfies the Law School Perspectives requirement.*

7162

2-3 Credits

Current Issues in Taxation

This is a variable topic course addressing current issues that arise in the law of taxation.

7170

3 Credits

Disability Law

This course examines the practices and policies which give rise to legal preferences and protection for people with disabilities who seek employment, housing, public financial assistance, education and health care suited to their special needs.

7180 **3 Credits**
Education Law

This course examines the law and legal problems facing elementary and secondary schools, colleges and universities. Studies focus on legal issues involving students, faculty, administrators and staff. *Satisfies the Law School's public law requirement.*

7181 **3 Credits**
Elder Law

Explores the impact of an aging society on health care and social policy, including such topics as income maintenance and age discrimination, health and long-term care benefits and finance, decision-making and individual autonomy.

7192 **3 Credits**
Election Law

Election Law will examine selected facets of the theory, law, and practice of voting elections, including voting rights, districting, election administration, the law of disputed elections, and regulation of campaign speech and finance. Special attention will be given to the differing structures of regulation in Wisconsin. The course will use selected examples from recent election cycles as a vehicle for studying these matters.

7182 **2 Credits**
Electronic Discovery

An examination of the procedures for the discovery of electronically stored information under the Federal Rules of Civil Procedure and state rules of civil procedure. Consideration will be given to such subjects as form of production of electronically stored information, cost shifting, and discovery of electronically stored information that is not reasonably accessible. The use of digital evidence will also be explored.

7183 **3 Credits**
Employee Benefits

This course involves a study of the policy and practice of employee benefits law, focusing on real life illustrations and problem solving related to the various types of employee benefits, particularly 401(k) plans and health care plans. Issues related to labor, tax, corporate, securities and administrative law practice will be explored.

7184 **3 Credits**
Employment Discrimination

Examination of state and federal laws prohibiting employment discrimination, including the Equal Pay Act, Title VII, Age Discrimination in Employment Act, Rehabilitation Act, Americans with Disabilities Act, reconstruction era civil rights legislation, and executive orders.

**7185
Employment Law**

3 Credits

Examination of the rights and obligations of employers and employees. This course is far broader than the Employment Discrimination course but covers discrimination only minimally. The wide range of topics covered may include: the status and decline of the employer's traditional right to terminate employees "at will"; employees' rights to sue for termination against public policy or under various statutes, such as whistleblower and anti-discrimination laws; the enforceability as of employment handbooks, letters, and oral communications; minimum/overtime wage claims and other wage-and-hour rights; public employees' constitutional First Amendment and Due Process rights; employees rights to family/medical leave; and the common law of various employee/employer rights and obligations as to, for example, defamation, non-competition/non-solicitation agreements, and privacy rights.

**7187
Environmental Law**

3 Credits

This course is an introduction to the law of pollution control and management of hazardous materials, with a particular emphasis on major federal environmental statutes, including the National Environmental Policy Act, Clean Water Act, Clean Air Act, the Resource Conservation and Recovery Act, and Superfund. The contrasting regulatory mechanisms in the different statutes, with consideration given to the economic and ethical assumptions underlying the different approaches, and the resolution of environmental problems through private litigation, federal regulation, economic incentive systems, and judicial review of administrative decisions are examined.

**7188
Estate Planning**

3 Credits

This course develops students' skills relating to the disposition of property during lifetime and at death. The focus is on techniques that accomplish non-tax objectives while minimizing estate taxes, gift taxes, and income taxes and includes marital deduction planning, the use of marital property agreements, and the use of trusts.

**7200
Family Law**

3 Credits

This course covers the basic conceptual and substantive divisions in divorce and adoption law. Topics covered include fault and no-fault divorce, financial consequences of divorce, custody, common law and statutory rules for adoption, termination of parental rights, ethical and policy issues in family law, and interviewing and counseling the family law client.

**7201
Family Law and ADR**

3 Credits

The course examines the special issues that arise when alternative dispute resolution is employed to resolve conflicts among family members. The class will focus on the dynamics of, and necessary dispute resolution techniques for, family-centered situations such as: negotiation or mediation of prenuptial, cohabitation, separation and divorce agreements; custody mediation, TPR (termination of parental rights) mediation, collaborative divorce, and estate settlement

negotiations. The course will also consider ethical issues that are particularly relevant to the family/ADR context. *Satisfies the Law School's process elective requirement.*

7203 **3 Credits**
Federal Courts

Study of doctrines relating to justiciability, congressional control over federal court jurisdiction, tensions in the allocation of judicial power between state and federal systems, and constitutional and statutory bases of federal judicial power. *Satisfies the Law School's public law requirement.*

7204 **3 Credits**
Federal Criminal Procedure

An examination of various aspects of federal criminal law and procedure. Federal crimes considered may include drug trafficking, currency reporting and money laundering, RICO and continuing criminal enterprise, mail fraud, Hobbs Act violations, and offenses under criminal civil rights statutes. Various federal procedures are also studied, including initiation of prosecution by grand jury, indictment, bail and denial of release under the Bail Reform Act, discovery and other pretrial proceedings, the operation of the Speedy Trial Act, plea agreements, jury trials, and sentencing under the Federal Sentencing Guidelines. *Satisfies the Law School's process elective requirement*

7205 **3 Credits**
Federal Income Taxation of Individuals

Overview of statutes, regulations, and cases relating to federal income taxation with particular emphasis on fundamental principles and provisions relevant to the practice of various legal specialties involving acquisitions, ownership, sales, exchanges and donative transfers of property, debtor/creditor and bankruptcy problems, divorce and civil litigation.

7206 **3 Credits**
Federal Indian Law

A critical analysis, drawing from a variety of perspectives, of the legal principles governing the relationships among Indian tribes, the federal government, and the states. *Satisfies the Law School's perspectives requirement.*

7207 **3 Credits**
Federal Taxation of Estates, Gifts and Trusts

Examination of federal estate and gift taxes, as well as income taxation of decedents' estates, trusts and their beneficiaries.

7209 **3 Credits**
Federal Taxation of Corporations and Shareholders

Federal taxation of C corporations and shareholders including tax considerations relevant to organizing, operating, selling, merging, reorganizing and liquidating a corporation.

7210
Federal Taxation of Partnerships and S-Corporations

3 Credits

An examination of federal income tax aspects of organization and operation of partnerships, including formation transactions between partner and partnership, transfer of partnership interests, allocation of income and expenses, basis adjustments, death or retirement of a partner, and the use of limited partnerships. Consideration also given to federal income tax aspects of small corporations electing Subchapter S status.

7215
The First Amendment

3 Credits

A comprehensive examination of the speech and religion guarantees of the First Amendment to the Constitution of the United States. Insofar as speech is concerned, the course will, among other objectives, (a) explore the principal categories of content-based expression – among them incitement, defamation, obscenity, child pornography, and commercial speech; and (b) probe the special constitutional rules created for distinctive contexts – such as the American public school – in an effort to reconcile the expressive rights of individuals with the responsibility of government to retain an ordered society. Insofar as the Constitution's twin protections for religious liberty are concerned, we will explore a host of anti-establishment and free exercise concerns. On the anti-establishment side, issues will include prayer, moments of silence, and the pledge of allegiance in the nation's public schools; government-sponsored displays of religious significance; and public financial assistance alleged to benefit religion and religious institutions. On the free exercise side, we will examine the constitutional conflict produced when religious practices – among them Sabbath worship, the rejection of compulsory education, animal sacrifice, drug use, and conscientious objection – meet up with the contrary demands of civil society. This examination will culminate in our consideration of the landmark Supreme Court decision construing the free exercise guarantee in a manner alleged to reflect insufficient concern for the practices of minority religions, the effort in Congress to overturn that decision, and ensuing developments.

The course will pause periodically to explore both Wisconsin's contributions to the development of the First Amendment law (for instance, in areas of school choice and crimes of hate) and the ways in which such law plays out on the ground in communities across Wisconsin (e.g., the controversy in Wauwatosa concerning the cross on the municipality's emblem). *Satisfies the Law School's public law requirement.* Not open to students who have taken *Constitutional Law 2: Speech and Equality* or *Seminar: Advanced Issues in the First Amendment*

7222
Health Care Fraud and Abuse

2 Credits

Health care fraud and abuse encompasses a variety of administrative and judicial actions against individual and institutional health care providers who file false claims for payment, make business agreements involving excessive profits, kickbacks or unnecessary services, or engage in other practices defined as fraud and abuse under federal criminal and civil statutes. This course will use statutes, case law and commentary to identify the various forms of fraud and self-dealing, and the law's response. It will provide an introduction to the Medicare and Medicaid Anti-Kickback statutes and False Claims Act, and an overview of topics including conspiracy, mail and wire fraud, and RICO as applied within the scope of healthcare

7220 **3 Credits**
Health Care Provider Liability

The focus of the course is on the elements of litigation from the harmful incident or discovery of harm through discovery and pleadings to problems of proof and damages. It includes causes of action against individual and institutional health care providers and third party payers, including contract, negligent care, interference with doctor/patient relationships, and information insufficient for informed consent. The course also will include consideration of Wisconsin law and procedure as representative of a conservative jurisdiction with significant procedural constraints on plaintiffs, and significant legal developments in other jurisdictions, particularly as related to liability in managed care.

7221 **3 Credits**
Health Law

Health care access, finance, and regulation, including a survey of health care provider organizations, interests, quality assurance and liability; government and private financing roles and strategies; and ethical dilemmas of high-tech medicine.

7231 **3 Credits**
Insurance

Study of the law relating to insurance, including consideration of insurance contract formation, contract interpretation, government regulation of the insurance business, and problems associated with common coverages such as fire, property, life, health, disability and liability insurance. Also includes analysis of special issues relating to liability insurance defense and settlement, coordination of multiple coverages and the secondary insurance market.

7232 **3 Credits**
Intellectual Property Law

This course covers the basics of United States intellectual property law, including patents, copyrights, trademarks, trade secrets, and misappropriation. The course addresses the policies underlying the protection of intellectual property and compares the different ways organizations and individuals can use intellectual property to protect their interests. This course is intended both for students who want an introduction to intellectual property and for those who intend to pursue a career in intellectual property.

7234 **3 Credits**
International Intellectual Property

An examination of the major international conventions and agreements on intellectual property rights, including the Berne Convention for the Protection of Literary and Artistic Works, the Paris Convention for the Protection of Industrial Property, and the Patent Cooperation Treaty. The course will also discuss the significance of those conventions for domestic intellectual property laws and the effect of intellectual property rights on international trade, with particular reference to the Agreement on Trade Related Aspects on Intellectual Property Rights (TRIPs) and the role of the World Trade Organization.

7235 **3 Credits**
International Law

This course introduces the basic sources and subject matter of international law and then turns toward an examination of the legal institutions creating and implementing international law--the United Nations, the World Trade organization, and regional institutions such as the European Union and NAFTA. The course also explores specific topics such as environmental law, human rights, armed conflict and dispute resolution.

7236 **3 Credits**
Internet Law

The internet is reshaping several discrete areas of law in both obvious and subtle ways. This course will cover the development of law applicable to the internet, including laws governing online distribution of copyrighted works, domain names and other trademark issues, e-commerce, spam, speech restrictions and filtering, privacy, computer security, server property rights, jurisdiction, and other issues. The class will focus not only on what the law is, but what it should be, and how courts, legislatures, and practitioners should go about deciding such questions. Throughout we will consider whether there is any unifying theme to "Internet Law," and if so, what that theme might be. A technical background is not necessary.

7240 **3 Credits**
Jurisprudence

Examination of philosophical problems raised by the institution of the law, including the nature of law, its authority, the relationship between law and morality, the nature of judicial reasoning, and the moral and social foundations of particular legal doctrines. Topics may vary depending upon interests of the instructor. *Satisfies the Law School's perspectives requirement.*

7241 **3 Credits**
Juvenile Law

This course examines the theory and practice of delinquency, with special emphasis on Wisconsin law.

7260 **3 Credits**
Labor Law

Survey of the law of labor relations, including organization and representation of employees, strikes, picketing, boycotts, and collective bargaining.

7261 **3 Credits**
Land Use Planning

Introduction to planning and zoning. Topics include history of planning, enabling legislation for planning and zoning, administrative process, aesthetic controls and discrimination in zoning, subdivision and growth control, financing public aspects of new development, and natural resources protection.

7264

Law and Popular Culture

3 Credits

This course explores the interrelationships of law and popular culture. Participants will consider the portrayal of law, lawyers, legal institutions, and law-related themes in such popular media as film, radio, television, and literature. *Satisfies the Law School's perspectives requirement.*

7265

Law and Religion

3 Credits

An exploration of the interface between law and religion, primarily within the context of the American legal system. The following areas may be examined: the historical and conceptual relationships between law and religion; the history, theory and doctrine of the religion clauses of the First Amendment, and the "no religious Test" clause of article VI of the U.S. Constitution; analogous provisions of state constitutions; various federal and state statutory provisions addressing religious freedom (including conscientious objection), religious discrimination, and the taxation and regulation of religious entities; the role of religion in specific legal decision-making contexts such as health care and child custody; the influence of religious values on legal actors such as judges, legislators, lawyers, and jurors; the proper role of religion in law and politics; the role of religion in international law and the law of human rights; and the search for a legal or constitutional definition of religion. *Satisfies the Law School's perspectives requirement.*

7275

Law of Sexual Orientation

3 Credits

The law governing sexual orientation has evolved significantly in recent years, with new judicial precedent, legislative actions, statewide referenda, and an intensely divided public opinion. The prevalence of laws affecting gay men and lesbians is at a historical peak. This course will explore how the law addresses contemporary issues affecting sexual orientation. It will focus on an *objective* examination of a variety of issues affecting gay men and lesbians, such as those arising under the criminal law, the law governing the employment relationship and the provision of employee benefits, trusts and estates law, family law, health law, military law, the law of privacy, and constitutional law (especially equal protection and First Amendment rights). The course will emphasize an interdisciplinary approach, with an analysis of how social, cultural, and political forces shape legal doctrine. It seeks to provide practical guidance to a new generation of lawyers likely to represent gay and lesbian clients as well as corporate clients that encounter issues relating to gays and lesbians. *Satisfies the Law School's perspectives requirement*

7269

Legislation

3 Credits

The development and interpretation of state and federal statutory law, including the roles of legislators and legislative committees, the executive branch and administrative agencies, the judiciary, the electorate and special interests. *Satisfies the Law School's process elective requirement.*

7271

Local Government Law

3 Credits

Legislative control over local government; home rule; the scope of municipal powers; police power; land use control and other current urban legal problems. *Satisfies the Law School's public law requirement.*

7280

Managed Health Care

3 Credits

Managed Health Care law examines the expanding field of legal practice in the ever-changing health care industry. The movement of many (if not all) employers to some form of "managed care," the continued consolidation within insurance, hospital, and medical market sectors, and a multitude of proposed and enacted laws and regulations and court decisions make this area fertile ground for myriad types of legal work. Managed Health Care Law offers the student an understanding of the health care industry itself, the rise (and potential recession) of "traditional" managed care, and the significant roles attorneys play in virtually all areas of both. The course will also introduce students to the wide range of practice settings in which lawyers are involved in the health care industry and the various clients they represent.

7281

Media Law

3 Credits

Law as it affects the mass media including print and broadcast media and the increasing use by each of the internet. There is emphasis on the fundamental principles underlying, and the interpretive evolution of, the "speech" and "press" clauses of the First Amendment, followed by examination of the bodies of both state and federal statutory and common law affecting the gathering and publication of news. The tension and differences recognized by the law among print publishers, over-the-air broadcast licensees, cable networks, and internet users are examined. Specific topics covered include the scope of speech which is and speech which is not protected by the First Amendment, prior restraint, defamation, invasion of privacy, copyright, antitrust, spectrum allocation, reporter's privilege, and access to government institutions, records, and meetings. *Satisfies the Law School public law requirement.*

7282

Mergers and Acquisitions

2 Credits

This course will explore the field of corporate "mergers and acquisitions" (acquisitions and divestitures of business entities) from the perspective of the practicing lawyer. Attention will be given to both the law governing corporate transactions and the practice of "M&A" law, including the lawyer's multiple roles as advisor, negotiator, and scrivener. Students will gain an understanding of the fundamental legal principles governing such transactions and the basic skills required of lawyers who represent the parties involved in them.

7283

Military Law

3 Credits

This survey course primarily focuses on the military justice system, operational law, and military installation law. The following specific topics may be covered: administrative and non-judicial forms of punishment available to military commanders; substantive and procedural aspects of the courts-martial system; the military criminal appellate system; law of war; rules of engagement;

legal aspects of military operations other than war; unique laws and regulations applicable to military installations; and various legal issues encountered by military installation attorneys. *Satisfies the Law School's perspectives requirement*

7286

Milwaukee Street Law Project

4 credits/2 semesters

Law students teach a two-semester course to Milwaukee public high school students that is designed to foster in the high school students an understanding of the law, legal process, our system of governance, and effective citizenship. To accomplish this the law students devote three hours per week at their assigned high schools. In the fall semester law students teach such subjects as criminal law and procedure, juvenile justice, driver licensing, consumer law, torts, family law, housing law, and individual rights law. In the spring semester the law students teach basic trial advocacy skills and their high school students participate as lawyers and witnesses in a city-wide mock trial competition presided over by federal and state trial court judges. Throughout the school year, law students also help their high school students develop basic academic skills such as reading, writing, listening, oral expression, problem solving and analytical thinking; they also teach skills necessary for responsible participation in a democratic society.

A two-hour seminar is conducted for the law students each week which focuses on substantive law as well as interactive teaching methodologies. Law students are required to submit weekly journals, lesson plans and timesheets. Among the lawyering skills emphasized are critical thinking, organization and prioritization, planning and preparation, and effective communication with lay persons

7292

Nonprofit Law and Organizations

2-3 Credits

Course will cover basic concepts in nonprofit organizations with emphasis on formation, drafting of organizational and operational documents, maintenance and record keeping, tax consequences, and state and federal requirements. Governance, fundraising strategies and regulations, and the role of nonprofits in the community will also be explored.

7262

Parent, Child and State

3 Credits

This course introduces students to the use of social science methods and theories in the law. Methodologies and some basic theories of sociology and psychology will be studied. After introducing basic concepts, the course will focus on applying social science analysis to legislation and cases in the area of family law, juvenile law and child protection. *Satisfies the Law School's perspectives requirement.*

7300

Patent and Trade Secret Law

3 Credits

This course, building on the Intellectual Property Law course, covers patent and trade secret law in more detail, including: patent disclosure requirements; patentability; the scope of patent grants; claim interpretation, infringement, and remedies; and trade secrets and their interaction with patents.

7305

Peacemaking and Spirituality

1 Credit

This course will examine the influence of spirituality upon the process of resolving conflict and making peace in the context of intense interpersonal and intrapersonal conflicts in multiple settings, including in intimate relationships, friendships, families, workplaces, between communities, among current or former enemies, or within ourselves.

During the past two decades, the field of conflict resolution and mediation has grown extensively in multiple settings throughout North America, Europe, and other parts of the world. Whereas conflict resolution theory and practice focuses upon a problem solving model to address the presenting dispute, peacemaking addresses conflict at a much deeper level. Peacemaking is based on a humanistic and transformative theory of conflict that draws heavily upon core values of empowerment, mutual recognition, collaboration, dialogue, and healing, as well as the ancient wisdom and practices of many diverse indigenous cultures throughout the world (including Native American and Celtic traditions). Within the context of these traditions, true peacemaking is inseparable from spirituality, from honoring the sacred and recognizing our interconnectedness.

For the purposes of this course, spirituality is not synonymous with the dogma and creeds of the major religious traditions in the world, even though religion for many may serve as a pathway to spirituality. Practices within the major religions of the world that foster peacemaking, however, will be explored, along with the practices from a number of different cultures.

This course is designed to provide a basic understanding of the core principles and practices of peacemaking and spirituality in the context of multiple interpersonal, community, national, and international settings. *Graded Satisfactory/Unsatisfactory.*

7267

Privacy

3 Credits

This course is a survey of privacy law, including tort actions for invasion of privacy, constitutional privacy principles, privacy of health care records, and privacy in employment. Selected statutes that affect privacy interests also will be studied, including wiretap laws, fair credit reporting, and access to governmental information (FOIA.) Privacy issues of current interest also will be addressed, including privacy in adoption, transfer and use of consumer information and regulation of the Internet. *Satisfies the Law School's public law requirement.*

7302

Products Liability

2 Credits

Consideration of substantive, procedural, and legislative issues and problems in the law of products liability.

7303

Professional Sports Law

3 Credits

This course covers various legal issues affecting professional sports industries and focuses on antitrust, labor, contracts, regulation of private associations, regulation of athlete agents and their ethical duties, and intellectual property and sports broadcasting issues.

7307

Publish Your Paper

1 Credit

This course is intended to help students transform papers they have written for other courses into manuscripts suitable for submission to law reviews for publication. All work for this one-credit course must be complete by March 1. The coursework is comprised of two parts. The first part consists of three fifty-minute class sessions over the first three weeks of the semester. We will dissect an exemplary law review article in order to develop a better appreciation of what makes for effective legal academic writing. We will also discuss the role of law reviews in law reform and legal practice, as well as the basic mechanics of submitting a manuscript for publication. The second part of the course will consist of individualized work on papers under the instructor's supervision. Each student will submit a minimum of three drafts of his or her paper to the instructor for evaluation and feedback. The student's grade will be based on the final draft, which must be submitted by March 1. After the final draft is completed, the instructor will be available to work with students individually to develop a strategy for law review submission, although such submission is not a requirement of the course.

In order to take this course, a student must have a paper on a law-related topic that is at least 10,000 words, including footnotes. The paper may not be something that has already been published or accepted for publication, or something that has been or will be submitted as a student note or comment to a Marquette Law School publication.

7309

Race and the Law

3 Credits

This course examines law through the prism of race and assumptions concerning power and powerlessness. Topics to be explored include the role race plays in our legal and social understanding of freedom and slavery, citizenship and alienation, individual and group identity,

7310

Real Estate Transactions

3 Credits

This course introduces students to the fundamentals of a general real estate practice. The course will examine a variety of real estate contracts, deeds, and techniques of title assurance. Drafting exercises will focus on transactional considerations.

7311

Real Estate Finance and Development

3 Credits

In the context of commercial real estate transactions, this course examines the nature of mortgages and mortgage substitutes, pre-closing and post-closing terms and conditions of mortgage loan commitments, construction financing, defaults, workouts and foreclosures. Throughout the course relevant tax considerations will be examined.

7312

Remedies

3 Credits

Study of legal and equitable remedies. Topics include recoverable litigation expenses and attorney fees; pre/post-verdict interest; remedies for damage to or destruction of personal and real property; personal injury remedies; punitive damages; statutory damages; contract remedies; constructive trusts; equitable liens and defenses; restitution; specific performance; declaratory relief; injunctions; and the right to trial by jury.

7313 **Restorative Justice** **3 Credits**

Restorative Justice (RJ) is a victim/community-centered approach to crime and its impacts. Although RJ is increasingly utilized in the American criminal justice system, its application is rooted in various cultures and faith traditions. RJ focuses on healing and empowering victims of crime while involving communities (as opposed to “the state”) in that process. The course will focus not only on the historical and philosophical roots of the movement but also on its widespread international use. Students will study the various RJ techniques including victim/offender conferencing, victim/family conferencing, victim impact panels, Native American based circles, etc. The course will also cover the current trends in the integration of RJ into the American criminal justice legal system while examining both the constitutional and practical barriers that can arise.

7320 **Sales** **3 Credits**

An examination of Article 2 of the Uniform Commercial Code, including contract formation, performance, and remedies.

7321 **Secured Transactions** **3 Credits**

The study of Article 9 of the Uniform Commercial Code – Secured Transactions. The course focuses on the creation of security interests; the perfection of security interests; the priority of security interests; the rights of buyers of secured collateral; and the rights and remedies available for secured creditors and debtors upon default.

7322 **Securities Regulation** **3 Credits**

Survey of federal and state laws regulating the market for publicly held securities and their effect on issuers, purchasers, and sellers of securities. Emphasis on the Securities Act of 1933, the Securities Exchange Act of 1934, and the Wisconsin Uniform Securities Law.

7323 **Sentencing** **3 Credits**

An introduction to the law of sentencing, examining the procedures and substantive rules governing the imposition of criminal sanctions in both federal and state court systems. Topics will include: Eighth Amendment prohibition on cruel and unusual punishment, federal sentencing guidelines, sentencing procedure, Wisconsin sentencing law, probation and intermediate sanctions, organizational sentencing, and forfeiture.

7326 **Sports Industry Taxation Issues** **2 credits**

This course will introduce students to a range of tax law, policy, and practice issues arising in the amateur and professional sports industries, including the construction and financing of sports facilities, college athletics, the compensation of professional athletes (including federal, state, and

international tax issues), and the structure and operation of professional sports leagues and franchises (including choice of entity, day to day operations and business sale).

7324 **3 Credits**
Starting and Managing a Law Practice

This course is designed to equip students with the knowledge, skills, and resources to consider self-employment as a means to achieve professional satisfaction. It will address benefits, pitfalls and other considerations in starting and managing a law practice. Specific topics include: selecting a practice focus; securing financing and insurance; learning about and employing technology; attracting and maintaining clients; generating income; hiring and retaining employees; and incorporating into day-to-day professional life the variety of ethical obligations that operate on lawyers who manage their own practices.

7325 **2 Credits**
State and Local Taxation

This course examines state and local government tax issues. Topics explored will include the sources and limitations of the power to tax; state income and franchise, taxes, including nexus and “doing business” considerations, allocation, apportionment, and calculation of such taxes; sales and use tax, including the property and services to which the tax applies as well as taxation of e-commerce; property tax, including the assessment and appeal of the tax as it relates to real and personal property; and an examination of practical applications and audit procedures.

7330 **3 Credits**
Telecommunications Law

A study of traditional approaches to, and recent trends in, the regulation and deregulation of telecommunications, including traditional telephone, cellular, broadcast, cable TV, and satellite. The course will particularly examine recent efforts at the state and federal levels to introduce competition into industries that were historically dominated by monopolies and the social, legal, and economic issues raised by these attempts.

7331 **2 Credits**
Terrorism and Federal Law

This survey course examines federal legal issues arising in the government’s current anti-terrorism efforts. Topics include the historical roots of executive powers; electronic surveillance; investigation of terrorist offenses; relevant terrorist criminal offenses; enemy combatants, detention, torture, and drone strikes; and the role of the courts.

7333 **3 Credits**
Trademark and Unfair Competition Law

This course, building on the Intellectual Property Law course, covers trademark and unfair competition law in more detail, including trademark registration, acquisition, infringement and dilution and other forms of unfair competition.

7342

Water Law

3 Credits

This course examines the legal principles involved in securing, allocating, transferring, managing, and adjudicating water rights for public and private uses. Topics include the prior appropriation doctrine; riparian water rights; groundwater; the public trust doctrine; federal and Indian reserved water rights; water development and distribution; the relationship between water and economic development; water quality; government regulation; federal and constitutional water-related issues; and the economics of water policy

7336

The Wisconsin Supreme Court and the State Constitution

3 Credits

This course will explore the constitutional jurisprudence of the Wisconsin Supreme Court. It will begin with a brief exploration of the Wisconsin Constitution and its relationship to and differences from the Constitution of the United States. It will then consider the manner in which the Wisconsin court has interpreted both parallel and distinct provisions. Topics will include the current debate on the New Federalism, separation of powers under the state constitution, and comparisons of state constitutional interpretation with other authoritative text interpretation. Students should gain a solid understanding of the recent jurisprudential history of the Wisconsin Supreme court and of the Wisconsin Constitution. *Satisfies the Law School public law requirement*

7340

Workers' Compensation

3 Credits

Examination of the legal effects of work-related injuries and diseases, including compensability, employment relationships, causation, medical and legal proof, impairment, benefits, claims procedures, administrative and appellate review, third party suits, insurance, and conflict of laws.

SEMINARS

7401

Adoption

2 Credits

This seminar examines current legal and policy issues relevant to the field of adoption. Topics which may be explored include standards for the termination of parental rights, concerns related to interracial foster care placements or adoptions, and abrogation of adoption.

7403

Advanced Constitutional Law

2 Credits

This seminar provides a review of the Supreme Court's most recent constitutional rulings, in-depth treatment of certain topics from the basic constitutional law courses, exposure to several topics normally not covered in those courses, and a survey of emerging constitutional issues.

7407

Advanced Corporations

2 Credits

This seminar examines a number of advanced corporation topics either omitted from, or only covered at the basic level in, Business Associations, including the director primacy versus

shareholder primacy model of the firm, the role of the shareholder in the public corporation, executive compensation at the public corporation, and public corporation shareholder proposals and proxy voting.

7405 **2 Credits**
Advanced Issues in Torts

Examination of selected torts issues with emphasis on new fields of civil litigation and legislative changes. Includes study of the comparative negligence law and its effect upon the principles of joinder, releases, contribution, indemnity and imputed negligence and products liability.

7406 **2-3 Credits**
Advanced Legal Writing

This course engages students in advanced exercises in legal writing. The goal of the course is to deepen a student's command of the writing process and to expand a student's ability to develop, structure, and write legal texts for a variety of writing purposes and audiences. Courses under this title may be repeated where the subject matter is different. *Recent Advanced Legal Writing offerings include:*

Briefs That Changed the World – 3 credits

This course will revisit some of the topics introduced in Legal Analysis, Writing & Research 2, but now from a more advanced perspective. Topics will include the tension between freedom and form; the role of imagination; finding a professional voice; the history and rhetoric of briefs; language and tone; the reactions of readers; legal theory and interpretation; and narrative and other framing devices. Students will read and analyze briefs from iconic cases and write a rhetorical analysis critiquing a brief in one of those cases.

7408 **2 credits**
Bioethics and the Law

This seminar investigates legal, ethical, and social problems caused by developments in medicine and the biological sciences. Particular emphasis is placed on moral reasoning and ethical theory. Topics include abortion, reproductive technologies, human stem cell research, death and dying, and reform of the American health care system.

7420 **2 Credits**
Child Maltreatment

A seminar which examines the legal, social and psychological dynamics of violence directed at children.

7421 **2 Credits**
Comparative International Health Care

This seminar will cover private and public health care funding, the scope of access to health care in the population, basic or mandatory benefits and the availability of additional services as well as the preparation for and the powers of a public health system.

7425

Constitutional Theory

2 Credits

This seminar's core topic is the proper role of the Supreme Court in adjudicating constitutional questions. It will survey the primary theories of and perspectives on judicial review and constitutional interpretation, including textualism, originalism, approaches featuring structural and moral reasoning, political process theory, feminist theory, and critical race theory.

7422

Corporate Criminal Liability

2 Credits

Study of the legal issues arising from the criminal conduct of publicly held corporations and their employees. Topics addressed include theories of enterprise punishment, the utility of corporate codes of conduct, the attorney-client privilege in a corporate context, criminal RICO prosecutions, liability for mail fraud and false claims, and strategies in responding to the criminal investigation of a corporate client.

7426

Criminal Punishment

2 Credits

This course will explore the theories and practice of criminal punishment in the United States, focusing on questions related to its purpose, method, and efficacy. Topics for discussion will be chosen from the following: death penalty, sentencing guidelines, three strikes, sex offender registration laws, limitations on punishment, the role of victims of crime, and alternatives to the forms of punishment prevalent in the United States.

7428

Development in Milwaukee

2 Credits

This course explores how the City of Milwaukee and its surrounding suburbs developed as different land use, local government, and urban redevelopment trends, laws, and policies surfaced and were implemented – from the beginnings of land use and zoning to more modern attempts at urban revitalization. Selected topics may include public infrastructure, suburbanization, public transportation, economic development, and the building of Miller Park.

7429

The Foreign Affairs Constitution

2 Credits

A study of the foreign policy dimensions of the U.S. constitution. The course will examine topics such as the Constitution's Treaty, War Powers, and Foreign Commerce Clauses; whether customary international law is part of federal common law; the role of international law in Eighth Amendment jurisprudence; and the Federal-state allocation of the authority to conduct foreign affairs.

7430

History of Women Lawyers

2 Credits

This course will explore the history of women in the legal profession examining their entry into the legal profession in the United States, careers, institutions, aspirations, and accomplishments. Through the use of biographical methods, students will extend the historiography of women as

lawyers by choosing an early woman lawyer and preparing a paper which describes an aspect of her life.

7432 **3 Credits**
Immigration Law

Study of U.S. immigration law and procedure. Topics covered include the federal government's power to control immigration, judicial review in immigration matters; business, education and family related immigration; political asylum; and employer sanctions.

7434 **2 Credits**
International Conflict Resolution

The purpose of this course is to understand the variety of ways that countries might choose to resolve disputes among themselves as well as deal with internal disputes and conflicts. The course will start with an overview of international diplomacy, mediation, and arbitration before moving into specific conflicts and hybrid structures established to resolve disputes.

7440 **2 Credits**
Judging and the Judicial Process

The course will focus on courts as institutions and on judges as the primary actors within those institutions. Anticipated topics include judicial selection; judicial ethics; the concepts of judicial independence and accountability and their relationship to one another; the meaningfulness of notions such as judicial activism and judicial inactivism; judicial decisionmaking (both as reported by judges and as analyzed by political scientists, psychologists, and other outsiders); the purpose and appropriateness of specialized courts; managerial or bureaucratic judging; a smattering of jurisprudence; and consideration of how all of these things are affected by changes in the nature and number of cases coming before the courts.

7451 **2 Credits**
Law and the Underclass

This seminar will critically examine the relationships between law and legal institutions and the contemporary urban underclass. Questions to be addressed will include: To what extent do law and legal institutions contribute to fairness and equality for the underclass? To what extent do law and legal institutions exacerbate the problems and difficulties of the underclass?

7452 **2 Credits**
Law, Philosophy and Social Theory

The seminar will examine theories of legal meaning and its implications discussed by contemporary critics. Students will consider legal and social implications of questions of violence and power arising in the works of authors such as Robert Cover, Catharine MacKinnon, Robin West, Michel Foucault, Philip Selznick, Ronald Dworkin, Jerome Brunek, Cass Sunstein, Paul Ricoeur, Anthony Amsterdam and others. It is hoped that students of the seminar will develop a renewed appreciation for the complex manner in which law affects our lives in ways we may not perceive immediately. No previous knowledge of philosophy or sociology is required of participants in the seminar.

7460

1-3 Credits

Selected Topics

Seminars on various topics selected by Law School faculty and approved by the Law School Curriculum Committee. *Recent Selected Topics Seminars include:*

Comparative Religion and Law – 2 credits

This seminar will compare and contrast the ways in which various world religious traditions, past and present, think about ideal social arrangements created and regulated through law. The course will provide an opportunity to explore the relationships between a community's metaphysical beliefs, its conception of political morality, and legal institutions. Topics might include the treatment of criminals, family arrangements, economic justice, and environmental ethics and law. The particular focus of the course, topics and traditions, may change from year to year. Students will be encouraged to select traditions of interests to them as the subject of their research and papers.

Gender and the Law – 2 credits

This course examines the legal aspects of the struggle for equality between women and men. It surveys feminist legal theories and offers an overview of various areas of the law in which men and women are treated differently within the family, workplace, educational institutions, and criminal justice system. The course considers the law's traditional view of the role of gender, the development of the constitution standard of review for gender discrimination cases, specific laws enacted to remedy gender discrimination, and the changing legal status of women and men.

7461

Selected Topics in Business and Commercial Law

2-3 Credits

This seminar explores various topics in law and policy relating to business and commerce, including business organization and finance, bankruptcy, and corporate criminal liability.

7462

Selected Topics in Civil Dispute Resolution

2-3 Credits

This seminar focuses on selected issues relating to civil litigation, dispute resolution, and alternative dispute resolution.

7463

Selected Topics in Criminal Law

2-3 Credits

This variable topics seminar explores various issues relating to substantive criminal law, criminal procedure, and criminal evidence.

7464

Selected Topics in Environmental Law

2-3 Credits

A variable topic seminar focusing on new or specialized issues in environmental law. *Recent Selected Topics in Environmental Law offerings include:*

7465 **2-3 Credits**
Selected Topics in Estate Planning

This is a variable topics seminar that addresses issues that arise in the estate planning context.

7466 **2-3 Credits**
Selected Topics in Family Law

A variable topic seminar in family issues and policy.

7567 **2-3 Credits**
Selected Topics in Health Law

Selected current issues in health law, including such topics as public health issues; forensic sciences; health care finance and delivery reform; and genetics, behavior and the law.

7568 **2-3 Credits**
Selected Topics in Intellectual Property

A variable topic seminar focusing on new or specialized issues in intellectual property law. *Recent Selected Topics in Intellectual Property offerings include:*

Copyright Puzzles – 2 credits

Copyright law is filled with judicially created doctrines of uncertain heritage and transmuting character. These doctrines lie at the heart of some of copyright's most confounding difficulties: What is a copyrightable work? How much borrowing constitutes infringement? When is someone liable for the infringing acts of another? What is fair use? This seminar will explore these and other enduring controversies in copyright law, including originality, authorship, substantial similarity, first sale, public performance, fair use, and indirect liability, with a focus on how these issues are manifesting in current controversies.

7569 **2-3 Credits**
Selected Topics in International, Comparative, and Foreign Law

A variable topic seminar focusing on specific issues in international, comparative, and foreign law. *Recent Selected Topics in International, Comparative, and Foreign Law offerings include:*

Comparative Human Rights – 2 credits

This seminar provides a comparative overview of the judicial treatment of human rights in a number of jurisdictions, including the United States, South Africa, the European Union and the United Kingdom. Judicial reasoning will be compared across a variety of substantive subjects, including capital punishment, freedom of religion, hate speech and discrimination, with a view to understanding the diversity of themes and issues relevant to domestic treatment of fundamental rights and freedoms. Class discussions will be based on excerpts from judgments, and will emphasize contemporary issues and historical/cultural/social contingencies.

7570 **2-3 Credits**
Selected Topics in Labor and Employment Law

This is a variable topic seminar that addresses issues that arise in the labor and employment law context.

7571 **2-3 Credits**
Selected Topics in Real Estate Law

This is a variable topic seminar that addresses issues that arise in the real estate context.

7572 **2 Credits**
Seminar: Selected Topics in Sports Law

This seminar explores selected contemporary legal issues pertaining to professional and amateur sports. Topics may vary from semester to semester. Classes are to be conducted in a discussion format, and each student in the seminar will write a substantial research paper on a specific topic chosen in consultation with the instructor. Students will also make a presentation to the seminar on their research.

7572 **2 Credits**
Seminar: Selected Topics in Sports Law – The Legal History of Sports Industry

This seminar explores the ways in which the structure of the North American sports industry has been shaped by its intersection with the legal system since the birth of modern spectator sports in the final third of the nineteenth century. Topics explored include the regulation of prize-fighting in the nineteenth century, the impact of contract law on early baseball's labor relations, the application of the antitrust laws to professional team sports both before and after World War II, the battles over control of broadcasting and intellectual property in the sports industry, the interaction between modern labor law and antitrust law in sports labor relations, and the recent efforts to limit franchise relocation and the use of performance-enhancing drugs in sports. Students in the seminar will be expected to participate in class discussions and to prepare a substantial research paper on a topic appropriate to the course.

7573 **2-3 Credits**
Selected Topics in Taxation

This seminar will examine topics in tax law and policy.

7581 **2 Credits**
The Supreme Court

This seminar will be run as a Supreme Court, with the students assuming the roles of both the justices and, in turns, the lawyers. Specifically, we will use cases that will be argued before the Supreme Court of the United States or the Wisconsin Supreme Court in the semester in which the seminar is offered. The students will be required to orally argue one case and to write one majority opinion and one dissent in cases that other students have argued. The course should be of interest not only to students expecting to engage in appellate advocacy, but also to anyone seeking to improve his or her oral and written legal skills.

7585

2 Credits

Tax Policy

This course explores fundamental issues concerning the country's Federal income tax. Topics include such issues as whether tax rates should be progressive or flat, whether the tax structure should treat taxpayers as individuals or as parts of family groups, whether capital gains should be taxed at lower rates and whether the double tax imposed on corporate income should be eliminated. This course also explores whether the income tax should be replaced with some form of a consumption tax, such as a value added tax.

7587

2 Credits

Truth and Falsehood

While truthfulness is an important legal and ethical value, the law does not consistently require truthfulness in our dealings with others, even in circumstances where the stakes are high. There are many examples: The law tolerates some willful and material lies by government officials during the course of criminal investigations. Lawyers are generally permitted to withhold crucial information in fulfillment of their duty of confidentiality. Although witnesses in legal proceedings must swear to tell the whole truth, the rules of evidence may prohibit them from doing so. This seminar analyzes where courts have drawn the line in permitting and punishing deception.

7588

2 Credits

Wisconsin Legal History

The main themes in American legal and constitutional history are explored through a case study of the legal experience of the state of Wisconsin. Topics include Wisconsin's pre-1948 experience as a territory; the drafting of the first state constitution; the role of law in the economic development of the state; legal attitudes concerning ethnicity, race, and gender; the development of the legal profession; legal education; progressivism and the rise of the bureaucratic state; and legal recognition of the rights of consumers.

WORKSHOPS

7703

2-3 Credits

Advanced Brief Writing

This course offers an opportunity for advanced instruction in brief writing. The skill of writing effective and persuasive briefs is vital for lawyers working in both trial and appellate courts. In this workshop, students will engage in multiple drafting exercises, including those that focus on drafting statements of fact and drafting persuasive legal arguments. All writing submitted by the class will be subjected to multiple levels of critique. English language usage and principles of citation will also be covered.

7700

2 Credits

Advanced Commercial Real Estate Finance and Development

This course will focus on the economic and legal risks and rewards inherent in commercial real estate development. It will examine financial leverage, the profitability of real estate investment, the commercial mortgage market including securitization, tax considerations, the selection of the ownership entity, and commercial leasing transactions.

7702
Arbitration

2 Credits

A professional skills workshop focusing on the techniques for effective participation in arbitration. Students participate in mock arbitrations, including the preparation of arbitration materials, writing briefs and decisions, and role-playing. Relevant statutory and case law is also covered.

7705
Appellate Writing and Advocacy

3 Credits

A prerequisite to participation in moot court, this course introduces students to the appellate process, appellate writing, and oral advocacy. Students study how a case travels through the appellate courts at the state and federal level, the criteria upon which cases are accepted for review, spotting issues for appeal, standards of review, developing a theory of the appeal, drafting an appellate brief, and presenting an oral argument. Students learn these skills in the context of a moot court competition in which they draft an appellate brief and deliver oral arguments.

7708
Asylum Law

2 Credits

This workshop introduces students to the fundamental skills required of lawyers representing an asylee. The workshop will cover the basic requirements and procedures for determining a person's eligibility for asylum. Students will engage in simulated practice exercises covering case assessment, formulation of a case theory, completion of an asylum application, legal and country conditions research, drafting affidavits, and writing a brief in support of the asylum application.

7710
Business Bankruptcy

2 Credits

This course will provide the students with the opportunity to learn how to develop a Chapter 11 plan of reorganization. The Chapter 11 process will be subdivided into its component parts. Each part will be analyzed by solving problems that commonly occur in Chapter 11. Some of the topics to be covered include, first-day orders; executor contracts and leases; collective bargaining agreements; retiree benefits; pension plans; operating rules in Chapter 11; postpetition financing; plan requirements; secured creditor treatment; claims classification; creditor voting; disclosure statements; confirmation problems; cram down methods; 363 sales; pre-packaged plans, and more.

7712
Business Planning

3 Credits

Examines legal and business issues lawyers face in representing a business organization in its early stages of development. Topics covered include (1) selecting the appropriate organizational form for the start-up business, (2) addressing control issues and the particular concerns associated with having minority owners, (3) financing the start-up business, (4) compensating employees, including through stock and stock options, (5) giving equity investors exit rights, and (6) addressing common ethical issues lawyers face in representing start-ups. The course not only examines these principles and the theories behind them, but also studies how they function in practice, through the lens of hypothetical business transactions.

7715

Child Abuse

2 Credits

This workshop focuses on developing the skills and competencies necessary for lawyers to deal with allegations of child abuse, whether such allegations arise in the context of civil, criminal, family, or children's court matters. In particular, students will learn the basic techniques for interviewing children who may have been victims of, or witnesses to, child abuse; how to evaluate evidence of child abuse; how such evidence is and is not permitted to be used in court; and a range of other skills germane to representations that implicate child abuse issues. Students will also draft motions and pleadings designed to enable them to understand the legal issues involved in child abuse matters.

7720

Workshop in Civil Dispute Resolution

2-4 Credits

This variable content workshop addresses skills that are useful in the resolution of disputes short of litigation and in the litigation of civil cases.

7811

Civil Pretrial Practice

3 Credits

A professional skills workshop focusing on pretrial practice in civil cases, including client interviewing and counseling, pleading, informal discovery, formal discovery (including depositions, interrogatories, and requests for admissions and for production of documents), and pretrial motion practice.

7721

Workshop in Commercial and Business Practice

2-3 Credits

This professional skills workshop focuses on the practical aspects of business and commercial practice, including business planning, drafting business agreements, and the like. *Recent Workshop in Commercial and Business Practice offerings include:*

Corporate Compliance – 2 credits

Corporate compliance, one of the fastest growing markets for legal services, addresses the problems of organizations struggling to manage risk ranging from corruption to data privacy. This workshop will explore the process involved in addressing compliance risk. The workshop will address a number of substantive compliance areas, but the goal of the course is to teach students how to develop a risk-based approach to solve compliance problems.

7722

Workshop in Contract Drafting

2 Credits

This workshop introduces students to the fundamental skills common to drafting and negotiating contracts.

7723

2-3 Credits

Workshop in Criminal Law

This variable topics workshop will enhance students' skills relating to representation of defendants, plea bargaining, pretrial litigation, criminal trials, post-conviction representation, and mental commitments tied to criminal prosecutions. *Recent Workshop in Criminal Law offerings include:*

Criminal Practice – 2-3 credits

A professional skills workshop focusing on pretrial and post-trial practice in criminal cases. Topics include formal and informal discovery; drafting and litigating suppression motions relating to arrests, stops, searches, identifications, and interrogations; plea negotiations and guilty plea procedures; and postconviction motion practice, including ineffective assistance of counsel challenges.

Expert and Forensic Science Evidence in Criminal Cases – 2-3 credits

This workshop is intended to develop students' litigation skills in presenting and impeaching expert and forensic science testimony in criminal cases while deepening their understanding of evidence doctrine. Motions in limine will be simulated as well as direct and cross-examination at trial. The workshop will survey a broad array of forensic sciences (e.g., DNA) and expert proof, including testimony by police officers in drug and gang cases.

7724

2-3 Credits

Deposition Practice

This is a professional skills workshop on all aspects of deposition practice, a mainstay of civil litigation. The goal is to enhance your understanding of the rules governing depositions and to develop your skills in taking and defending depositions. Topics include deciding which persons to depose, preparing and deposing lay and expert witnesses, making appropriate objections, defending lay and expert witnesses at deposition, and using depositions at trial.

7725

2 Credits

Drafting Employee Benefit Plans

Drafting course with emphasis on creation of tax-qualified employee benefit plans; deferred compensation plans; and executive compensation plans. Students will learn the legal foundation, elements of design, essential terms, use of "boilerplate," general drafting principles for each plan type, and the available resources for drafting employee benefit plans.

7727

2 Credits

Drafting the Wisconsin Real Estate Transaction

This workshop will provide experience in drafting documents for a typical commercial real estate transaction in Wisconsin, including negotiating the offer to purchase, obtaining financing, conducting due diligence, and closing the transaction. This will be primarily a drafting course, focusing on the practical aspects of conducting a transaction of this kind. The workshop is appropriate for students considering a general practice, although it will be especially useful for

students interested in specializing in real estate law. The class will involve the drafting, negotiating and/or reviewing of the following types of documents and forms: Wisconsin State Bar Form Commercial Offer to Purchase, title insurance commitments and affidavits, ALTA surveys, deeds, and other transactional documents.

7734

2 Credits

Legal and Business Issues in Entertainment Law

A practical and comprehensive overview of business and legal issues that impact particular parts of the entertainment industry, including film, television, music, and multi-media. The course reviews various areas of law including agency, contract, labor, copyright, trademark, and business organizations, and also uses practical examples and industry documents (deal memos, talent agreements, collective bargaining agreements, arbitration rules, etc.) to analyze the law's interplay with industry standards and customs.

7730

2-3 Credits

Workshop in Environmental Practice

This variable topic workshop will enhance students' skills relating to air and water pollution laws, natural resources, and hazardous materials. *Recent Workshop in Environmental Practice offerings include:*

Clean Water Act – 2-3 credits

This course will teach students about the cornerstone of water law in the United States, the Clean Water Act. The course will focus on the statutory and administrative framework for the regulation of wastewater discharges. We will examine actual wastewater discharge permits and related background documents and in that context discuss topics such as technology based effluent limitations (TBELs), water quality based effluent limitations (WQBELs) and other significant issues impacting the drafting, implementation and enforcement of wastewater discharge permits. We will also tackle emerging issues such as the regulation of nutrient discharges, the trading of water pollution "credits" and the development of total maximum daily loads (TMDLs). The class will culminate with the preparation and submission by Students of "comment letters" on a hypothetical permit from the perspectives of the permittee and an environmental interest group. The Students will also make a presentation in class summarizing their comments in a simulated "public informational hearing."

Energy Law – 2 credits

Will focus on the legal and policy framework for electrical energy project development in Wisconsin. While the workshop will cover an overview of the regulations of large-scale, public utility electrical projects, the focus will be on opportunities for nonutility lawyers in their careers involving smaller scale electrical generation projects in Wisconsin. This workshop will cover the following aspects of such nonutility scale energy projects: An overview of the role of the PSC in large-scale public utility projects; corporate structures for energy projects; financing aspects of smaller scale energy projects including governmental grant and tax considerations; siting considerations for energy projects, including strategies to support and oppose such land use projects; negotiating power purchase and furnish agreements necessary for such projects; conducting due diligence for assessing the viability of energy projects; an overview of environmental permits required for such projects and strategies to maximize the value of such permits; special

legal considerations for emerging renewable technologies in Wisconsin, such as biomass, waste to energy and biogas project; assembling teams required to develop or oppose such projects and the role of lawyers in such team management.

Natural Resources Law – 2 credits

This course examines the law and policy related to the governance and management of natural resources in the face of competing demands for their preservation and use. The course will introduce the debate over resource valuation and will survey the statutory and common law regimes governing a variety of resources including public lands, water, wetlands, wildlife, forests, fisheries, and minerals.

7731

2-3 Credits

Workshop in Estate Planning

This variable content workshop focuses on the development of lawyering skills relating to the disposition of property during lifetime and at death. *Recent Workshop in Estate Planning offerings include:*

Probate Procedure – 2 credits

A hands-on and in-depth study of the administration of decedents' estates within the probate court system, focusing on the applicable statutory authority and the role and responsibility of both the attorney and personal representative. The course will examine the various types of probate administrations, classification and valuation of the decedent's assets, identification and treatment of beneficiaries, marital property and creditor issues, as well as relevant transfer and income tax laws.

7740

2-3 Credits

Workshop in Family Practice and Procedure

A professional skills workshop focusing on practical aspects of family law practice, such as divorce, custody, adoption, and TPR, using Wisconsin law as a starting point. The workshop will also consider the role and responsibility of a GAL under Wisconsin law. *Recent Workshop in Family Practice and Procedure offerings include:*

Domestic Violence – 2 credits

This workshop explores some of the social and legal issues involved in domestic violence. Topics include theories of domestic violence, domestic violence laws, and the constitutional implications of domestic violence. The course will examine both civil and criminal domestic violence law at the state and federal levels. It will focus on developing the practical legal skills needed to adequately address domestic violence. In addition to applying domestic violence laws to discrete cases, students will also create their own civil and criminal laws and defend them constitutionally.

7750 **2 Credits**
Guardian ad Litem

This workshop focuses on the practice of the guardian ad litem. It is structured around three major themes: 1) the guardian ad litem in children's court cases; 2) the guardian ad litem in family court cases; and 3) the guardian ad litem in guardianships, protective placements, and mental health commitment cases.

7760 **2 Credits**
Health Care Contracts

This course utilizes detailed cases for planning, analysis, management and resolution of issues in such business aspects of health care as mergers and acquisitions by for-profit and nonprofit corporations, and physician joint venturing and investments.

7761 **2-3 Credits**
Workshop in Health Law

A variable topic workshop aimed at developing students' skills relating to a health law practice.

7770 **2-3 Credits**
Workshop in Intellectual Property

A variable topic workshop designed to develop student skills relating to specific areas of intellectual property. Focus of the workshop will vary and may include emphasis upon copyright, patent and trademark litigation, patent and/or trademark prosecution and licensing.

7771 **2-3 Credits**
Intellectual Property Litigation

This course will follow a step-by-step approach to an intellectual property dispute through preliminary considerations (such as whether suing is the proper course of action), pleadings, pretrial activities, discovery (including expert discovery), trial preparation, evidentiary problems and appellate procedures. Students will develop their advocacy skills through a variety of persuasion-based speaking opportunities, and will learn and apply questioning techniques through mock depositions. Students will also learn to examine and cross-examine lay, expert and technical witnesses and practice presentation of technical subject matter and evidence (including damage calculations) to lay juries and judges through the mock trial.

7831

2-3 Credits

Selected Topics in International, Comparative, and Foreign Law

This is a variable content workshop focusing on skills associated with the practice of law in the international context.

7772

2 Credits

Interviewing and Counseling

This course seeks to inculcate, develop, and refine skills of interviewing and counseling, professional skills indispensable to the effective delivery of competent legal services. Whether representing clients in connection with litigated matters, transactions, estate plans, or other work, lawyers need to be cognizant of the most effective ways to elicit facts, formulate strategies, and render advice. The course will assist students in grasping both the theoretical underpinnings and the practical realities of interviewing and counseling.

7780

2-3 Credits

Workshop in Labor and Employment Law

A professional skills workshop focusing on such issues as collective bargaining, boycotts, strikes, the representation of employers and employees, and non-unionized employment claims.

7782

2-3 Credits

Lawyers & Life

What, exactly, does it mean to succeed? How can new lawyers maximize the prospects that they will succeed, professionally *and* personally?

This experience aims to equip new lawyers with the capacity to identify, develop, and refine a cluster of skills indispensable to success that receives little attention in the traditional law school curriculum. In particular, the experience will prompt students to examine and employ skills of self-reflection, goal-setting, self-assessment, wellness, resilience, value identification, emotional intelligence, and listening, all toward the end of crafting comprehensive strategies for the pursuit of professional and personal success.

LAW 7785

2 Credits

Legal and Business Issues in Collegiate Athletics

A practical workshop applying the legal doctrines and theories covered in Amateur Sports Law to current legal and business issues affecting the regulation and governance of intercollegiate athletics. Topics covered and practical skills developed may relate to challenges to intercollegiate eligibility and amateurism rules, academic progress and graduation rates; the NCAA's Legislative Services Database (LSDBi), and enforcement of NCAA rules (including proceedings before the Committee on Infractions and Infractions Appeals Committee); athlete privacy (e.g., FERPA and HIPPA regulations); gender equity compliance; prevention of sexual and racial harassment; application of the Equal Pay Act, Title VII and collegiate coaching contract disputes; legal rights of former student-athletes (e.g., exploitation of right of publicity); the economics of collegiate athletics; and critiques of the collegiate model of athletics.

LAW 7786

Legal and Business Issues in Youth, High School, and Recreational Sports 2 Credits

A practical workshop applying the legal doctrines and theories covered in Amateur Sports Law to current legal issues affecting the regulation and governance of youth, high school and recreational sports. Topics covered and practical skills developed may relate to the application of the Federal Volunteer Protection Act; review of constitution/bylaws of youth sports organizations for legal compliance; comparative analysis of high school athletic associations and their status as state actors; constitutional rights in high school athletics; student-athlete prayer; gender equity compliance and concerns in high school athletic programs; prevention of sexual and racial harassment and hazing of student-athletes; waivers and releases of tort liability for injuries; premises liability; recreational safety and user statutes; legal duties of care and risk management; and participation rights of homeschooled students.

7788

2 Credits

Managing Intellectual Property

The workshop will address the need for companies and individual creators to strategically manage their intellectual property assets. Building on the Intellectual Property Law course, students will study approaches to managing patents, copyrights, trademarks and trade secrets through the spectrum of activities including creation and development of intellectual property; its acquisition, sale and license; ownership and valuation issues; protection and enforcement of rights; and litigation. The workshop will cover legal case considerations and real world business dynamics and provide students with insights into the role and responsibilities of in-house lawyers and outside counsel in this process.

7790

3 Credits

Mediation Advocacy

This interactive course introduces students to negotiation and mediation theory and explores strategies and develops skills of effective attorney representation in mediation. The course will examine challenges and choices presented to the attorney from the first client meeting, through preparation of the case and client for mediation, and culminating in the mediation session itself.

7791

3 Credits

Mental Health Law

This course is designed around the premise that basic understanding of both law and the behavioral sciences is required in order to be an effective advocate in cases involving the two disciplines. The objective of this course is to assist students in understanding psycholegal standards, forensic psychology practices, and concepts of psychopathology relevant to the practice of mental health law. Students will be expected to examine these standards, practices, and concepts critically. Students will engage in in-class exercises covering mental health law issues that are likely to be encountered in cases involving civil commitment, guardianship, the insanity defense, sentencing, child custody, and other civil and criminal issues.

7800 **3 Credits**
Negotiating Business Transactions

Determine the best legal structure and financing for your client's start-up. Learn how to structure strategic partnerships and joint ventures between mature and new ventures to protect the divergent interests of both. Plan and negotiate an acquisition from letter of intent, to due diligence, tax planning, financing and drafting the purchase agreement.

7801 **3 Credits**
Negotiation

This interactive workshop combines theory and practice in an effort to improve both understanding of the negotiation process and individual effectiveness as a negotiator in a variety of professional and personal contexts. The course emphasizes a variety of relevant skills including effective preparation, persuasion, communication, problem-solving, and decision-making. Students will be given a foundation in the theories and core concepts of the negotiation process and will work on developing practical negotiation skills through rigorous engagement in negotiation simulations, class discussions, and continuous self-assessment and examination of one's negotiation behavior and personal assumptions about the negotiation process.

7810 **2 Credits**
Patent Prosecution and Evaluation

This course covers the strategic decisions and basic drafting of patent applications, claims, specifications and supporting documents and prosecution of patents before the Patent and Trademark Office, and how the strategic decisionmaking process and choices made during prosecution can be analyzed to determine the value of issued patents.

7814 **1 Credit**
Prosecutor Workshop

A workshop for students enrolled in the Prosecutor Clinic. Focus is on the development of lawyering skills essential for the criminal prosecutor, including those necessary for analyzing and charging cases, representing the state at initial appearances and preliminary hearings, litigating pretrial motions, negotiating plea agreements, representing the state at guilty plea hearings and sentencing proceedings, and litigating trials to the court and to the jury.

7815 **1 Credit**
Public Defender Workshop

A workshop for students enrolled in the Public Defender Clinic. Focus is on the development of lawyering skills essential for the criminal defense attorney, including those necessary for case investigation and analysis, representing defendants at initial appearances and preliminary hearings, litigating pretrial motions, negotiating plea agreements, representing defendants at guilty plea hearings and sentencing proceedings, and litigating trials to the court and to the jury.

7817 **2 Credits**
Public Sector Employment Law

Survey of the law of public labor relations, including organization and representation of employees, strikes, picketing, boycotts, and collective bargaining. Some emphasis will be placed on the different contexts of private-sector labor law vs. public-sector labor law, including the subjects of bargaining, the limits of concerted action, and the use of interest arbitration.

7820 **2-3 Credits**
Workshop in Real Estate

A variable topic professional skills course focusing on commercial real estate transactions.

7821 **2 Credits**
Representing Professional Athletes and Coaches

A study of the formation, interpretation, negotiation, drafting, and enforcement of employment contracts for college coaches, professional athletes, and athletic directors. Topics covered include the agent's role in representing professional athletes, representation agreements between athletes, coaches, and contract advisors, the ethical responsibilities of attorney agents, financial planning for the athlete, marketing the athlete, collective bargaining agreements affecting athletes contracts, and the art of negotiation.

7830 **1-3 Credits**
Selected Topics Workshops

Workshops on various topics selected by the Law School faculty and approved by the Law School Curriculum Committee. *Recent Selected Topics Workshops offerings include:*

Technology and Legal Practice – 2 credits

Technology is the means by which cases and trials are won or lost. Today's practicing attorney needs to be tech savvy beyond formatting documents and creating presentations. This course will explore the software and technology used in corporate law departments and a law firms. We will explore the following types of software: Document Management Systems (DMS), Enterprise Resource Systems (ERP), General Ledger (GL), Time Entry/Time Tracking, eDiscovery/Litigation Support Tools, Document Comparison, Red-Line/Markup, Digital Voice Dictation, Document Assembly, Forms Automation, Real Estate Transaction Tools, Advanced word processing, In-Trial presentation tools, Document tagging\production, Mobile Technology for Attorneys, Small/Solo Practice all-in-one systems, Email Management Strategies, Electronic Records Management, Converting Paper to Electronic, Client Relationship Management (CRM), Social Media Marketing and Search Engine Optimization. Some time will also be spent on the right hardware for the law firm data center and a good model for a successful law firm IT Department.

Water Technology Law & Policy – 2 credits

The Milwaukee region is fast becoming a global leader in water technology and policy research. This dynamic field presents new legal challenges and opportunities. The first part of this course will broadly introduce the legal regimes governing water resources. The

heart of the course will explore the legal issues that arise at the various intersections of law, policy and technology related to the use of water resources. During the last few weeks of the course, we will cover various strategies for protecting intellectual property that are specifically geared toward water technologies.

Wisconsin Tribal Legal Systems – 2 credits

This course will examine the legal systems of Wisconsin's eleven federally-recognized Indian tribes, including each tribe's foundational law (e.g., treaties, constitution, key ordinances) and each tribe's court system. The course will focus in particular on (1) the rules that courts apply to determine the boundaries between state and tribal court jurisdiction and (2) the practical, legal (e.g. rules of procedures, rules of evidence) and cultural factors that distinguish the practice of law in tribal court from state or federal practice. Students will acquire a working understanding of Wisconsin's tribal court systems and have the opportunity to apply for membership in the bar of one or more tribal courts, which do not require a law degree.

7841

2-3 Credits

Workshop in Sports Law

A variable topic workshop designed to develop practical student skills relating to the representation of sports industry clients. Focus of the workshop will vary and may include emphasis on representing professional leagues and teams, professional athletes, colleges and universities, or other entities in the sports industry.

7843

2 Credits

Sports Industry Governance

This course will focus on the intersection of legal and business issues that professional sports leagues and their member clubs encounter on a regular basis and their practical implications. Using the National Football League's organization, business operations, and litigation experience as a point of reference, the course will examine the tensions between the business objectives of the league, its clubs, players, sponsors and fans as well as the developing legal precedents that govern these relationships.

7844

2 Credits

Sports Sponsorship – Legal and Business Issues

This course will introduce students to a variety of legal and business issues pertaining to sports sponsorship and marketing, particularly contract and intellectual property laws as applied to sports marketing arrangements and sports sponsorship agreements as well as their underlying business objectives and risks. It will focus on the development of practical legal skills including how to effectively negotiate and draft sports sponsorship and marketing contracts, and how to protect a client's contract and intellectual property rights in connection with sports sponsorship agreements and marketing arrangements.

7842
Sports Venues

2 Credits

The course is dedicated to the study of the legal, financial, developmental, and political creation of sports facilities in the United States. The course will examine the reasons for the stadium boom and proliferation of sports facilities in our country; the current debate relative to the desirability of public tax dollars underwriting sports venues; the ways in which sports facilities are financed and funded; the creation of governmental bodies known as stadium or taxing authorities; the development process and the real estate implications of stadium creation; the development of a long-term leasehold arrangement between landlord and tenant; litigation challenging government participation in financing and referendums; the creation of public-private partnerships and the risks, financial requirements, and nature of the partnership; the creation of contractually obligated income and the ways in which revenue generation meets the bottom line needs of all interested parties; construction implications relative to the creation of facilities including issues of cost overruns, insurance, and the ADA; relocation and retention issues relative to utilization of facilities for keeping the team at home; a review of the so-called facilities arms race in our universities and the nature of this race; litigation affecting sports facility development; a definition of a green facility; stadium technology; and trends for the future of stadium development.

7860
Statutory Interpretation

2 Credits

The central objective of this course will be to develop skills essential to dealing effectively with statutes in the course of professional life as a lawyer. The course begins with a review of the legislative process, moves to an investigation of canons of statutory construction and interpretation, and devotes the bulk of the semester to a series of “learn by doing” assignments likely to include exercises in interpretation, counseling sessions with clients, oral arguments seeking to persuade decision-makers to adopt (or to reject) particular constructions of statutory language, and drafting activities.

7851
Trial Advocacy 1

3 Credits

This workshop introduces students to the fundamental skills required of trial lawyers, including formulation of a case theory, jury selection, opening statements, direct and cross-examination, and closing argument. Students will engage in simulated practice exercises and the course concludes with a mock trial.

7852
Trial Advocacy 2

3 Credits

This course builds on the basic skills introduced in Trial Advocacy 1 and also focuses on jury selection, the use of demonstrative exhibits, and expert testimony.

ADVANCED LEGAL RESEARCH

7950

1-2 Credits

Advanced Legal Research

This variable topic course focuses on practical legal research strategies leading students to make informed choices about the type and format of resource to use, an efficient methods for using resources, and understanding of the costs involved with various resources. Students will complete a series of research assignments demonstrating appropriate research techniques and problem-solving. This course satisfied the advanced legal research requirement. *Recent Advanced Legal Research offerings include:*

- Business Law
- Criminal Law
- Family Law
- Federal Law
- Health Law
- Intellectual Property
- International Law
- Labor and Employment
- Sports Law
- State Law
- Taxation
- Wisconsin Law

CLINICAL COURSES

7980

2-3 Credits

Judicial Internship - Appellate

Internship offering students an opportunity to intern with a federal or state appellate court judge. *Graded Satisfactory/Unsatisfactory.*

7981

2-3 Credits

Judicial Internship - Trial

Internship offering students an opportunity to intern with a trial court judge. Placements are made with Milwaukee circuit court judges. *Graded Satisfactory/Unsatisfactory.*

7984

3 Credits

Law and Entrepreneurship Clinic

Students actively counsel entrepreneurs and new business in key legal matters under the supervision of a licensed attorney. *Graded Satisfactory/Unsatisfactory*

7982 **2-3 Credits**
Mediation Clinic

A live-client, on-campus legal clinic providing law-based training for law students, education about the law for the Milwaukee Community, and legal service to low income residents of Milwaukee. *This course may be taken a second semester with the permission of the instructor. Graded Satisfactory/Unsatisfactory.*

7987 **1-3 Credits**
Supervised Fieldwork

This program provides students with the opportunity to intern with a variety of governmental and public service agencies under the supervision of a faculty member and under the guidance of agency lawyers. *Graded Satisfactory/Unsatisfactory.*

7985 **2 Credits**
7986 **1 Credit**
Unemployment Compensation Advocacy Clinic 1 and 2

This clinic is operated in cooperation with Legal Action of Wisconsin. The live-client legal clinic provides law-based training for law students and representation of unemployment compensation claimants. Students will receive classroom training for one hour, fifteen minutes per week and additional instruction outside of the classroom. Students will observe and critique at least three unemployment insurance hearings and represent claimants in at least two hearings. Students, under the supervision of an attorney, will engage in client interviews, case development, witness preparation, and representation at the administrative hearings. The second semester component will build in the skills learned in Unemployment Compensation Advocacy Clinic 1. *Graded Satisfactory/Unsatisfactory.*

MISCELLANEOUS COURSES

7925 **1-2 Credits**
Academic Success Program

Students may earn credit for working as teaching assistants and academic success leaders. Students are selected by and work closely with faculty members and administrators to support and enhance students' classroom experience. *Graded Satisfactory/Unsatisfactory.*

7960 **1-3 Credits**
Law Journals

The Law School publishes or edits several law journals, including the *Marquette Law Review*, the *Marquette Sports Law Review*, the *Intellectual Property Law Review*, the *Federation of Insurance and Corporate Counsel Quarterly*, and the *Elder's Advisor: Journal of Elder Law*. Selection criteria and requirements for academic credit vary from publication to publication. *Graded Satisfactory/Unsatisfactory.*

7970

.5-2 Credits

Moot Court

Students may earn credit for researching, drafting, and preparing a brief and oral argument in moot court competitions approved by the Law School faculty. Students on the Executive Board of the Moot Court Board may earn one credit for spending 60 or more hours during a semester on Board work. A total of two credits may be earned over two semesters for Board work. *Graded Satisfactory/Unsatisfactory.*

7975/7976

.5-2 Credits

Client Skills Board/Client Skills Board Competitions

A student may earn credit for organizing intramural competitions, administering Client Skills Board activities at the Law School, drafting problems for intramural competitions, coordinating competition preparations, competing, attending Board Meetings, and volunteering for other Client Skills Boards Competitions. To receive one (1) credit, a student is expected to perform sixty (60) hours of work as a competitor or as a General Board member. A student on the Client Skills Board Executive Board may earn credit for spending sixty (60) or more hours during a semester on Board activities. A student may earn credit as a General Board Member, an Executive Board Member and/or as a competitor. *Graded Satisfactory/Unsatisfactory.*

7978

Trial Skills Competitions

1-2 Credits

Students may earn credit for participating in trial skills competitions approved by the Law School faculty. *Graded Satisfactory/Unsatisfactory*

Trial Advocacy Practicum – 1 credit

This practicum will enhance students' core skills in trial advocacy. Skills emphasized will include direct and cross-examinations of witnesses, enhancing and attacking credibility, handling exhibits, making objections and offers of proof, and presenting persuasive opening and closing arguments. *Permission of instructor.*

7931

1-3 Credits

Topics in Law

Courses offered jointly by the Law School and other departments within Marquette University. *Recent Topics in Law courses include:*

Seminar: Media Law – 3 credits

This course explores the manifold legal issues affecting those who communicate using mass media. Students will study and critique key theories of free expression as well as judicial interpretations of the First Amendment. The course will examine and evaluate the tort claims, common law principles, statutory provisions and administrative rules that shape the gathering and dissemination of media content, including news, advertising, opinion and entertainment. And students will learn about the unique rules and standards

that apply to particular media, including broadcast radio and television, cable television, and the Internet. Key topics include defamation, invasion of privacy, prior restraints, newsgathering and protection of sources, access to places and records, free press-fair trial conflicts, commercial speech (advertising) regulation, copyright and fair use, indecency and obscenity, regulation of children's television, regulation of political speech, online liability, net neutrality, and others.

7995

1-3 Credits

Directed Research

Academic credit may be awarded for directed research under the supervision of a full-time or emeritus faculty member by students who have completed 27 credit hours. The directed research must result in a substantial paper of independent integrity that satisfies the requirements for advanced writing under Section 201(5) of the Law School Academic Regulations. One hour of credit is awarded for each 60 hours of directed research. A student may not take more than two credit hours of Directed Research and/or Graduate Assistant in a semester. A student may not apply more than six hours of Directed Research and/or Graduate Assistant to the requirements for graduation.

7997

1-3 Credits

Graduate Assistant

Academic credit may be awarded for service as a graduate assistant under the supervision of a full-time or emeritus faculty member by students who have completed 27 credit hours. One hour of credit is awarded for each 60 hours of service. A student may not take more than two credit hours of Directed Research and/or Graduate Assistant in a semester. A student may not apply more than six hours of Directed Research and/or Graduate Assistant to the requirements for graduation. *Graded Satisfactory/Unsatisfactory.*

STUDY ABROAD

7933

Study Abroad – University of Copenhagen

1-9 Credits

Students participating in the exchange program with the University of Copenhagen must enroll in this course for the semester during which they will be taking classes at the University of Copenhagen. Students may enroll in this course only with the prior approval of the Law School Director Study Abroad Programs. The number of credits that will be applied toward the J.D. degree will be determined by the Director of Study Abroad Programs based on (i) classroom hours spent per approved course at the University of Copenhagen (ii) for which the student earns the equivalent of at least a grade of C. Graded satisfactory/unsatisfactory.

7934

Study Abroad – Universite de Poitiers

1-9 Credits

Students participating in the exchange program with the Universite de Poitiers must enroll in this course for the semester during which they will be taking classes at Poitiers. Students may enroll in this course only with the prior approval of the Law School Director Study Abroad Programs. The number of credits that will be applied toward the J.D. degree will be determined by the Director of Study Abroad Programs based on (i) classroom hours spent per approved course at Poitiers (ii) for which the student earns the equivalent of at least a grade of C. Graded satisfactory/unsatisfactory.

7935

Study Abroad – University of Comillas

1-9 Credits

Students participating in the exchange program with the University of Comillas must enroll in this course for the semester during which they will be taking classes at Comillas. Students may enroll in this course only with the prior approval of the Law School Director of Study Abroad Programs. The number of credits that will be applied toward the J.D. degree will be determined by the Director of Study Abroad Programs based on (i) classroom hours spent per approved course at Comillas (ii) for which the student earns the equivalent of at least a grade of C. Graded satisfactory/unsatisfactory.

7951

Marquette Led Travel/Study Abroad

1-2 Credits

Course taught in an international setting by Marquette professors and where students earn Marquette credit. *Recent Selected Topics Workshops offerings include:*

Chinese Law and Legal Institutions – Giessen – 2 credits

This class provides an overview of the rich legal and governance tradition of China. Adopting a “law-in-action” approach, the course will examine historical, social and cultural patterns, administrative systems, and structures of power as expressed in traditional and contemporary Chinese approaches to law and order. Students will be introduced to Chinese philosophical traditions; imperial legal orders; Republican developments; the establishment of the PRC and Maoist legal-political campaigns (“Anti-Rightist Campaign,” the “Great Leap Forward” and the “Great Proletarian Cultural Revolution”); Deng-era reform and opening and present-day processes of legal reform. The course will explore Chinese sources of law, legal actors and legal institutions. The course will also address specific substantive areas of law and order in modern China, including criminal law, constitutional law, human rights, administrative law, and intellectual property protection.

Comparative Law – Giessen - 2 credits

As a special feature of the US-German summer school, this course contrasts the main characteristics of common law and civil law legal systems in light of globalization, with particular reference to the interaction of law and culture. Students will learn more about the historical evolution and the main features of the civil law tradition in comparison with the common law tradition. Since, in the era of globalization, issues of constitutional law and good governance are increasingly seen as vital issues internationally, this course will also address constitutional elements of different political systems and the practical operation of those systems. Students will examine – from a comparative perspective – legal structures and concepts that are typically found in constitutions, including judicial review, the distinction between legislative and executive authority, federalism, the relationship between religion and state, freedom of speech and of the press, and social rights. The course will be taught jointly by faculty members of the participating law schools, allowing for comparative discussions on the spot related to the topics addressed.

International Cyberlaw – Giessen - 2 credits

This course will focus on the regulation of media and communication technology (and the Internet in particular) in a world of increasingly porous borders. The class will take a global approach, with a focus on the transnational aspects of the problems raised by

communication technology, but will also include some discussion of national regulatory schemes (primarily Europe and North America) in a comparative perspective. The first part of the course will address the broad issue of regulating a global communications network. For example, how do governments regulate a network that transcends borders? Is the Internet regulable at all? How does the Internet change, if at all, the way in which government operates? Does it change the way we think about our international regime? The second part of the course will cover a series of important topics addressing information flows in cyberspace, such as freedom of speech, privacy, copyright and trademark.

International Economic Law and Business Transaction – Giessen – 2 credits

This course deals with international economic law and business transactions. The main focus of international economic law lies on the WTO, GATT, GATS, and TRIPS. The class will then turn to international sale of goods, commercial terms under ICC incoterms, export controls, international sales contracts, and foreign direct investment.

International Environmental Law – Giessen - 2 credits

Climate change and loss of biodiversity are among the most serious environmental threats. This course will provide insights into legal instruments addressing these threats. It serves as a general introduction to international environmental law and policy. After exploring the economic, political, and legal concepts relevant to international environmental treaty regimes, these concepts will be applied to specific international environmental problems. The course focuses on the dynamic of treaties, negotiations, and state and non-state actors on the international plane, not on domestic legislation. We will also discuss how to ensure compliance with international environmental law.

International Human Rights - Giessen Law – 2 credits

The first part of this course examines civil, political and economic rights of individuals and groups as included in international law. It examines the major sources of those rights, including United Nations, American and European treaties and documents, and develops the substantive content of those rights. Particular attention is given to how compliance with these rights is ensured. The second part of this course deals with International Humanitarian Law (IHL), a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. While the Geneva conventions have been universally ratified, attaining universal compliance with these legal norms remains a challenge. The goal of the course as a whole is to teach students the fundamentals of how individuals are protected by international law and to give them the opportunity to apply this knowledge through hypothetical, yet realistic, case studies.

International Intellectual Property – Giessen – 2 credits

This course covers the general principles of Intellectual Property (IP) protection, the major international agreements on IP rights, and the significance of these agreements for domestic IP laws; this course also addresses the effect of IP protection on international

trade and analyzes the concept of the “exhaustion” IP rights with particular emphasis on the legal issues raised by the unauthorized international trade of “genuine” products.

Law of Armed Conflict – Giessen – 2 credits

The Law that is applicable during an armed conflict will be explored from different perspectives. The first part of the course deals with matters of conflict status, individual battlefield status, the principle of distinction, military necessity, proportionality, the prohibition of unnecessary suffering, means and methods of warfare, military occupation and enforcement of legal norms. In the second part of the course, human rights in armed conflict situations are explored. The distinct concepts of Human Rights Law and International Humanitarian Law are addressed, with a focus on targeted killings and case studies from Chechnya, Iraq, Syria, the Commission of Inquiry and the European Court of Human Rights

Transnational Litigation in Comparative Perspective – Giessen – 2 credits

This course will examine the procedural issues present in disputes arising out of conflicts that cross national boundaries. With a comparative approach, the course will focus on core issues that all legal systems must address, including jurisdiction, service of process, gathering evidence abroad, choice of law, interim measures of protection, and recognition and enforcement of foreign judgments. After examining the theoretical context and complexity of the core issues, the course will explore how different legal systems attempt to deal with these challenges and how they balance competing interests in achieving a resolution.