

EXPERIMENTAL COURSES - SPRING 2022

Bankruptcy Law: A study of creditors and debtors involving bankruptcy, including remedies for this issue, debtor protections under state and nonbankruptcy federal law, and fundamental aspects of consumer and business bankruptcy.

Health Care Law: Taught in a seminar format, Health Care Law introduces law students to the organizational structure and financing of health care, the fastest-growing area of legal practice in America over the past ten years. The course will cover health care insurance and ERISA; staff privileges and licensing; medicare and medicaid law; health care fraud and abuse laws; and some relevant tax and antitrust issues in health care law.

Law and Economics. Intensive Course: Law and economics is one of the most influential schools of thought in modern law. The ideas propounded by the economic analysis of law are gaining increasing traction in court decisions and in legal policy. This course will examine the major contributions of law and economics in contract, tort and property, as well as in other areas of law that may not initially appear to be amenable to economic reasoning. The course will also introduce students to basic tools from economics that are useful for all lawyers, regardless of specialty. The course does not require any background in economics, and is designed to be fully accessible to all students.

Privacy Law: This course is an introduction to U.S. private sector privacy laws designed to prepare students for practice as privacy professionals. The student will learn the sources of privacy law, including the regulatory authorities, and mechanisms of enforcement of U.S. privacy laws. While information management will be covered from a U.S. perspective, privacy program development will highlight key considerations raised by the GDPR for companies with an international presence. The course will explore limits on private-sector collection and use of data, including FTC privacy protections, regulation of medical, financial, education, telecommunications, and marketing data. Workplace privacy concepts will be explored including privacy before, during, and after employment as well as coverage of employee monitoring technologies. The course will also cover the intersection of federal and state authority, marketing laws, state data security laws, and state data breach notification laws.

Race, Racism, and the Law: This course aims to examine the social construct of race as well as how and why race, racism, racial preferences, and racial biases inform and shape our legal structures and impact the legal decision-making process. This course also seeks to explore the possibilities of transforming the law to more adequately fulfill the promise of equal protection under law. The beginning of the course will focus on what race means and what constitutes racism, followed by an introduction to critical race theory, and finally an application and exploration of critical race theory in various contexts.

Racial Inequality, Law and Democracy: Questions of Faith. Intensive Course: Why is it so hard to talk about race? How might our spiritual values or faith commitments affect how we think about racial inequality? In one intense weekend, this class will explore the key issues underlying polarized and hotly contested perspectives on race in America and invite students to reflect upon these issues through the lens of their own faith or their own ethical or moral value system. Key topics include: different perspectives on the history of democracy and racial minority groups; a brief look at the structure of constitutional and statutory antidiscrimination provisions; the production of racial inequality in wealth, education, health, and criminal justice; and differing ideas about what counts as equality or equity. Why do we see things in such different ways? Is Critical Race Theory the answer or the problem? We will examine where these different viewpoints come from, and what they reveal about varying conceptions of human nature, morality, markets, and progress.

Religious Liberty Clinic: This clinic will enroll 6-8 students in a seminar-style class that will include active, supervised practice in cases protecting religious liberties rights. Students in the clinic will explore enduring questions relating to how civil governments treat the religious beliefs, expressions, and institutions of their citizens and residents and will receive practical, firsthand experience with religious liberties litigation and support the provision of high-quality legal services to clients in religious liberties litigation.

Role of the Judicial Clerk. Intensive course: is a four-session, pass/fail class designed to afford students a familiarity with the work performed by judicial law clerks, interns, and externs and help them develop the legal-writing and critical-analysis skills required to effectively assist judges in the neutral decision-making process—whether as a clerk, extern, or practicing litigator. With a heavy focus on advanced legal writing, class sessions will consist of lecture, class-wide discussion, review of grammar and mechanics rules, peer review of drafts, and professor-facilitated small-group discussions. There will be four writing and editing assignments to be completed outside of class. Students will be expected to draft and revise proposed judicial orders resolving civil and criminal motions on short deadlines. Students will also be assigned chapters from Bryan Garner’s *The Redbook* as outside reading to be discussed in class.

Role of the Civil Litigator: This course is designed to develop the skills necessary to become a civil litigator, whether you want to ultimately practice in a large, mid-size or boutique law firm, your own law firm, or as in-house counsel. Instruction will focus on becoming a complete lawyer, counselor and advocate. Students will be taught how to handle a civil litigation case from beginning to end, which will include subjects such as developing an overall litigation strategy and plan; client interviews and investigation; initial pleadings and responses; written discovery; party and fact witness depositions; expert discovery; dispositive motions; mediation and settlement; trial preparation and motions *in limine*; jury selection; and post-trial motions. To assist students in developing their oral advocacy and written persuasion skills, there will also be a project that will include drafting a motion and presenting oral argument on the motion. Guest co-lecturers will include prominent and distinguished practitioners, from the plaintiff and defense bar, who will share their important perspectives on effective litigation strategy and techniques.

Role of the Lawyer in Corporate and Government Investigations:

Investigations are the primary vehicle by which corporations and the government determine whether wrongdoing has occurred and whether corporate policies need to be changed. They often begin as a result of a whistleblower allegation or a corporate crisis, and are increasingly the subject of widespread news coverage and public scrutiny. Over the past two decades, the practice of investigations has grown from a niche endeavor to one of the largest and most vibrant areas of legal expertise. Lawyers in both private practice and the government, who regularly conduct these investigations, must develop effective fact finding and analytical skills to ensure that the truth will emerge. This course—taught by a major law firm partner and a former prosecutor who have conducted scores of these investigations—will cover the roles and responsibilities of corporations and the government in investigations, confidentiality and crisis management issues that typically arise, and the real-world methods that lawyers use to conduct investigations. After reviewing real investigations (such as, the NFL’s “Deflategate,” the U.S. Olympic Committee sex abuse scandal and the Wells Fargo mis-selling case), students will prepare documents and conduct key parts of an investigation in order to gain first-hand experience including: developing the investigative plan, preserving documents, searching for relevant and key documents, interviewing witnesses, summarizing findings, preparing recommendations and presenting those findings and recommendations to a corporate board or regulatory body.

Role of Law Practice in the Life of a Person of Faith: Intensive course

This course will consider the implications one's religious faith might have on law practice. The focus will be on the kinds of things both office lawyers and trial lawyers do in their ordinary practice. What sort of practice might God call you to? In what ways should ordinary law practice manifest biblical notions of justice, wisdom, and love? How should one handle tensions between their religious faith and law practice? We will consider the approaches various religious faiths have had toward law and law practice. This course will provide an opportunity for you to reflect on the type of practice you would like to have and the type of person you would like to be.

Role of the Legal Research in Real Estate Investment: The goal of this course is to research the role of law in real estate investments and collectively create publishable work that will be of value to institutional and large-scale real estate investors. Admission into this course is by application only. If you are accepted, you will be part of a small group of students working collaboratively with two professors to conduct original research and writing in the field of real estate law. Specifically, you will be researching and quantifying criteria that sophisticated real estate professionals throughout the country will find useful in making large-scale investment decisions. The research will then be analyzed and published via an annual multistate real estate survey. This course may be of particular interest to students who are interested in investing in real estate post-graduation or intend to practice real estate or business law. If published, students will receive by-line recognition for their research and writing. This is an excellent platform upon which to build relationships with industry leaders and direct the launch of an influential annual research project with a national reach. Application required.