

MARQUETTE UNIVERSITY LAW SCHOOL

COURSE DESCRIPTIONS

ACADEMIC YEAR 2009-2010

1L CURRICULUM

7000

4 Credits

Civil Procedure

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

4 Credits

Constitutional Law

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

4 Credits

Contracts

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

3 Credits

Criminal Law

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 or the Director of Part Time Legal Education prior to enrolling in upper level courses.

Course prerequisites are found on the Course Prerequisite List.

7100 **2 Credits**
Accounting for Lawyers

This course is intended to provide an understanding of basic accounting principles and their practical application in connection with the practice of law. Topics covered include fundamental principles of accounting for business enterprises; how to analyze and understand a financial statement, balance sheet, and statement of cash flow; basic concepts of revenue recognition; conventions for capitalization versus expenses; and how to recognize possible manipulation of financial and accounting statements.

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.*

7103 **3 Credits**
Advanced Evidence

This course surveys recent developments as well as advanced issues in civil or criminal evidence, with emphasis on federal and Wisconsin law. The interrelationship of admissibility and probative values is its primary theme.

7105 **3 Credits**
Alternative Dispute Resolution

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

7106 **3 Credits**
Amateur Sports Law

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.

7107 **3 Credits**
American Constitutional History

This course examines selected topics in American constitutional history, state and federal, including the role of the Supreme Court. *Satisfies the Law School's perspectives requirement.*

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.*

7109

Animal Law

3 Credits

Is there a place for the consideration of the interests of animals in the law? Throughout the course of the semester, we will examine the historical and current status of animals in our legal system. Students will examine a diverse cross-section of law devoted to the controversial moral, ethical, and public policy considerations germane to efforts to balance the interests of animals and those of humans. The course, to be clear, is *not* an animal rights course. Rather, students will be invited to explore whether the law has a place for animals and, if so, where lines ought to be drawn.

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.

7111

Appellate Writing and Advocacy

2 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.

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 **2 Credits**
Bankruptcy Jurisdiction and Procedure

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 with State Courts, Jury Trials, Sovereign Immunity, Adversary Proceedings, Motions, Appeals and Cross-Border Cases – Chapter 15.

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.

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.

7130 **2 Credits**
Canon Law

This course will examine the legal system and substantive law of the Roman Catholic Church: Its sources, rules of interpretation, principles of rights and obligations, and major prescriptions in the areas of ecclesial governance, worship, education, and property. Special attention will be given to differences between this codified system of law and the Anglo-American tradition. Issues of interest to litigators in church-related cases will be treated. The procedural and penal laws of the Church will be cursorily examined.

7131 **2 Credits**
Civil Legal Services to the Poor

This course will focus on contemporary legal issues in providing civil legal services for poor and marginalized segments of American society. It will include, but not necessarily be limited to introductory studies of : 1. The legal services system, including LSC, local legal aid societies, etc., with attention devoted to assessing the legal needs of traditionally underserved populations and the extent to which those needs are met or unmet; 2. Special needs of the elderly poor; 3. Special needs of persons facing involuntary commitment or protective placement; 4. Special needs of persons with HIV/AIDS; 5. Special needs of the homeless; 6. Special needs of poor children; 7. Special needs of those in income maintenance (welfare/workfare/social security) programs.

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.*

7133 **3 Credits**
Conflicts of Law

Consideration of the array of legal problems that arise when more than one state has contact or contacts with a party to an action or with the cause of action itself. These problems may be characterized generally as choice of law, judicial jurisdiction, the enforcement of judgments and the constitutional problems that may arise in connection with the foregoing.

7134 **3 Credits**
The Constitution and Criminal Investigations

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.*

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.*

7136 **3 Credits**
Consumer Law

This course will provide students a solid grounding in the business and litigation issues surrounding consumer law. Topics to be covered include Wisconsin's unfair and deceptive trade practices law, product quality issues (including lemon laws), consumer credit, debt collection, credit reporting, and related privacy issues. The course also will examine important emerging issues such as data security and identity theft, computer spam and telemarketing, and electronic payments

7137 **1-3 Credits**
Contemporary Legal Issues

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:*

Comparative Corporate and Securities Law – 2 credits

This course seeks to address some of the fundamental issues of corporate and securities law by comparing US, German and European law. Using a functional approach, the course critically assesses real and alleged differences between these legal regimes. To develop an understanding of the underlying problems, the course draws from insights of the law and economics of corporate and securities law. No prior knowledge of corporate finance is assumed. Inter alia, the class covers the business judgment rule, regulation of (initial) public offerings, and insider trading.

Comparative Jurisprudence – 2 credits

Law is one among a number of institutions for coordinating the conduct of people in communities and that communities use to define and protect themselves against disruptive behavior. This course will consider the way in which different communities and social thinkers at different times and in places as disparate as ancient India and modern western societies have conceived of the institution of law, the sources of law, and the legitimate interests of law.

Comparative Tort Law – 2 credits

This course will compare and contrast the tort regimes of the United States and Germany by exploring the ways that the two countries provide legal remedies for injuries caused by dangerously defective products. The course will provide an understanding the principles, purposes, and theories of product liability law, and will critically consider the similarities and differences of the two systems. Among the subjects covered will be: the litigation process, theories of liability, causation, defenses, and damages.

Election Law – 3 credits

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.

Forgiveness and Healing – 2 credits

This course will examine the impact of forgiveness on the process of inter-personal and intra-personal healing, as well as healing of conflict and trauma at the intergroup level. Forgiveness and healing will be examined in the context of intense interpersonal and intrapersonal conflicts in multiple settings that lawyers are involved in, including in families, with clients, within organizations and workplaces, and in the larger community, or within themselves.

The concepts of forgiveness and healing will be examined from multiple spiritual and secular traditions. The underlying philosophical elements of forgiveness and healing will be critically assessed and beliefs and rituals from numerous indigenous and European

traditions will be presented and examined. The focus will be upon gaining a more grounded understanding of the process of forgiveness and its potential impact upon emotional and relational healing. The concepts of forgiveness and healing will be addressed in a very broad and inclusive manner, with no assumptions made related to their specific cultural context or meaning. Empirical studies that have examined the impact of forgiveness upon emotional and physical healing will be reviewed.

Concepts such as forgiveness and healing are inseparable from the concept of spirituality. For the purposes of the 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 forgiveness and healing, however, will be explored, along with practices within Native American, Canadian Aboriginal, Native Hawaiian, African, New Zealand Maori, and Eastern cultural traditions.

International Human Rights Law and International Humanitarian 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.

Law and Social Change – 3 credits

This course will explore the foundations and practice of social change lawyering. Participants will consider the legitimacy and efficacy of using the courts to affect public policy and institutional reform. With a focus on nationally significant cases and local institutional reform efforts, the practical, strategic, procedural, and ethical issues inherent in purporting to represent the public interest through the courts will be examined.

The 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.

Peacemaking and Spirituality – 2 credits

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.

Publish Your Paper – 1 credit

This spring semester 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 1st. 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. The class will dissect an exemplary law review article in order to develop a better appreciation of what makes for effective legal academic writing. It 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.

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, and crime and punishment.

Readings in the First Amendment – 1 credit

A discussion group focusing on readings related to First Amendment issues.

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.

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.

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 **Corporate Finance** **2 Credits**

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 **Creditor-Debtor Law** **3 Credits**

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.

7140 **Criminal Process** **3 Credits**

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

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. *Recent Current Issues in Business and Commercial Law include:*

Advanced Securities Regulation – 3 credits

This course is intended to provide a survey of federal laws regulating mutual funds and other similar investment products such as hedge funds, separately managed accounts, variable insurance products, and ETFs. Issues relating to the Investment Company Act and the Investment Advisers Act will be examined as well as the general subject of broker-dealer regulation under the securities laws. The emphasis will be on the practical aspects of a securities practice relating to institutional investors and securities industry professionals. However, broader theoretical issues relating to the proper scope of federal regulation and to the enforcement of the law by the SEC and other regulators will also be covered.

Capital Markets – 2 credits

This course provides an overview of the development of U.S. debt and equity markets and explores how U.S. debt and equity markets function and the future of these markets. It also explores topics such as how debt and equity securities are created, traded, priced, and regulated, how primary and secondary markets operate, and the role and function of lawyers, investment bankers, brokers, dealers, and intermediaries in the financial markets.

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. *Recent Current Issues in Criminal Law and Procedure include:*

Comparative Criminal Law and Procedure - In Spanish – 2 credits

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.

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. *Recent Current Issues in Health Law include:*

Health Care Fraud – 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.

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. *Recent Current Issues in Intellectual Property and Technology Law include:*

Advanced Patent Law – 3 credits

This course seeks to achieve two goals. First, Advanced Patent Law will examine topics only covered at a basic level in Patent and Trade Secret Law. This includes more in-depth coverage of remedies and damages, patent marking, the jurisdictional authority of the Federal Circuit, and the availability of administrative alternatives during the patent prosecution such as re-examination. Second, Advanced Patent Law will examine a number of advanced patent law topics omitted from Patent and Trade Secret Law. These topics include antitrust law, licensing, pharmaceutical law, comparative law, and government contracts. This second set of topics will cover contemporary issues of concern to the patent law bar.

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:*

Comparative Study of Transitional Justice – 3 credits

The course deals with legal, moral, social, and political questions that arise in countries emerging from periods of massive and systematic violation of human rights and humanitarian law, such as armed conflict, apartheid, authoritarian or repressive rule. The course will offer a comparative study of strategies chosen by governments to build democracy, the rule of law, and a culture of rights. The course will examine themes that include prosecutions, truth commissions, reparation programs, institutional reforms, and reconciliation programs. Cases will come from experiences as they occurred in Latin America, Africa Asian, Europe, and the United States. Particular emphasis will be placed on the issues, dilemmas, and lessons arising out of these different experiences, especially as countries seek to balance their international legal obligations with national political realities.

International Intellectual Property – 2 credits

This course focuses on the major international institutions that affect patent and copyright law. The course will discuss the path leading to TRIPS and WTO with an emphasis on the major treaties affecting patent and copyright law. Topics covered include international law in domestic litigation and administrative actions, extraterritorial application of law and conflict of law, remedies, and the relationship between intellectual property and international trade. (Marquette Law Students cannot receive credit for this course and International Intellectual Property.)

International Criminal Law – 2 credits

This course examines the application of criminal law to international activities and to conduct that crosses national boundaries. The development of international crimes (such as war crimes, genocide, terrorism, drug trafficking and commercial bribery) will be covered as well as the procedural aspects of an international prosecution (extradition, mutual legal assistance and the structure of both ad hoc international criminal tribunals and the new permanent International Criminal Court). (Marquette Law Students cannot receive credit for this course and Selected Topics in International, Comparative and Foreign Law Seminar: International Criminal Law.)

The Law of Regional Economic Integration – 2 credits

This course offers an introduction to the institutional and substantive legal aspects of Regional Economic Communities (RECs). The main perspective of the course is trade oriented. It explores the range of obligations undertaken by member states of various RECs and their impact on public and private trade law. Primary focus will be on the EU (European Union), NAFTA (North American Free Trade Agreement) and MERCOSUR (Mercado Común del Sur or Southern Common Market). However, there will also be an opportunity to discuss and introduce other RECs, such as ECOWAS (Economic

Community Of West African States), EAC (East African Community) and SADC (Southern African Development Community) in Africa, and APEC (Asia-Pacific Economic Cooperation) in Asia.

International Environmental Law – 2 credits

The overall aim of this course is to provide an understanding of international environmental law as a whole, seen in the light of climate change, biodiversity loss, and the other serious environmental challenges facing the world. The course will be kept manageable by careful selection of topics and by adopting a cross-cutting synthesis of regulatory interaction in the field. This will enable students to place international environmental law in the context of public international law in general, revealing at the same time that international environmental law is experimental ground for developing new legal approaches towards global governance. After exploring the economic, political, and legal concepts relevant to international environmental treaty regimes, these concepts will be applied to specific international environmental problems, such as transboundary air pollution, atmospheric pollution, marine pollution, fisheries depletion, and biodiversity and habitat loss. The course focuses on the dynamic of treaties, negotiations, and state and non-state actors on the international plane, not on domestic legislation.

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. *Recent Current Issues in Labor Law include:*

The Global Workplace – 3 credits

This course is a study of comparative and international employment law. Through consideration of the workplace laws and legal environments in several important national jurisdictions, including the United States, students undertake a study of comparative workplace law. Review and discussion of materials that analyze global labor standards will expose students to the international component of workplace law. *Satisfies the Law School's perspectives requirement.*

Public Sector Labor Law – 3 credits

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.

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. *Recent Current Issues in Real Estate Law include:*

Community and Economic Development Law – 3 credits

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.

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:*

International Sports Law – 3 Credits

This course covers the general process of international sports law – especially within the Olympic Movement – and provides a comparative perspective on sports law. Specific topics include the institutional framework; arbitration and litigation of disputes within and outside the sports arena, including consideration of the Court of Arbitration for Sport; the rights, duties, and eligibility of athletes; problems of doping, violence, corruption, and commercialization; and the role of politics in international sports.

Sports Law Governance – 2 Credits

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.

7162

2-3 Credits

Current Issues in Taxation

This is a variable topic course addressing current issues that arise in the law of taxation. *Recent Current Issues in Taxation include:*

Advanced Tax Planning – 2 credits

This course examines a number of advanced taxation topics either omitted from or only covered at a basic level in Federal Income Taxation of Individuals, Federal Taxation of

Corporations and Shareholders, and Federal Taxation of Partnerships and S Corporations. The course will emphasize the contemporary planning issues that tax attorneys are addressing

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.

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.

7186
Entertainment Law

2 Credits

A practical and comprehensive overview of the business and legal issues arising in the entertainment industry, including motion pictures, television, music, theatre, publishing and multi-media. Topics include acquisition of rights, talent agreements, project financing and structures, distributor and licensing agreements. Surveys the various areas of law that impact the entertainment industry, such as contract, business organizations, securities, labor, copyright, trademark and right of privacy/publicity law.

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

Federal Courts

3 Credits

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

Federal Criminal Procedure

3 Credits

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.

7205

Federal Income Taxation of Individuals

3 Credits

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.

7208 **2 Credits**
Financial Institutions and Markets

This course will examine the laws and agencies that regulate the U.S. capital markets and the institutions and individuals that work within those markets, including the NYSE, NASDAQ, NASD, investment banks, and broker-dealers.

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 **3 Credits**
Federal Taxation of Partnerships and S-Corporations

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.

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.

7230 **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.

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.

7233 **3 Credits**
International Business Transactions

Exploration of the body of law governing the conduct between sovereign states and other persons relating to trade and commerce. Particular emphasis on the role of the United States government as well as international economic communities regulating international trade.

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.

7262

3 Credits

Law and the Social Sciences: Parent, Child and State

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.*

7263

3 Credits

Law and Economics

An introduction to the central concepts of "law and economics," including alternative notions of efficiency, rational choice and public choice theory, the Coase theorem, transaction and administrative costs, the impact of public and private regulation on individual behavioral choice, and the application of these concepts to various aspects of the legal system, including: the choices between statutory and common law, rules and standards, property and liability rules, and strict liability and negligence; the determination of damages for breach of contract; and the rules of legal procedure. Some attention will also be paid to the moral, ethical, and philosophical criticisms often made of the economic approach to law. A prior acquaintance with economics is neither assumed nor required. *Satisfies the Law School's perspectives requirement.*

7264

3 Credits

Law and Popular Culture

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

3 Credits

Law and Religion

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.*

7267

3 Credits

The Law of Privacy

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.*

7269

3 Credits

Legislation

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

3 Credits

Local Government Law

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

3 Credits

Managed Health Care

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

3 Credits

Media Law

Law as it affects the mass media including both print and broadcast media and the increasing use by both of the internet. There is emphasis initially 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 among print publishers, over-the-air licensees, cable networks, and the internet are reviewed. The specific topics covered include the scope of speech which is/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.

7282

2 Credits

Mergers and Acquisitions

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

3 Credits

Military Law

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.

7286

4 credits/2 semesters

Milwaukee Street Law Project

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

7290 **3 Credits**
Natural Resources

This course will provide an overview of the management and use of Federal public lands and resources, including forest, minerals, water, rangeland, and wildlife. Emphasis will be placed on administrative decision-making, judicial review, Federal authority, and the role of competing goals and special interests in the development and allocation of these resources.

7291 **3 Credits**
Negotiable Instruments

The rights and liabilities of parties to negotiable paper under the Uniform Commercial Code, including the form of commercial traffic.

7292 **3 Credits**
Nonprofit Law and Organizations

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.

7300 **3 Credits**
Patent and Trade Secret Law

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.

7301 **3 Credits**
Post-Conviction Remedies and Prisoner Rights

What happens to a criminal defendant after conviction and sentencing? This course explores habeas corpus and related procedural devices by which a defendant may challenge his or her conviction or sentence, with particular attention to: motions under 28 U.S.C. § 2255, habeas petitions by state prisoners under 28 U.S.C. § 2254, habeas in death penalty cases, and the impact of the Antiterrorism and Effective Death Penalty Act of 1996. This course will also consider the constitutional rights of prisoners. Finally, the course will consider revocation of probation, parole, and other forms of community supervision.

7304 **2 credits**
Preparing Lawyers for Life

Why are so many lawyers miserable? Why do so many lawyers experience professional success *and* personal failure – distinguished service *and* depression, high income *and* high blood pressure, impressive careers *and* imploded relationships with colleagues, partners, spouses, and children?

What can we do about it? Can teachable communication skills, wellness practices, and insights derived from law reviews and literature help lawyers succeed professionally *and* personally? Can lawyers align their careers with their values? Can they maintain their ethical standards in the midst of maddening pressures?

To make careful career choices, law students need to understand the very different demands of different practices, public and private, big and small. They need to consider the challenges of balancing work and family. To succeed, they need to develop legal acumen *and* emotional intelligence. *Graded Satisfactory/Unsatisfactory*

7302 **2 Credits**
Products Liability

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

7303 **3 Credits**
Professional Sports Law

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.

7306 **3 Credits**
Public Employment Law

Examination of the constitutional rights and obligations of employers and employees, statutory rights of federal and state employees, and public pension law issues. This course specifically focuses on topics first introduced to students in Employment Law and Employee Benefits Law. The wide range of topics covered may include: free speech, associational, and privacy rights of public employees; the expressive association rights of public employers; the federal and state civil service system statutes; and various state laws involving public pension and retirement plans

7308 **3 credits**
Quantitative Methods

This course will provide a basic overview of statistics for lawyers, application of statistical methods in case law, and introduction to the application of advanced quantitative methods in law. Concepts such as sampling distributions, probability, measures of central tendency (mean, median, mode), measures of variance (standard deviation, variance), measures of relation between variables (correlation, regression), p-values, and confidence intervals, will be explored in depth. Illustrations from case law will include the application of quantitative methods, including outcomes research, to establish the standard of care in medical malpractice, and obtaining informed consent; applications of scientific principles to establish epidemiological risk in exposure to environmental hazards; application of sample size and regression models to establish employment discrimination; and application of statistical methods in jury selection and DNA analysis. Finally, the course also includes an introduction to the principles of game theory and decision sciences. *Satisfies the Law School's perspectives requirement.*

7310 **2 Credits**
Real Estate Contracts and Conveyancing

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 **3 Credits**
Real Estate Finance and Development

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 **3 Credits**
Remedies

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 **3 Credits**
Restorative Justice

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 **3 Credits**
Sales

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

7321 **3 Credits**
Secured Transactions

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 **3 Credits**
Securities Regulation

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 **3 Credits**
Sentencing

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.

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; the PATRIOT ACT; prosecution strategies before and after 9/11; enemy combatants and torture; 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.

7340 **3 Credits**
Workers' Compensation

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 **2 Credits**
Adoption

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.

7402 **2 Credits**
Advanced Commercial Law

A study of advanced issues related to Articles 2, 3 and 9 of the Uniform Commercial Code.

7403 **2 Credits**
Advanced Constitutional Law

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.

7404 **2 Credits**
Advanced Issues in the First Amendment

Consideration of the federal constitutional protections of freedom of speech and freedom of religion.

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 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.

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.

7410 **2 Credits**
Business Organization and Finance

This seminar will examine the organization of business entities, finance and operational structure. Practice in drafting organizational and operational documents will be an important aspect.

7420 **2 Credits**
Child Maltreatment

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

7423 **2 Credits**
Comparative Refugee/Asylum Law

Students in this seminar will reflect on the international origins, conventions, and norms of refugee and asylum law and will compare current asylum policy and practice in the United States and in other places, such as Canada, Europe, Australia, and South Africa. The comparative, international approach of the course will encourage students to consider the competing policy considerations in refugee law from a wider perspective than that of any

particular legal system. Special attention will be given to persistent controversies and challenges in the development and implementation of legal protections for refugees.

7422 **2 Credits**
Corporate Criminal Liability

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.

7430 **2 Credits**
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.

7436 **2 Credits**
International Litigation and Arbitration

This seminar addresses international litigation and arbitration from the perspective of United States (federal and state) statutory and case law.

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.

7450 **2 Credits**
Law and Literature

This seminar will explore the relationship of law and literature, focusing in particular on the portrayal of law, lawyers, and legal proceedings in selected essays, plays, short stories and novels. How and why is the understanding of justice different in literature than it is in the conventional legal discourse?

7452

Law, Philosophy and Social Theory

2 Credits

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 Bruner, 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:*

Advanced Persuasive Writing – 3 credits

Advanced Persuasive Writing covers *advanced strategies in persuasive writing* and builds on the introductory persuasive writing instruction provided in Legal Analysis, Writing and Research 2. The course approaches persuasive writing from a *theoretical* as well as *practical* standpoint. In terms of a theoretical perspective, the course covers persuasive writing strategies that are expressly based on theoretical principles of other disciplines, such as classical rhetoric, cognitive psychology, discursive psychology, literary theory, and morality theory. A substantial amount of research and scholarship has been undertaken in these and other disciplines regarding aspects of human nature that are relevant to the process of persuasion. Accordingly, lawyers - as persuasive writers - have much to learn from these disciplines. The strategies covered in this course are based on some of the theoretical principles reflected in the work of these disciplines.

Advanced Topics in Property – 2 credits

This seminar will explore advanced topics in property within three contexts: historical, theoretical and international/comparative. The seminar will first explore the development of property norms within a number of discrete historical time periods, and the impact of these historical trends on the development of current property norms. The seminar will next explore theoretical trends in property, examining its place in developing democratic norms and resolving social norms in societies. This section will examine a number of cutting edge issues, such as takings, human cloning, privacy rights, and environmental rights, to analyze these theoretical trends. Finally, this seminar will explore property within an international and comparative context, to explore two key trends: (1) the development of transnational property norms; and (2) the use of property doctrines to resolve ethnic and social conflict in a variety of social contexts.

Comparative Constitutional Law – 2 credits

This seminar explores the manner in which the constitutions of different nations address the question of what should be included in the fundamental law of the state. Issues

examined will include the definition of citizenship, the definition and protection of individual rights, the relationship of religion and the state, the allocation of power between branches of government, the distinctions between federal and unitary states, and procedures for constitutional amendment. Readings for the seminar will include representative constitutions supplemented by secondary materials.

Conflict of Laws – 2 credits

This seminar will address problems that arise when significant aspects of a dispute transcend a single state or country. Topics include choice of law; constitutional and international legal limitations on the competence of courts; jurisdiction; conflicts within the federal system, including choice of forum, change of venue, and *forum non conveniens*; enforcement of judgments, including family law issues; and Internet-related issues.

Exploring and Writing about Legal Issues in Depth – 2 credits

This course will provide students the nuts and bolts of writing an in-depth paper on the legal topic of their choice, with the final paper being suitable to submit for publication. Topics covered will include: finding a topic, developing a thesis, finding the law, creating a compelling piece through self-editing, avoiding plagiarism, and understanding the publication process.

History of American Legal Education – 2 credits

This seminar explores the development of legal education in the United States with a special emphasis on Wisconsin and the Marquette University Law School. The institutional development of law schools, their relationship to the legal profession, the development of the modern law school curriculum, and the relationship of legal education to broader currents in American education are all topics that will be explored as will the social and cultural role of legal education in the United States.

Jewish Law – 2 credits

An introduction to and survey of various topics in Jewish law and jurisprudence with a particular emphasis on the Noahide laws broadly conceived. Readings will include translations of Biblical, Talmudic, medieval, and contemporary sources. Seminar requirements will include weekly reactions to the readings, a class presentation, and a substantial term paper. No prior knowledge of the subject is necessary.

Law and Morality in Plato and Aristotle - 2 Credits

In the western philosophical tradition, Plato and Aristotle were among the first to develop comprehensive theories about the proper organization of human society, and their influence remains profound. This course will explore the two philosophers' contrasting views on what it means to live the good life, the role of the state in contributing to human flourishing, and the nature of law as an instrument of social organization and control. Readings will come from Plato's *The Republic* and *The Laws*, and from Aristotle's

Nicomachean Ethics and *Politics*. We will also briefly study the legal and political systems of ancient Athens as a backdrop to the writings of the two philosophers.

Law and Rhetoric - 2 Credits

In this seminar we will consider the law through the lens of rhetoric. The most common meaning of the word “rhetoric” nowadays is something like “hot air,” or perhaps “spin.” But rhetoric has another meaning, one more significant for law students: the art of persuasion. Our study will include ancient rhetorical concepts (theories of invention like *kairos*, *stasis*, and the topics; and categorization of arguments by *logos*, *pathos*, and *ethos*), as well as modern and contemporary developments.

Law and the Underclass – 2 credits

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?

Law and Theology – 2 credits

This seminar will consider the interaction between theology and law. It will explore the way in which religion affects the law and how different theological assumptions influence ideas about the proper relationship of church and state and the state and individuals. Under what circumstances may religious beliefs and activities be required to yield to public regulations; and what sorts of assistance may the government give to religion? What should be the role of religion in public debate and to what extent may policies dictated or influenced by religious considerations be enacted into law? What is the relationship between religious beliefs and the responsibilities of the lawyer?

Legislation Drafting and Analysis – 2 credits

This course will explore practical and theoretical aspects of drafting and analyzing legislation. Students will prepare research reports calling for legislation and then draft the proposed legislation. Students will also study statutory interpretation, canons of construction, the plain English movement, and uses and limitations of legislative history.

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. *Recent Selected Topics in Business and Commercial Law include:*

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.

Advanced Topics in Contract - 2 credits

This seminar will delve into advanced topics of increasing relevance in contract given the growing importance of global trade, electronic commerce, and mass merchandizing. These topics will include issues in electronic contracting such as the enforceability of arbitration clauses and other provisions in “shrink wrap” software agreements and other adhesion contracts with consumers and the validity of cyber-signatures under the Uniform Computer Information Transactions Act (“UCITA”), the Uniform Electronic Transactions Act (“UETA”) and the Electronic Signatures in Global and National Commerce Act (the “E-Sign Act”). It will also explore significant new claims and defenses that arise when U.S. companies contract with foreign companies, both under the Convention on Contracts for the International Sale of Goods (“CISG”) and the Principles of International Commercial Contracts (UNIDROIT).

Bankruptcy Policy – 2 credits

An examination of the policies that underlie the U.S. Bankruptcy Code and modern bankruptcy practice in both the individual and business contexts. Substantial research paper required. Prior knowledge of bankruptcy law is neither assumed nor required.

7462

2-3 Credits

Selected Topics in Civil Dispute Resolution

This seminar focuses on selected issues relating to civil litigation, dispute resolution, and alternative dispute resolution. *Recent Selected Topics in Dispute Resolution offerings include:*

Advanced ADR Theory – 2 credits

This course will cover a variety of current issues in ADR potentially including the Uniform Mediation Act, mandatory arbitration, and ethics in ADR.

7463

2-3 Credits

Selected Topics in Criminal Law

This variable topics seminar explores various issues relating to substantive criminal law, criminal procedure, and criminal evidence. *Recent Selected Topics in Criminal Law offerings include:*

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.

7464

2-3 Credits

Selected Topics in Environmental Law

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

Environmental Policy and Philosophy – 2 credits

This seminar will address both why we ought to care about the environment and how best to address environmental concerns using the law. Why we ought to value the environment will range from the most prudential considerations of health and welfare, to the more aesthetic and spiritual reasons raised in every culture from the biblical through the ancient traditions of the far east to modern deep ecology and related movements. How we might protect the environment will consider questions of how to assign values to environmental amenities, how to assess risk and the allocation of responsibility for mitigation, and the benefits of various legal tools for reducing environmental destruction.

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 Credits

Selected Topics in Family Law

A variable topic seminar in family issues and policy.

7567

2 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. *Recent Selected Topics in Health Law offerings include:*

Health Care Policy – 2 credits

As complex as a health care system may be, there are fundamental principles and modes of delivery that combine to distribute or restrict this public good. This course examines these aspects of the U.S. system as shown in employee benefit plans, Medicare and other social insurance programs, Medicaid and other medical assistance, managed care and long term care. Student papers will consider recommendations for improvement of specific aspects of health care programs and systems.

International Comparative Health Care – 2 credits

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.

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:*

Intellectual Property Theory – 2 credits

This seminar focuses on the nature and functions of intellectual property rights. It is designed to introduce students with the philosophical, social, and economic aspects that characterize intellectual property policies and regimes, with special emphasis on the acquisition and distribution of intellectual property rights.

Technological Protection of Copyrighted Works – 2 credits

This seminar will examine the law, practice, and theory behind the technological protection of digital works. We will consider laws such as the Audio Home Recording Act, the anticircumvention provisions of the Digital Millennium Copyright Act, and current legislative proposals to plug other “holes” in the home electronics ecosystem; technologies such as encryption, watermarking, and internet filtering; the role of licenses; and comments by technologists and legal scholars on the practice and policy of content protection.

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:*

International Human Rights – 2 credits

This seminar provides an overview of the theory and framework of international human rights law and procedures. In particular, the seminar will examine the historical development of human rights, the different types of human rights protections, the global and regional institutions that protect human rights, as well as the role of civil society in their protection. In particular, the seminar will emphasize contemporary issues and case studies to offer students skills in practical application.

International Conflict Resolution – 2 credits

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.

International Criminal Law – 2 credits

This seminar will expose students to the evolving field of International Criminal Law (ICL) through a historical perspective on its development, beginning with the Nuremberg

and Tokyo tribunals and continuing to the formation of international, hybrid and special domestic criminal courts, including the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC). The legal instruments of these tribunals and their major cases will be explored, along with an introduction to procedural and substantive issues in ICL (treaty sources, elements of crimes such as genocide, crimes against humanity, war crimes and torture, and forms of criminal responsibility, jurisdiction, and immunities). In addition, the political dimensions of this developing international legal system will be discussed to understand contemporary challenges. Student are encouraged to have taken Public International Law. (Marquette law students cannot receive credit for this course and for CLI: International Criminal Law.)

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. *Recent Selected Topics in Labor and Employment Law offerings include:*

Advanced Labor Law – 2 credits

Advanced Labor Law undertakes the study of labor issues in an increasingly complex and evolving workplace environment for private sector employers, employees, and labor organizations. Topics for discussion may include the following: NLRB settlement procedures for unfair labor practices; regulation of economic weapons of conflict used by employers and labor organizations; enforcement of collective bargaining agreements; labor issues associated with business transformations (e.g., changes in ownership or bankruptcy); labor and the antitrust exemptions; and preemption of state regulatory authority by federal labor laws.

Global Issues in Employee Benefits Law – 2 credits

This seminar focuses on developing issues in international, comparative, and transnational employee benefits law. It is divided into four subject matter areas with which students of employee benefits law will need to become familiar in order to thrive in our increasingly global economy and legal practice. These areas include: (1) sovereignty and jurisdictional issues involving the Employee Retirement Income Security Act of 1974 (ERISA); (2) public and private pension issues with emphasis on the trend toward privatization and defined contribution plans; (3) public and private healthcare issues surrounding national healthcare systems and private health insurance schemes; and (4) the intersection between employment discrimination laws throughout the world and global employee benefit law issues.

Advanced Employee Benefits Law – 2 credits

Emphasis on tax-qualified employee benefit plans, deferred compensation plans, and executive compensation issues. Students will also study multiemployer and multiple employer plans.

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. *Recent Selected Topics in Labor and Employment Law offerings include:*

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.

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.

7573

2-3 Credits

Selected Topics in Taxation

This seminar will examine topics in tax law and policy.

7580

2 Credits

Sports, Law, and Society

An exploration of the sociological and historical significance of organized sport in American culture. Special emphasis will be placed on the way in which American sports have (and have not) been regulated by the state over the past century and a half and on the legal consequences of the regulatory schemes that have been adopted. Assignments will include both secondary and primary materials. In lieu of a research paper, students in the seminar will submit several short essays.

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.

7589

2 Credits

Urban Redevelopment

This course explores selected land use and local government issues from legal, urban planning, and public policy perspectives. Selected topics may include the causes and consequences of urban distress, urban revitalization, housing, economic development, historic preservation, new sports facilities, redevelopment, and public safety measures that often accompany redevelopment efforts.

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 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.

7701 **2 Credits**
Amateur Sports

A practical workshop for 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 and the operation of a university athletic department. Topics covered and practical skills developed may relate to NCAA and athletic conference regulation, internal athletic department governance, risk management, Title IX gender equity compliance, athletic event management and sponsorships, contract negotiation and drafting, and trademark licensing.

7702 **2 Credits**
Arbitration

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.

7710 **2 Credits**
Business Bankruptcy

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.

7720 **2-4 Credits**
Workshop in Civil Dispute Resolution

This variable content workshop addresses skills that are useful in the resolution of disputes short of litigation and in the litigation of civil cases. *Recent offerings in the Workshop in Dispute Resolution include:*

Federal Civil Litigation – 2 credits

This workshop provides students with the opportunity to explore various aspects of federal civil litigation, including pleading, discovery, pretrial motions, trial motions, and post trial motions. Student will prepare various papers and argue a motion.

7721

2-3 Credits

Workshop in Commercial and Business Practice

This professional skills workshop focuses on the practical aspects of business and commercial practice, including business planning, drafting business agreements, and the like.

7722

2 Credits

Workshop in Contract Drafting

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.

7726

2 credits

Drafting and Negotiating Business Contracts

This workshop introduces students to the fundamental skills involved in negotiating and drafting contracts in the context of a business transaction.

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:*

CERCLA – 2 credits

When property is contaminated with hazardous substances, who is responsible for cleaning it up? Most environmental cleanup projects are governed by the federal Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") and similar state statutes. This workshop will explore all facets of the CERCLA liability regime: which parties must pay for contamination, how much must each pay, how are liability disputes resolved, and how can liability risks be minimized? The workshop will utilize detailed case studies and simulation exercises demonstrating different phases of the CERCLA cleanup and liability determination process.

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.

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:*

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.

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 is a recreation of an actual intellectual property case through preliminary considerations (such as whether suing is the proper course of action), pleadings, pretrial activities, discovery, trial preparation, evidentiary problems and appellate procedures. Students learn to examine and cross-examine expert and technical witnesses, prepare technical evidence with the assistance of computerized litigation support services, practice presentation of technical subject matter to lay juries and judges, and present evidence regarding the calculation of damages.

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.

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 **Negotiating Business Transactions** **3 Credits**

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 **Negotiation** **4 Credits**

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 **Patent Prosecution** **2 Credits**

This course covers the basic drafting of patent applications, claims, specifications and supporting documents and prosecution of patents before the Patent and Trademark Office.

7811 **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.

7814 **Prosecutor Workshop** **1 Credit**

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.

7820

2-3 Credits

Workshop in Real Estate

A variable topic professional skills course focusing on commercial real estate transactions. *Recent Workshop in Real Estate offerings include:*

Drafting the Wisconsin Real Estate Transaction – 2 credits

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.

7821

2 Credits

Representing Professional Athletes and Coaches

The study of the formation, negotiation, drafting, interpretation, and enforcement of professional athletes' employment and sports marketing contracts as well as coaches' contracts. Topics covered include the agent's role in representing professional athletes and coaches, contract compliance with professional sports league collective bargaining agreements, tax planning for the athlete, and the ethical duties of attorney agents.

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:*

Language and the Law – 3 credits

This course will explore connections between language and law in America. How does language shape the law and legal community? How is language used as a tool in the courtroom? What styles of language are used in a courtroom and does this affect the legal process? How do gender, socio-economic status, and native language affect how

individuals are perceived in the legal system? What are some linguistic properties of “legalese” that distinguish it so conspicuously from Standard American English? What are language rights and how has the law changed and shaped contemporary thinking about speakers of languages other than English in the United States? These questions will be addressed through readings, discussions, and skills-based exercises.

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.

International Organizations – 2 credits

This course will examine some of the primary international and European organizations including the European Union, International Court of Justice, International Criminal Court, International Court for the Former Yugoslavia and NATO. Participants will also discuss initiatives in alternative dispute resolution taken by the EU and some of the member countries. The course capstone will be a trip to visit these organizations over spring break.

7840

2 Credits

Sports Industry Legal and Business Practices

A study of core legal and business issues relevant to sports enterprises primarily from a practical perspective. Special attention is devoted to employment practices and employment agreements, sponsorship agreements, broadcast media and rights agreements, contract negotiation, and the economics of franchise operations.

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.

7842

2 Credits

Sports Venues

The course is dedicated to a 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 that is continuing 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; a consideration of the leasehold issues in the development of a long-term leasehold arrangement between landlord and tenant; litigation that has arisen in the area of challenges to government participation in financing and referendum; 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 meet the bottom line needs of all interested parties; construction implication relative to the creation of facilities including issues of cost overruns, insurance, ADA; relocation and retention issues relative to utilization of facilities as a wild card for keeping the team at home; a review of the so-called facility arms race in our universities and the nature of such race; and finally, trends for the future in stadium development.

7850

2 Credits

Tax Practice and Procedure

This course will cover tax procedure and tax dispute resolution. It includes an in-depth analysis of the tax controversy process, tax examinations and procedures, deficiencies and their assessment, penalties, refund procedures, tax collection procedures, IRS organizational structure, IRS settlement procedures, Tax Court practice, choice of forum and limitation periods. It also includes a tax research segment. The course may include preparation of a protest for review by, and participation in a mock Appeals settlement conference with, an IRS Appeals Officer and an Attorney from IRS Counsel's office if IRS personnel are available to participate.

7851

3 Credits

Trial Advocacy 1

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

3 Credits

Trial Advocacy 2

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.

7860

2 Credits

Using Statutes Skillfully as Counselor and Advocate

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.

ADVANCED LEGAL RESEARCH COURSE

7950

1-2 Credits

Topics in 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
- Intellectual Property
- International Law
- Labor and Employment
- Litigation
- 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.*

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.*

7983

2 Credits

Restorative Justice Clinic

In this program, law students do restorative justice clinical work with various community programs, help to prepare and mediate victim/offender dialogues in crimes of severe violence referred to the clinic by the Wisconsin Department of Corrections Office of Victim Services, and conduct research on restorative justice issues. *Graded Satisfactory/Unsatisfactory.*

7984

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

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 Satisfactor/Unsatisfactory.*

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.*