

# **GONZAGA UNIVERSITY SCHOOL OF LAW**

## **COURSE CONTENT DESCRIPTIONS**

Updated: 1/20/2023

### **ACCOUNTING & FINANCE FOR LAWYERS**

Credits: 3

(R) for Executive JD Program Only

An introduction for law students to the fundamental concepts of accounting and finance. Students will learn basic financial accounting, the time value of money, capital structure, the relation between risk and return, and analysis of financial statements of business organizations. This course positions students for success in the practice of law in the areas of estate and trusts, tax planning, divorce litigation, non-profits, and business advising, among others, by providing the critical foundation for understanding the language of business.

### **ADMINISTRATIVE LAW**

Credits: 3

Prerequisite: Constitutional Law I

This course examines the legal and practical foundations of the modern administrative state. The central theme explores how administrative law balances “rule of law” values (procedural regularity, substantive limits on arbitrary action) against the often competing values of political accountability, democratic participation, and effective administrative governance. Topics include rationales for delegating to administrative agencies, the legal framework (both constitutional and statutory) that governs agency decision-making, the proper role of agencies in interpreting statutory and regulatory law, and judicial review of agency action. Topics are covered through a combination of cases and examples drawn primarily from the separation-of-powers doctrine; the constitutional law of due process; health, safety, and environmental policy; and national security law.

### **ADVANCED CIVIL PROCEDURE**

Credits: 2

Prerequisite: Civil Procedure

This second course in Civil Procedure focuses on important issues not covered in the first-year Civil Procedure course. Most of the cases covered in first-year Civil Procedure dealt with one plaintiff suing one defendant over one issue, which is not how most cases unfold. This course discusses cases with multiple causes of action and multiple parties, and in this context applies concepts such as joinder, res judicata, collateral estoppel, and forum battles (forum non conveniens, transfer, federal vs. state court). The course also spends time on class actions and how they evolve. This practical and problem-based course is useful for those who either loved first-year Civil Procedure or seek more confidence in applying its concepts.

### **ADVANCED COPYRIGHT LAW**

Credits: 3

Prerequisite: Intellectual Property

The course builds on the introductory Intellectual Property course and delves deeper into the requirements for copyright protection, the works that may be afforded copyright protection, and the scope of rights enjoyed by copyright owners. In addition, the course will focus specific attention on copyright law as it pertains to the music industry and regulation of the internet. Practical applications such as contracts and licenses for the use of copyrighted material and the

use of musical compositions and sound recordings will be explored.

### **ADVANCED CRIMINAL PROCEDURE: THE PROCESS OF ADJUDICATION**

Credits: 3

Prerequisite: Criminal Law

This course examines the constitutional and statutory law that governs the process of adjudicating a criminal charge. Topics include bail and pretrial detention, prosecutorial charging discretion, preliminary hearings, grand jury proceedings, speedy trials, criminal discovery, jury trials and jury selection, confrontation rights, guilty pleas, double jeopardy, and sentencing. It explores the ethical and professional values inherent in criminal practice and reviews relevant practical skills

### **ADVANCED ENVIRONMENTAL AND NATURAL RESOURCES LAW AND POLICY SEMINAR**

Recommended: Environmental Law or Water Law

Credits: 3

This course will focus on current and recurring issues in environmental and natural resources law. Topics covered may include, among others, climate change, nontraditional regulatory tools to address environmental problems, and local environmental initiatives. Students will write a research paper on a topic relating to environmental and natural resources law and policy agreed upon with the professor.

### **ADVANCED EVIDENCE SEMINAR**

Credits: 2

This course builds upon topics covered in Evidence, but provides a much deeper investigation of topics that were either covered quickly or not at all in Evidence. There will be six areas of in-depth analysis (Burden and Presumptions; Post-*Daubert* Forensic Expert Witness Analysis; Confrontation Clause Jurisprudence (Criminal Procedure versus Evidence Analysis); Federal Privileges; Media and Crime; and Secrecy (the Use and Abuse of Information in the Courts). The students will have an opportunity to cross-examine actual forensic experts and will uncover media distortions when covering high-profile cases. Assessment in the course will be based upon in-course activities, an exam, and a final project/paper.

### **ADVANCED EXTERNSHIP SEMINAR**

Credits: 1

Taken concurrently with Externship Field Credits

This Externship Seminar provides opportunities for professional development for students who have completed their first externship. It allows them to obtain practical lawyering skills, create or expand professional networks, and assess and gain insight into the workings of the legal system. Opportunities are created through exposure to the system with the guidance of a supervising attorney or judge. This seminar moves beyond the foundational questions of professional identity and gives students an opportunity to continue developing an individualized plan for deeper skills. It provides personal and professional development while investigating questions about the current and future states of the legal profession.

**ADVANCED LEGAL RESEARCH**

Credits: 2

Students who took Professor Charles' writing course in their first summer are not eligible to take this course

This class provides a greater understanding of legal and law-related research. Building upon skills and resources covered in Legal Research and Writing I - II, the class demonstrates advanced research techniques using a wide variety of research resources in their multiple formats—print, Westlaw, LexisNexis, and the Internet. The course will specifically cover complex sources like legislative history, administrative materials, and specialized sources initially introduced in Legal Research and Writing II. The class will also demonstrate how legal and law-related resources, in their various formats, can be effectively and efficiently integrated into one overall research strategy.

**ADVANCED TORTS**

Credits: 2 or 3

Prerequisite: Torts

This elective course covers some torts claims tested on bar examinations and offers students interested in tort law additional advanced coursework. The part of the course devoted to bar examined torts claims not covered in the first-year course includes the dignitary torts of defamation and invasion of privacy and their constitutional limitations, and the business torts of fraud/misrepresentation and interference with business/contractual relations, and the property tort of nuisance. The part of the course on topics of importance to practicing tort lawyers includes coverage of class actions, tort claims for wrongful discharge, Section 1983 "constitutional tort" claims, deceptive trade practices and other consumer law claims, class actions, workers' compensation, and legal malpractice claims.

**ADVANCED TRADEMARK AND UNFAIR COMPETITION LAW** Credits: 2

Prerequisite: Intellectual Property (completed or concurrent)

This course builds upon the Intellectual Property survey course. It uses the Lanham Act to address the adoption, registration, maintenance, and enforcement of trademarks; false advertising, dilution, counterfeiting, and other aspects of unfair competition; and the relevant defenses and available remedies. The course discusses the advantages of federal trademark protection and key aspects of practice before the U.S. Patent and Trademark Office, including trademark prosecution and the handling of opposition, cancellation, and concurrent use proceedings. The course covers measures for international protection, including the Madrid Protocol, and issues of branding and domain name protection as well as rights in trademark at common law and the state law right of publicity.

**AGENCY AND NON-CORPORATE ENTITIES**

Credits: 2

Prerequisite: Contracts

This course will provide a detailed look at the law of agency, including the creation of agency relationships, principles of liability, types of authority, and the fiduciary duties owed. The course will also introduce students to the various non-corporate forms that a business can select, including partnerships and related limited liability entities. The internal management and dissolution of such entities will also be covered.

**ALTERNATIVE DISPUTE RESOLUTION**

Credits: 3

This course provides an understanding of the full range of dispute resolution processes. Topics covered include interviewing and counseling, negotiation, mediation, arbitration, and mixed processes, such as the mini-trial. Students gain familiarity with these processes, rudimentary skills in using them, and some experience in how to help a client choose or build the most appropriate dispute resolution or prevention process.

**ANTITRUST**

Credits: 3

This course focuses on the federal rules regarding monopolization and both horizontal and vertical restraints of trade. It provides a more in-depth analysis of core issues rather than a survey of a broad variety of subjects. It addresses both antitrust theory and practice.

**BANKRUPTCY**

Credits: 3

This course introduces students to the federal bankruptcy law system and explores the various policies underlying the Bankruptcy Code. It focuses on how the Bankruptcy Code modifies creditors' nonbankruptcy rights and how it protects debtors. Key general concepts studied include the bankruptcy estate, the different claims classifications, exemptions, discharge, the automatic stay, preferences, and fraudulent transfers. In examining the different types of bankruptcy proceedings, the course starts with the rules for liquidations, explores individual reorganizations, and ends with an overview of business reorganizations.

**BAR EXAM STRATEGIES AND TECHNIQUES (BEST)**

Credits: 3

This course is designed to provide an introduction to the content and strategy of the Uniform Bar Exam (UBE). The course will expose students to portions of substantive subjects tested on the Uniform Bar Exam. Students will take a diagnostic multiple-choice assessment as a baseline. Licensed Multi-state Bar Exam (MBE) and Multi-State Essay Exam (MEE) questions will be used to test on the subjects covered in the course. Additionally, time in the course will be spent learning and practicing the performance test portion of the bar exam using the Multi-state Performance Tests (MPT).

**BUSINESS PLANNING**

Credits: 3

Prerequisite: Contracts

This course will put students in the role of transactional lawyers for a small business. It will take the students through various stages in the formation and development of the business. Students will advise the business owners and draft documents relating to several of the following: (i) the initial formation of the business entity; (ii) the relationship of the owners; (iii) transactions with financiers, customers, or suppliers; and (iv) a sale, merger, or acquisition. Students might do some or all of their work for this course in teams.

**CENTER FOR LAW, ETHICS & COMMERCE (CLEC) SEMINAR** Credits: 1

The Center for Law, Ethics, and Commerce hosts several guest speakers each semester, focusing on topics such as business law, technology, entrepreneurship, corporate governance, corporate social responsibility, and legal ethics. This course offers students an enhanced experience for CLEC events by coupling guest speakers, symposia, and other lectures with reading assignments that focus on a particular subject area. Students will also draft questions to prepare for meaningful interaction with speakers during events. After events, students will participate in discussion board activities and response papers to more deeply reflect on CLEC events. The final assignment will involve a longer paper focusing on the student's own critique of one of the topics covered.

**CHILD RIGHTS AND REPRESENTATION**

Credits: 3

Recommended: Family Law, Juvenile Law

This course will prepare law students to represent children by offering a foundation in rights and policies affecting children and an overview of dependency court actions and practice skills. Students will explore the basis of dependency litigation, as well as barriers child advocates face, such as poverty, racial disparity, education, government services, special needs, and much more. This course prepares students for success in child advocacy through curriculum, skills building, and practical training. The materials, which comprise of a casebook and supplemental sources assigned throughout the semester, will provide not only doctrinal instruction, but enhance understanding of current legislative action, case law, and the state of the child dependency system in Washington State.

**CITIES AND TOWNS**

Credits: 3

This course examines types and characteristics of local government units; sources of authority; and limitations on exercise of authority, both legislative and judicial. In addition, the course introduces the student to substantive doctrines which govern major local government activities. Particular attention is given to: (1) exercise of the police power; (2) financing local government; and (3) civil rights suits under 42 U.S.C. § 1983.

**CIVIL PROCEDURE (R)**

Credits: 4

This course covers the judicial system, how to get to court, how to stay there, or how to get a case dismissed. It examines the concepts attorneys use in litigation, including personal and subject-matter jurisdiction and basic choice of law principles for federal courts in diversity cases. This course also introduces the Federal Rules of Civil Procedure, including pleading types, joinder of parties and actions, pretrial motions, functional divisions between judges and juries, and summary judgments. It also covers the enforcement of judgments, the doctrines of res judicata and collateral estoppel, and the scope of appellate review.

**CIVIL RIGHTS**

Credits: 3

Prerequisite: Torts

This course provides a basic understanding of how to enforce individual claims for violations of

civil rights and liberties and how to defend against such claims. A significant portion of the course focuses on the main civil rights statute, 42 U.S.C. § 1983, looking at its history, the elements of a cause of action, defenses and immunities, and remedies. The course also covers other civil rights statutes, such as 18 U.S.C. §§ 241 and 242, and 42 U.S.C. §§ 1981, 1982, and 1985(3).

## **CLIMATE CHANGE AND INTERNATIONAL ENVIRONMENTAL LAW**

Credits: 3

This course explores the institutions, rules, and principles concerning the protection of the environment and climate change at the international level. The course is designed in order to develop students' knowledge of the key sources of international environmental law, their understanding of some of the most important treaties in this field, including climate change and an awareness of the challenges associated with the development and enforcement of international environmental law with particular focus on international climate change law.

This course has two parts. The first explores the central international legal architecture addressing climate change, namely the UN Framework Convention on Climate Change (1992), its Kyoto Protocol (1997), and the Paris Agreement (2015) along with other international environmental treaties that are directly related to international climate change law. The second part of the course critically explores select advanced issues within the climate regime, analyzing these issues in transnational and interdisciplinary framings.

Climate change is a global (as well as local) issue, which requires international cooperation in order to be tackled. Therefore, national climate change laws and policies of major greenhouse gas contributing countries also will be discussed to understand and to analyze the existing externalities in climate change negotiation.

## **CLINIC DESCRIPTIONS**

Credits: Variable

### **Business Innovation Clinic**

Prerequisite: Agency & Non-Corporate Entities (completed or concurrent)

Participating students will be responsible for interviewing clients, understanding clients' business enterprises, preparing a variety of documents including charter documents (for-profit and non-profit), employment agreements, member and shareholder agreements, licensing agreements, vendor and customer contracts, and applications for federal tax exempt status. In most cases, students will have an opportunity to work with start-up and development-stage enterprises that are referred by Washington's Small Business Development Center or other regional economic development agencies.

### **Catholic Charities Immigration Clinic: Client Advocacy**

Highly Recommended: Immigration Law

In the Catholic Charities Immigration Clinic: Client Advocacy course, students will represent and provide immigration legal services to clients under attorney supervision. Students will have the opportunity to develop lawyering skills through: 1) interviewing clients; 2) researching complex immigration law issues; 3) overall case evaluation and planning; 4)

counseling clients regarding immigration relief options; and 5) filing petitions for relief. In most cases, students will take responsibility for ongoing cases and will also conduct intakes for prospective clients.

This course will include a weekly seminar with interactive instruction on immigration law, practice, and procedure; professional skills training in interviewing, counseling, representation, and case management; as well as discussion and analysis of active clinic cases that simulates a law office strategy session.

### **Catholic Charities Immigration Clinic: Policy Advocacy**

The Catholic Charities Immigration Clinic: Policy Advocacy course provides opportunities for students to strengthen social justice advocacy skills. Students will analyze systemic problems in immigration law and gaps in the legal rights of immigrants, craft solutions, and build resources for immigrants and their advocates. Students will practice policy advocacy strategies including: partnering with stakeholder groups; working with state or local officials on policies to protect immigrants' rights and facilitate immigrant integration; drafting legal memoranda analyzing federal policy initiatives; engaging in federal regulatory advocacy; and interaction with the media. If an opportunity arises, the course will also include appellate impact work, including contributions to *amicus curiae* briefs or other appellate briefs in collaboration with advocacy partners.

This course will include a weekly seminar component grounded in students' experiences with advocacy projects, and incorporating reflective learning, critical analysis, and the collaborative process.

### **Civil and Human Rights Advocacy Clinic**

The Civil and Human Rights Advocacy Clinic is designed to educate students about the legal theories, advocacy strategies, and practices used by civil and human rights attorneys to identify, investigate, and challenge laws and policies burdening historically marginalized and traditionally disadvantaged groups. The primary focus of the clinic is on systemic injustices impacting race, gender, and poverty, including concerns over access to justice, criminal justice, and individual and systemic discrimination. Other types of cases will also be considered, especially as they relate to constitutional matters and governmental overreach. Students will participate in impact advocacy, including: writing of *amicus curiae* (friend of the court) briefs, partnering with other civil rights organizations in direct representation of clients, providing research for white papers and reports, and advocating for legislative and policy reform. The course will include a dedicated seminar component for case review, reflection, and other training.

### **Elder Law Clinic**

Prerequisite: Property

Participating students have the opportunity to represent low-income elderly clients in a variety of legal areas affecting the elderly which include Public Entitlements (Medicare,

Medicaid, Social Security, VA), housing, estate planning (wills, powers of attorney and health care directives), surrogate decision making, health care, family and consumer law. Classroom topics include ethics and capacity issues, basic estate planning and advanced directives, guardianships and durable powers of attorney, elder abuse and public benefit programs. In the classroom, the clinic also meets as a firm to confer on cases, clients and courses of action.

### **Federal Tax Clinic**

The Federal Tax Clinic offers law students an opportunity to make a direct and immediate impact on the lives of their clients. Students will help low to middle-income taxpayers who are experiencing problems with their individual and/or small business taxes. Students will be working directly with the IRS and negotiate issues such as penalty abatement, innocent spouse relief, individual and business audits, administrative hearings regarding liens and levies, and other collection issues. Additionally, some students will participate in United States Tax Court proceedings.

### **General Public Practice Clinic/Indian Law Clinic**

With guidance and supervision, students will represent clients in various cases, which may include family law, civil rights, criminal law, children's rights, consumer law, tribal law, prisoners' rights, public entitlements, housing, estate planning, surrogate decision making, and health care. The clinic has two contracts with the Kalispel Tribe of Indians: to provide general legal services to enrolled members of the Kalispel Tribe of Indians; and to provide public defender services to people charged with crimes in Kalispel Tribal Court, and parents whose children are subjects of the Tribe's child protection actions. Thus, students should expect to handle cases for Kalispel Members in tribal and non-tribal court settings. In addition to working on cases, students will meet two hours per week in a seminar to learn and reflect on ethical issues, procedural law, substantive law, and specific skills.

### **Lincoln LGBTQ+ Rights Clinic**

The Lincoln LGBTQ+ Rights Clinic will provide opportunities for students to advocate primarily in the areas of civil rights and discrimination, with faculty guidance. Students will provide direct legal representation and create research-based policy proposals for addressing systemic inequalities in the law and legal systems. In addition to working on projects and cases, students will meet in a weekly two-hour seminar to learn and reflect on ethical issues, procedural law, substantive law, and skills.

## **COMMUNICATION AND PERSUASION SKILLS FOR LAWYERS** Credits: 1

The course focuses on the skills required for success in practicing law. Through the use of lectures, student exercises, drills, modeling, and role-playing, students learn about the communication skills necessary for persuasion, gaining rapport and trust, fostering client relationships, effective listening, and effective argument. The course also covers questioning techniques, memory skills, organization, and time management.



**COMMUNITY PROPERTY**

Credits: 2

Prerequisite: Property

This course focuses on the community property system. It covers character of ownership, management, disposition, voluntary and involuntary transactions between spouses, and tort and contract liability. Limited attention is given to federal income tax and tax collection issues involved in community property.

**COMPARATIVE WOMEN'S RIGHTS**

Credits: 3

This course explores specific legal issues of concern to women worldwide and the concomitant social and cultural factors that affect policy-making. The role of international organizations and nongovernmental organizations and the impact of international and regional treaties and conventions on gender-related human rights issues are examined through a comparative lens using the U.S. experience as a reference point. Topics include marriage and family law, traditions, and rituals; work and education; health care and reproduction; violence against women, including sexual harassment, prostitution, pornography, rape, and intimate partner abuse; and additional women's rights issues based on current events.

**CONFLICTS OF LAWS**

Credits: 3

Prerequisites: Civil Procedure, Constitutional Law I

This course focuses on the rules regarding conflicts of laws. It examines how these have developed in different ways and discusses managing the problems of conflicting rules, shedding light on how rules of law arise, function, and interact or compete. It includes discussions around domicile, jurisdiction of courts with reference to constitutional limitations, foreign judgments and the impact of the U.S. Constitution, and choice of law problems in general. It also looks at problems concerning law choice in relation to property, family law, contracts, torts, trusts, and estate administration.

**CONSTITUTIONAL LAW I (R)**

Credits: 3

Constitutional Law I studies the structure and powers of the federal judicial, legislative, and executive branches, including structural limitations on those powers. Coverage includes constitutional interpretive methodologies; judicial review; congressional powers, such as war and treaty powers, the Spending Clause, and, most especially, the Commerce Clause; and matters relating to presidential authority. This class also addresses federalism issues, including the 10th and 11th Amendments, the Supremacy Clause, and congressional authority to enforce the 13th, 14th, and 15th Amendments against the states. The course may also address the Dormant Commerce Clause and the Privileges and Immunities Clauses.

**CONSTITUTIONAL LAW II (R)**

Credits: 3

Recommended: Criminal Law

This course focuses on the constitutional guarantees found in the Bill of Rights and the 14th Amendment. It begins by covering the applicability of the Bill of Rights to states and private

parties and discusses the Incorporation and State Action doctrines. The course also explores issues and cases under the Equal Protection Clause, centering on laws and actions that have burdened various suspect and quasi-suspect classes, including classifications based on race, ethnicity, national origin, gender, disability status, sexual orientation, and immigrant status. In addition, the course addresses fundamental rights under the Due Process Clause, including questions about family autonomy and reproductive autonomy. Finally, the course examines issues under the 1<sup>st</sup> Amendment, including the right to free speech and freedom of association. Additional topics may be discussed such as freedom of religion under the 1<sup>st</sup> Amendment and the right of individuals to own and possess guns under the 2<sup>nd</sup> Amendment.

## **CONTRACTS (R)**

Credits: 4

This course introduces students to one of the foundational subjects of the common law and one of the main sources of civil liability: contract. It focuses on the basic rules of contract law, along with the policies and principles that underlie them. Specific subjects covered include mutual assent, defenses to contract obligation, performance, breach, and remedies. Although the course concentrates on the common law of contract, students will also study selected provisions of Article 2 of the Uniform Commercial Code and explore how those provisions have modified the law of contract.

## **CORPORATE SOCIAL RESPONSIBILITY SEMINAR**

Credits: 3

This course will discuss the social responsibility of American and multi-national corporations. Traditionally the goal of these firms has been to make profit for their shareholders. Over the last several decades however many commentators and business leaders have argued that given the wealth and power of these companies they should also embrace broader purposes. Those would include the interests of various corporate stakeholders as well as the common good. In that regard, this class will explore how corporate decision making should take into account, among other things, considerations such as human and labor rights and environmental concerns. The course will have readings and discussions on that topic. Students will prepare research papers on this matter and present their findings to the class.

## **CORPORATIONS**

Credits: 3

Prerequisite: Agency & Non-Corporate Entities

This course is an introduction to the basic legal rules and principles governing corporations. Formation of corporations and principles of liability will be discussed. The course will also discuss the roles played by shareholders, directors, and officers in the control and management of a corporation, as well as the fiduciary duties owed by these individuals. Corporate reorganizations and shareholder litigation will also be addressed. The course may also discuss issues relating to corporate social responsibility.

**COUNSELING STARTUPS: LAW, REGULATION, AND FUNDRAISING**

(R) for Executive JD Program Only

Credits: 3

This is an immersive course about advising entrepreneurs and startups on how to build, grow, and finance innovative businesses and how to prevent and address common legal, governance and regulatory challenges. Working with entrepreneurs and startups is exciting because they are often forging into new technologies and business models. But it is also challenging. Starting a company requires making lots of important decisions very thoughtfully, and carefully executing myriad legal and regulatory tasks - all at the speed of business.

Practice tips and best practices are discussed throughout the course, as are legal and regulatory red flags. A key theme is the importance of proactively helping companies avoid unnecessary friction, whether in the form of complaints, claims, litigation, regulatory actions or otherwise. Students will learn a framework for assessing the legal and regulatory health of a company called The General Counsel Audit. This framework is introduced early and referred to throughout the course. Professional ethics issues are examined whenever and wherever pertinent, understanding the client, particularly conflicts of interest, and other principles relating to “entity as client” under RPC 1.13.

**CRIMINAL LAW (R)**

Credits: 3

This introductory survey course covers substantive criminal law. As such, it examines the purpose of criminal law and the varying rationales for punishment, the elements of particular crimes, and the justifications and excuses that serve as partial or complete defenses. The course also introduces students to statutory methods and persuasive argumentation as well as the values of an adversarial criminal justice system.

**CRIMINAL PROCEDURE**

Credits: 3

Recommended: Criminal Law

This course focuses on the fundamental aspects of federal constitutional criminal procedure. Emphasis is placed on the constitutional limitations on police investigative practices related to search and seizure and the acquisition of confessions as well as the judicial enforcement of those limitations under the exclusionary rule. Consideration is also given to fundamentals of procedural due process, the defendant’s privilege against self-incrimination, the right to counsel, the right to trial, and double jeopardy.

**DEATH PENALTY SEMINAR**

Credits: 3

This course focuses on the study of the death penalty in the United States. Topics include the history of capital punishment, arguments supporting and opposing capital punishment, constitutional issues under the 8<sup>th</sup> and 14<sup>th</sup> Amendments, the role of mitigating and aggravating evidence in guiding the sentencer’s decision to impose death, jury selection and considerations, the use of experts in capital trials, state post-conviction remedies, the scope of federal habeas corpus review, constitutional challengers to the arbitrary imposition of the death sentence to those deserving death, the recently-expanded federal death penalty, and international law and capital

punishments.

## **DISABILITY LAW**

Credits: 3

For decades, American law has developed to advance the civil rights of underprivileged groups. While classifications such as race, religion and sex have been most prominent, disability is increasingly salient to our rights and interests in public spaces. This course introduces students to the law governing issues of disability, and the relationship between law, medicine and social justice. Throughout the term, students will be encouraged to problematize the adequacy of legal tools that aim to serve all relevant stakeholders to meet the financial, social, medical and emotional burdens of disability marginalization. The topics covered in the course are illustrative of the concerns of disability law, rather than cover the scope of the field. The materials, which comprise of a casebook and supplemental sources, enable students to develop a fuller appreciation of the intricacies of the theory and jurisprudence affecting the rights and lived experiences of people with disabilities. Students will be required to participate in online discussions and write an exam.

## **DRAFTING FOR LITIGATION**

Credits: 2

(previously known as LRW IV – Drafting for Litigation)

Prerequisites for students matriculating in 2019 or earlier: LRW I, II, and III; Litigation Skills and Professionalism Lab. Prerequisites for students matriculating in 2020 or thereafter: LRW I & II

This course focuses on the skills necessary to draft litigations documents. Students draft various pleadings that could include any of the following: complaint, answer, discovery requests/answers, motions, notices, proposed orders, jury instructions, and settlement agreements. This course builds on concepts first introduced in the Litigation Skills and Professionalism Lab and Legal Research and Writing III.

## **E-DISCOVERY AND E-EVIDENCE**

Credits: 2

Recommended: Civil Procedure, Evidence (completed or concurrent)

This course introduces students to the practical, procedural, and substantive legal issues around electronically stored information (ESI). It discusses common problems that arise in litigation in relation to the discovery, production, and presentation of ESI as evidence. Topics include the importance of ESI, IT sources, and the electronic reference model; ESI law and principals; prelitigation action; ESI preservation; litigation holds; meet and confer obligations; the use of a special master; the e-discovery process; ESI as evidence; federal statutes addressing ESI; and ethics and ESI. The class may also explore computer forensics and the potential future of ESI.

## **EDUCATION LAW**

Credits: 3

Recommended: Constitutional Law I, Constitutional Law II (completed or concurrent), Torts

This elective course surveys the constitutional issues, statutes, and case law governing public elementary and secondary schools. It emphasizes the legal relationships among the school, its employees, and its students. Topics regarding students include speech, records, search and seizure, discipline, discrimination, duties and right to attend school, and special education law. Employee issues include teacher certification, tenure, and termination; collective bargaining issues;

discrimination; and employee speech rights. Institutional issues include liability, government aid to religious private schools, religion in public schools, and curriculum issues. The course introduces selected educational concepts and explores the impact of legal regulation on school system operations and the law's treatment of educational issues.

**ELDER LAW**

Credits: 2

Recommended: Wills and Trusts

This course examines legal, ethical, and social issues raised by our nation's growing elder population. Focus is on both the substantive areas of law as well as the practical application of the current laws. Special attention is given to the ethical issues that often arise for attorneys who represent elder clients. The substantive areas include Social Security, Medicare, Medicaid, health care decisions-making, guardianships, age discrimination, elder abuse, and end-of-life planning.

**EMPLOYMENT DISCRIMINATION**

Credits: 3

This course focuses on the laws that prohibit discrimination in employment and what is and is not unlawful discrimination. It covers the laws regarding discrimination on the basis of race, creed, color, national origin, sex, pregnancy, disability, sexual orientation, age, and physical and mental disability, in particular Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. Class participation is an important element in this course. Employment Law is not a prerequisite.

**EMPLOYMENT LAW**

Credits: 3

Recommended: Torts, Contracts

This elective course surveys the major issues in workplace law. Topics include employment at will and its exceptions, such as wrongful discharge claims; wage and hour laws; statutory employment discrimination claims; labor law; workers' compensation and unemployment compensation; health insurance and pension benefits; negligent hiring and other job-related torts; and protections for employee speech and privacy. The course also covers the role of arbitration in resolving workplace disputes and provides students with opportunities to consider employment law issues from both employee and employer perspectives.

**ENTERTAINMENT AND MEDIA LAW**

Credits: 2

Prerequisite: Intellectual Property

This introductory course addresses legal issues within the entertainment industry, with a focus on film/television, music, gaming, publishing, and marketing. Topics include constitutional, contract, tort, ethical, and intellectual property issues of significance in this area. The course also provides a basic background on typical deal structures, the major contract types used, and the unique ways in which standard contract issues arise in these sectors of the entertainment industry.

**ENVIRONMENTAL LAW**

Credits: 3

This course introduces the basic principles of legal regulation of environmental protection. Course

content focuses on the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act (Superfund); Resource Conservation and Recovery Act; National Environmental Policy Act; and Endangered Species Act.

**EVIDENCE (R)**

Credits: 3

Recommended: Civil Procedure, Criminal Law

This course surveys the law governing the admission of evidence, with an emphasis on the federal rules of evidence. Topics include foundational and other requirements for presenting and ensuring the reliability of various types of evidence (such as witness competence, appropriate question format, objections, authentication and best evidence requirements for documents, and judicial notice); the relevance requirement and its limits; the general rule excluding hearsay evidence and its many exceptions; the admissibility of scientific evidence; and the exclusion of evidence for policy reasons such as privilege. The course also examines procedural issues such as burdens of proof and appealing evidentiary issues.

**EXTERNSHIP SEMINAR**

Credits: 1

Taken concurrently with Externship Field Credits

This Externship Seminar provides students with opportunities for professional development, to obtain practical lawyering skills, to create or expand professional networks, and to assess and gain insight into the workings of the legal system. Opportunities are created through exposure to the system with the guidance of a supervising attorney or judge. This seminar supplements those experiences, providing students with opportunities for personal and professional skill development through self-assessment and reflection.

**FAMILY LAW**

Credits: 3

Prerequisite: Constitutional Law I

This course provides an introduction to both the law governing family relationships and the types of court proceedings that can create or terminate family relationships, such as paternity, adoptions, legal separations, declarations regarding validity of marriage, dissolutions, and termination of parental rights. A significant portion of class is spent discussing how the state regulates families, implicating constitutional privacy concerns and state intervention as individuals order their family lives. Consideration is given to state law, constitutional law, and model rules as well as the policy concerns that underpin the decisions and rules in this area.

**FEDERAL INDIAN LAW**

Credits: 3

This comprehensive survey considers the unique body of law affecting American Indians and American Indian property interests. Topics covered include the competing claims to jurisdiction by state, federal, and tribal governments; treaties and the abrogation thereof; civil rights of tribal members; powers of tribal self-government; water and fishing rights; Indian education programs; and patterns of Indian property ownership.

**FEDERAL JURISDICTION**

Credits: 3

Prerequisite: Civil Procedure

This course covers the basic principles of judicial review and federalism under the Constitution of the United States. It discusses the theory and practice of federalism and the separation of powers, the broad problems of distribution of judicial power between state and federal courts, and jurisdictional conflicts created by the existence of the federal system of government. It also examines appellate and original jurisdiction of the federal courts in terms of review of state court decisions, habeas corpus, appeal and certiorari, federal questions, admiralty, diversity jurisdictions, injunctions against suit, and removal choice of law problems that raise questions of federalism.

**FIRST AMENDMENT LAW**

Credits: 3

Prerequisite: Constitutional Law I

This course covers the history, theory, case law, and practice of the First Amendment, including freedom of speech, free press, and freedom of religion (it covers all of the clauses and rights contained in the First Amendment except the Right to Petition the Government for redress). For Free Speech and Expression, the course covers the history and development of various freedom of expression doctrines, including (but not limited to) prior restraints, vagueness and overbreadth, political speech, symbolic speech, “time, place, and manner” restrictions on speech, the distinction between content-based and content-neutral restrictions on speech, and categories of “unprotected” or “less-protected” speech. For Free Press, this course covers the press’s right of access, and for the Religion clauses, this course covers government entanglement and aid, among others.

**FORCED MIGRATION LAW AND POLICY**

Credits: 2

This course examines elements of international, national, and regional law regarding forced migration. It covers these issues using an interdisciplinary approach that incorporates legal, historical, and political analyses. The course provides an overview of the history of forced migration, including its causes and consequences; explores key legal principles related to forced migration, focusing on international and regional legal norms, policies, institutions, and related theory; and incorporates case studies of specific populations, including women, children, and indigenous people.

**FOUNDATIONS OF EXPERIENTIAL LEARNING**

Credits: 1

(R) for Executive JD Program Only starting Spring 2021

The purpose of this course is to introduce Executive JD students to the fundamental skills necessary for excelling in experiential learning environments, such as simulation, clinical, and externship courses. Students will read, practice, and discuss foundational skills that will prepare them to make the most out of their ELR courses. Additionally, course discussions will focus on ethical issues that may arise when working in live-client settings. Lastly, the course provides students with hands-on experience in learning foundational principles for building their career path.

**FOUNDATIONS OF LEGAL RESEARCH AND ANALYSIS**

(R) for Executive JD Program Only starting Summer 2022

Credits: 3

This course provides an introduction to the principles of sound legal research, legal citation, and legal analysis for first semester, first year Executive Two-Year J.D. Program students. This course emphasizes teaching students how to study, read, and think in the ways necessary for success in law school and in legal practice. The focus of this course is on understanding the process of legal research, legal citations, and legal analysis and reasoning. Topics for legal research include strategies and techniques utilizing a variety of research resources in formats including print resources, subscription electronic resources, and free electronic resources, as well as an introduction to the American legal system and the laws created by each branch of government on a state and federal level. Topics for legal citation include all aspects of legal citation and effectively using the The Bluebook: A Uniform System of Citation. Topics on legal analysis and reasoning include critical reading, analysis of rule creation and rule application, legal argument, case briefing, and outlining. There are also elements of legal writing involved in this course to effectively prepare students for success in Executive Two-Year J.D. Legal Research & Writing I & II.

**GONZAGA LAW IN ACTION**

Credits: 1

This course offers a community engaged learning opportunity to provide legal advocacy for asylum seekers and other forced migrants. The one-week immersion experience will focus on direct consultations with immigrants. Instruction preceding travel will emphasize international refugee law, U.S. asylum law and policy, the root causes of displacement, and best practices for trauma-informed lawyering.

**HEALTH LAW**

Credits: 3

This course examines the financing and organization of health care delivery in the United States, the legal and public policy issues the current structure raises, and the implications for health care reform. The course begins with a historical overview of the American health care system, identifies the stakeholders, and discusses how health care is currently financed, accessed, and delivered. It reviews the major payers (private health insurance, self-insured health plans, Medicare, Medicaid), and the necessity for and breadth of regulation and reimbursement of health care providers, including traditional providers and providers of alternative medicine. The class considers health care reform options, including underlying policy considerations and political obstacles.

**IMMIGRATION LAW**

Credits: 3

Recommended: Criminal Law

This course focuses on the substantive law controlling immigration into the United States and effecting noncitizens in the country. Topics include constitutional law aspects of the immigration and removal process, admission, naturalization, relief from removal, and asylum.



**INSURANCE LAW**

Credits: 3

Prerequisites: Torts, Contracts

This course covers property and casualty insurance and the rules involved in analyzing and construing policies, claims handling, regulations, and bad-faith law. Coursework addresses the rights of parties, representations/warranties, waiver/estoppel, subrogation, uninsured/underinsured motorist coverages, statutes, and recent developments.

**INTELLECTUAL PROPERTY**

Credits: 3

Prerequisite: Property

This general survey course deals with the domestic legal protections available for intellectual property, focusing upon the key areas of patent, copyright, trademark and trade secret. It examines the elements of infringement claims, defenses, and remedies, along with the interaction between the federal intellectual property statutes and competition law. The course also considers the policies underlying the laws of intellectual property and the ways in which organizations and businesses can protect their intellectual property.

**INTELLECTUAL PROPERTY TRANSACTIONS & LICENSING** Credits: 3

Prerequisite: Intellectual Property

This course, building on the Intellectual Property survey course, examines the transactional components of intellectual property practice, including the negotiation and drafting of licenses. The course will explore the acquisition and maintenance of Intellectual Property rights under federal law; introduce students to the concepts, laws, and business of intellectual property licensing, and give students the opportunity to analyze and draft several different types of license agreements. The course is designed to be useful not only for students interested in pursuing careers in intellectual property law but also those whose practice will involve working with transactional business clients.

**INTERNATIONAL & COMPARATIVE INTELLECTUAL PROPERTY**

Prerequisite: Intellectual Property

Credits: 3

Recommended: Criminal Law

This course, a follow-up to the Intellectual Property survey course, provides an understanding of the processes for acquiring and maintaining intellectual property rights across national borders as well as the regulations for and issues concerning the enforcement of those rights. Students will examine the key international conventions and agreements governing rights in copyright, trademark and patent, discuss states' compliance with the obligations imposed by those agreements, and review the ongoing effort toward harmonization of intellectual property laws. Students will also explore the significance of intellectual property laws in the realms of international trade and international human rights, including the role of the World Trade Organization, the consequences of international piracy, and related human rights issues concerning traditional knowledge and biodiversity.

**INTERNATIONAL BUSINESS TRANSACTIONS**

Credits: 3

This course examines how to perform transnational business in a globalized economy. It introduces students to cross-border business transactions between private business firms and considers the wide range of transactions occurring across borders. The course deals with international trading of goods, including international contracting for sale of goods, payment arrangements, delivery of goods, and laws related to international trade, such as import and export, licensing, and foreign direct investment. It also deals with imports, exports, foreign investments, licensing, and international contracting. A deep background in business or business law is not required, although the basic corporations course is recommended (but not required).

**INTERNATIONAL CRIMINAL LAW**

Credits: 3

Prerequisite: Criminal Law

This course explores the evolving global legal response to offenses defined as international crimes. Subject matter will include individual criminal liability, liability of superiors, inchoate crimes, extradition, immunity, the nature of sovereignty, punishment and remedies, substantive international crimes such as crimes against humanity, terrorism, slavery, torture, genocide, and war crimes, and defenses under international criminal law. The course will consider some domestic and regional experiences with international criminal law, including in the United States. Special attention will be paid, however, to the experiences and cases of international criminal tribunals, including the Nuremberg and Tokyo tribunals, hybrid and ad hoc tribunals, and the International Criminal Court.

**INTERNATIONAL HUMAN RIGHTS**

Credits: 3

This course provides an introduction to the theory and practice of human rights. The class examines the major human rights laws, including treaties, customs, and other international and national laws, as well as the various institutions in which human rights are challenged, adjudicated, and enforced. Specific current topics addressed are selected on an ongoing basis throughout the semester. The class identifies a contemporary international human rights problem and develops a human rights case to challenge in different local, national, regional, and international forums. The course also deals with business and human rights, artificial intelligence and human rights, cybersecurity and human rights, terrorism, economic inequality, and other contemporary issues relating to human rights.

**INTERNATIONAL LAW**

Credits: 3

This course examines the politics of international law and the legal rules and institutions that govern relationships among nations. The course covers the laws of war, war crimes and tribunals, international criminal law, international humanitarian law, international economic law, the UN Charter, and the challenges of modern international law. The course also explores the role and influence of international organizations and nonstate actors; U.S. foreign relations law; the international legal rules that govern trade, human rights, and the use of force; and the nature of international law itself, including questions of compliance, effectiveness, and enforcement.

**INTERSECTION OF MENTAL DISABILITIES AND THE CRIMINAL JUSTICE SYSTEM**

Credits: 2

Recommended: Criminal Law

This course explores the intersection of mental disabilities and the criminal justice system. In this class, “mental disabilities” is a global term encompassing mental illnesses such as bipolar disorder and schizophrenia, as well as intellectual/developmental disabilities such as autism spectrum disorder. This course will follow the anatomy of a criminal case from arrest, to charging decisions, to assessments for competency and sanity, through sentencing and final disposition.

**INVESTMENT FUNDAMENTALS FOR LAWYERS**

Credits: 3

(R) for Executive JD Program Only

Recommended: Accounting and Finance for Lawyers

This course is designed to introduce law students to the fundamentals of investments. Topics covered will include an overview of financial instruments, the marketplaces in which they are traded and securities regulation and enforcement. The basic valuation models for stocks, bonds and options are also integrated. Additionally, the course will explore these concepts in the context of real cases drawn from recent transactions. After taking the class, the students will:

- Understand the key basic concepts in investments and legal and ethical issues involved in Investments;
- Be able to ask the right questions to your clients, and to their main financial advisors - accountants and investment bankers;
- Add more value to the client when negotiating with the other party, as they will be able to estimate the financial implication of specific changes in the deal;
- Improve their understanding of current financial market developments and trends.

**JUVENILE LAW**

Credits: 2

Recommended: Civil Procedure, Criminal Law

This course covers the history and theory of the juvenile court system. It discusses its jurisdiction, investigation, detention and hearing procedures, as well as the constitutional rights of persons in the juvenile courts. National trends and Washington law is also explored. Special attention is given to the role of the attorney in these matters.

**LABOR LAW (Private Sector)**

Credits: 3

This course studies the National Labor Relations Act, which governs the relationship between most private employers and unions. Topics addressed include representation and campaign issues, collective bargaining, strikes and picketing, contract enforcement, and federal preemption.

**LANDLORD/TENANT LAW**

Credits: 2

Prerequisite: Property

This course focuses on the substantive state and federal laws applicable to residential and

commercial tenancies. The state component includes an examination of Title 59 of the Revised Code of Washington, which addresses tenancies in mobile home parks. The federal law component examines the rights of tenants in public housing as well as issues related to housing discrimination.

**LAW AND SEXUALITY**

Credits: 3

Recommended: Constitutional Law II

This course explores a variety of topics, including gender, sexuality, and identity construction and discrimination; sexualized violence; the intersections of race, sexuality, and class; disputes over custody, adoption, and reproductive technologies; liberty interests versus equality claims; defining consent; and alternate forms of marriage. The readings center on U.S. case law while drawing on critical theory, current events, and popular culture sources to contextualize the topics in the current legal landscape.

**LAW PRACTICE MANAGEMENT**

Credits: 3

(R) for Executive JD Program Only

This course introduces students to the various components of operating a law practice. Areas of study include the public's perception of the legal profession; legal profession trends; small law office survival, products and services; office accounting; case planning; fee contracts and arrangements; common ethical complaints and ways to avoid them; civility in the profession; marketing and promoting legal services; firm performance evaluation; financial analysis of the firm; strategic planning; modern law office technology; use of law clerks and paralegals; pro bono obligations; and human resource management.

**LAW REVIEW: CITE AND SOURCE – TEAM LEADER**

Credits: 1

Law Review Members Only

This 1-credit asynchronous online course takes law review members through the process of supervising Cite & Source teams for articles to be published in Gonzaga Law Review. Topics covered include the fundamentals of supervising Cite & Source work. By the end of the course, Associate Editors will supervise and finalize Cite & Source projects. Enrollment is open to Gonzaga Law Review members.

**LAW REVIEW: CITE AND SOURCE – TEAM MEMBER**

Credits: 1

Law Review Members Only

This 1-credit asynchronous online course takes law review members through the Cite & Source process for articles to be published in Gonzaga Law Review. Topics covered include the fundamentals of law review production, editing and citation training, and the expectations for Cite & Source work. By the end of the course, Editorial Staff members will complete Cite & Source projects. Enrollment is open to Gonzaga Law Review members.

**LAW REVIEW: EDITORIAL BOARD**

Credits: 3

Law Review Editorial Staff and Associate Editors Only

This 3-credit asynchronous online course takes law review Editorial Board members through their substantive board work for Gonzaga Law Review. Topics covered include the fundamentals of each board position, expectations for work performed, and general leadership training. By the end of the course, after receiving formative feedback, Editorial Board members will complete a portfolio of work based on position expectations. Enrollment is open to GLR Editorial Board Members.

**LAW REVIEW: VESTING PAPER**

Credits: 2

Law Review Editorial Staff Only

This 2-credit asynchronous online course takes law review members through the process of writing an academic paper for potential publication in a law review. Topics covered include the fundamentals of academic legal writing, the academic legal research and writing process, and the steps for revising, editing, and finalizing long-form academic writing projects. By the end of the course, students will complete a note or comment with a word count of 10,000-13,000 words (including footnotes). Enrollment is open to law review editorial staff.

**LEADERSHIP FOR LAWYERS**

Credits: 3

(R) for Executive JD Program Only

This course looks through an interdisciplinary lens, and using a text authored by industry leader Deborah Rhode, will explore leadership for lawyers, with particular emphasis on the following: the nature of leadership; leadership skills; ethics in leadership; and leadership challenges. Students will be graded and evaluated based upon a written paper and leadership of course discussion. For the graded paper, students will explore an area of leadership as it relates to the life of lawyers and/or the legal profession.

**LEGAL METHODS AND JURISPRUDENCE**

Credits: 3

(R) for Executive JD Program Only

A survey of the classic questions in jurisprudence, the study of the nature, norms, and justifications of legal systems. Questions addressed include: How do judges decide cases? Do legal rules or standards constrain judicial decision-making? What makes a rule/norm a rule of law? Is morality legally binding regardless of whether it has been enacted into a law by a legislature? How should cases be decided when there is no "controlling law"? Can there be "right" answers to legal disputes or is legal reasoning essentially indeterminate? What is distinctive about judicial decision-making? The course will survey the major legal theorists and schools of jurisprudence and the issues that concern them—especially Legal Realism, Natural Law, Legal Positivism, and Critical Legal Theory. No familiarity with either jurisprudence or philosophy will be presupposed, though some readings may be philosophically demanding.

**LEGAL RESEARCH AND WRITING (LRW) I (R)**

Credits: 3

For students beginning law school in Fall 2020

This course focuses on competency in legal analysis, print and online research, and objective writing. The course covers foundational legal sources, including constitutions, statutes, cases, administrative law, legislative history, and secondary sources. Students work on a series of increasingly complex research and writing projects that allow them to research multiple authorities and write a comprehensive analysis of the law.

**LEGAL RESEARCH AND WRITING (LRW) II (R)**

Credits: 3

For students beginning law school in Fall 2020

Prerequisite: LRW I

The second semester of Legal Research and Writing further develops and enhances analytical and writing skills. Students draft pretrial and appellate briefs, with a focus on organization and persuasive rhetoric.

**MEDIATION THEORY AND PRACTICE**

Credits: 3

The goal of this course is to equip students with an understanding of mediation theory and practice through interactive simulations, client interviewing, and creative course content. The course objectives are to provide students with an understanding of the processes and basic skills of mediation.

**MENTAL DISABILITY LAW**

Credits: 3

This course explores the relevant legal processes and the civil, constitutional, and criminal issues affecting persons with mental disabilities. Topics include involuntary civil commitment, institutional rights, the right to refuse treatment, deinstitutionalization, the Americans with Disabilities Act, competencies, the insanity defense, sexually violent predator acts, and the impact of mental disability in the criminal trial process on issues such as confessions and sentencing.

**PATENT PROSECUTION AND LITIGATION**

Credits: 2

Prerequisite: Intellectual Property

This course, a follow-up to Intellectual Property, provides an in-depth examination of practicing patent law. It focuses on legal issues related to the patent application process, post-issuance review of patent validity, litigating patent cases, and the interplay between patent prosecution and litigation. It introduces the drafting of patent applications and issues associated with prosecuting patents before the U.S. Patent and Trademark Office, such as infringement, validity, and the claim construction; preliminary injunction practice, damages, and appeals; and the role of expert witnesses. This course is for not only those with technical backgrounds who intend to take the Patent Bar, but also for students interested in patent litigation, for whom a technical background is not required.

**POVERTY LAW**

Credits: 3

Students will survey the major areas of law (including family law, consumer, employment, public benefits, housing, and health care) practiced by nonprofit law firms and civil legal services providers. Particular emphasis will be placed on the legal needs of low-income communities. Students also will practice various skills used in advocating for clients in small group settings and receive feedback and guidance from experienced practitioners. Through completing the class, students will be introduced to a wide variety of placement opportunities with civil legal services providers throughout Washington.

**POWER AND INFLUENCE IN LEADERSHIP**

Credits: 3

(R) for Executive JD Program Only

If leadership is about relationships, power is the ability to influence others. In the organizations, the dynamics of power and influence surround us. They play a role – often a fundamental role – in nearly all aspects of life, from individual relationships to career advancement, broad organizational culture to societal change. This course is designed to study the large body of theory and research regarding power, influence, and political skills, with the applied context of individual, community and organizations. In this course students will analyze research and theory, and apply it to a variety of contexts with the intent of more deeply understanding how influence plays a role in how we are in relationship with others. Students will analyze research critically from a theoretical and empirical perspective, apply the concepts, as well as develop an aptitude for leadership applications.

**PRINCIPLES OF LAW AND ECONOMICS**

Credits: 3

(Previously Economics for Lawyers)

*One-time offering Fall 2021*

Economics for Lawyers will provide you with an overview of basic tools involved in microeconomic analysis (including game theory, and some basic financial and statistical concepts), and an application of these tools to various areas of the law, including property, contracts, tort, and antitrust. This course will prepare you to think critically about the economic implications of legal rules. The ability to draw on economic arguments to shape legal arguments will make you more effective advocates.

**PRIVACY AND DATA SECURITY LAW**

Credits: 3

Recommended: Criminal Law

This course provides an introduction to the legal principles that protect personal information in the digital age. Students will study the laws that shape privacy and data security in the United States, including the U.S. Constitution, federal statutes, federal agency actions, state statutes, contract law, and tort law. Some international dimensions, particularly European Union regulations, will be included as well. Students will explore the technological underpinnings of data security and privacy, while also thinking critically about how the law should respond to ever-evolving technology.

**PROFESSIONAL AND ACADEMIC FOUNDATIONS**

Credits: 1 + 1

(R) for 1Ls beginning 2020-2021

This course begins during Orientation and continues through the first year. This course emphasizes teaching students how to study, read, and think in the ways necessary for success in law school, on the bar exam, and in legal practice. Different options for time management, taking notes, preparing outlines, and studying for exams will be presented. Students will receive introductory training in legal research techniques. The course will coordinate with doctrinal courses and help to reinforce concepts taught in doctrinal courses by assisting students as they learn to evaluate their own performance on midterms and other assignments in preparation for final exams in those classes. The course will also provide students with the expectations for and tools to adhere to professionalism in their written and oral communications, networking and public presentations, and in the development of their values and identity as a lawyer.

**PROFESSIONAL RESPONSIBILITY (R)**

Credits: 3

This course prepares students to become professional attorneys by discussing their responsibilities to clients, the legal system, and the community. By studying the ABA Model Rules of Professional Conduct and other ethics law sources, this course deals with the grounds for professional discipline and how to practice law ethically in a variety of contexts. Through discussion and exercises, students learn how to cultivate the values, work habits, and professionalism necessary to develop a rewarding and sustainable professional identity.

**PROPERTY (R)**

Credits: 4

This introductory course deals with property as an institution and focuses on such areas as possession and ownership, adverse possession, estates in land, future interests, landlords and tenants, covenants and equitable servitudes, easements, real estate contracts, deeds and titles, eminent domain, and zoning. Several topics, particularly real estate contracts, deeds and titles, eminent domain, and zoning are covered more fully in advanced courses.

**PUBLIC LANDS LAW**

Credits: 3

This course provides a review of various topics concerning federal public lands, such as the source and scope of federal authority, forestry, grazing, hard-rock mining on federal lands, federal oil and gas leases, fish and wildlife recreation, and wilderness issues.

**RACE AND THE LAW**

Credits: 2

This course studies the many and various ways in which race and the American legal system interact. It draws on both history and contemporary debates to better understand how the law influences the lives of racial groups. Particular emphasis is placed on the role the law played in reinforcing slavery, shaping Reconstruction, and influencing the development of the West. The seminar also examines some of the current issues surrounding the legal treatment of race.



**REAL ESTATE TRANSACTIONS**

Credits: 3

Prerequisite: Property

This basic course covers the elements of real estate transactions. Topics include mortgages, deeds of trust, real estate contracts, title insurance policies, and liens as they relate to real estate closings. The course also considers certain state tax aspects of real estate closings, although federal income tax implications are beyond the scope of this course. Various federal and state land-use laws and regulations are also discussed in relation to the closing of real estate transactions.

**RESTORATIVE JUSTICE**

Credits: 3

Recommended: Criminal Law

This course explores restorative justice's global roots, theoretical underpinnings, values, limitations, and modern practices. The U.S. is beginning to engage in a critical examination of its criminal justice system, which tends to overutilize retributive principles for behavior correction. Thus the need for investigating alternative possibilities becomes increasingly important. If we hope to reform our criminal justice system into one that is more effective and fair, we must have realistic, well-measured suggestions for improvements. This course also offers a critical perspective of restorative justice, an opportunity to discuss the inherent challenges.

**SALES**

Credits: 3

Prerequisite: Contracts

This course provides more in-depth exposure to Article 2 of the Uniform Commercial Code than is possible in the first-year Contracts course. The course first explores which transactions are governed by Article 2. It then focuses on key concepts, including contract formation; warranties; risk of loss; acceptance, rejection, and revocation; and remedies for breach. If time permits, the rules of Article 2 are compared to those in Article 2A, which deals with leases of goods, and to selected provisions of the United Nations Convention on Contracts for the International Sale of Goods.

**SECURED TRANSACTIONS**

Credits: 3

Prerequisites: Contracts, Property

This course introduces students to secured transactions and the law that governs them. After a brief overview of the difficulties in collecting unsecured debts, the course explores the role collateral plays in ensuring repayment. Students then study the principal concepts of Article 9: the requisites for attachment of a security interest, the various methods of perfecting and enforcing security interests, and the Uniform Commercial Code's resolution of various priority disputes. During the course, students will learn the terminology of secured transactions and the basics of commercial finance, hone their statutory interpretation skills, and explore the various policies underlying the Uniform Commercial Code.

**SECURITIES REGULATION**

Credits: 3

Prerequisite: Contracts

This course provides students with a basic understanding of the Federal Securities Act of 1933 and the registration of securities or the exemption of securities from registration. Particular attention is given to the roles, relationships, responsibilities, and liability exposure of the various persons involved in the offer and sale of securities. The course also examines the various types of investment transactions that constitute the sale of securities.

**SMALL CLAIMS MEDIATION**

Credits: 3

Recommended: Alternative Dispute Resolution

The purpose of this course is to provide students with an opportunity to mediate small claims court cases before they go to trial – giving students a venue to apply conflict resolution competencies and skills learned from the summer and fall courses. The Small Claims Mediation is an applied opportunity; equally, it fills a vital role of access to justice for parties in the Spokane community and increased efficiency for the small claims court. As externs, students will mediate online or in person cases that are pending before the Small Claims Court of Spokane County – giving students live experience in facilitating conversation, giving the parties a chance to be heard, and helping resolve parties' disputes.

**SOCIAL MEDIA DISCOVERY**

Credits: 2

This course examines the discoverability of social media data in pretrial civil litigation, including the different approaches courts take to discovery of websites like Facebook or Snapchat, the privacy issues involved, and the ethical constraints on attorney conduct. In addition to learning more about the law of discovery, students in this skills course will work with a simulated personal injury case and will draft discovery requests, pretrial motions, and other discovery-related documents.

**SPORTS LAW**

Credits: 2

This course examines issues respecting amateur and professional sports, including sports league decision-making, labor and sports, negotiating player contracts, and enforcing sports contracts, NCAA matters, drug testing, and torts in sports. It also covers governing structures.

**STATISTICS & DATA ANALYSIS FOR LAWYERS**

Credits: 3

(R) for Executive JD Program Only

The purpose of this course is to introduce law students to statistical concepts/techniques, such as descriptive statistics, elements of probability and probability distributions (discrete and normal), sampling distributions, hypotheses testing (comparing means, proportions), nonparametric testing, as well as regression analysis and time series analysis. The course emphasizes the application of statistical concepts to analyze research for best available evidence to support legal practice. In this course, we will use examples related to legal fields, such as employment discrimination, environmental protection, antitrust, and product liability, to name a few. Additionally, the course

will discuss ethical issues that may arise when applying data analytics to problems within the legal profession. Lastly, the course provides students with hands-on experience in using statistical software (MegaStat) to assist in making informed decisions.

### **TAXATION BUSINESS ENTITIES**

Credits: 3

Recommended: Agency & Non-Corporate Entities, Corporations, Business Planning

This survey course studies the federal tax effects of gifts during life and transfers at death. It focuses on all aspects of the transmission of wealth, both by testate and intestate methods, from the viewpoint of drafting exercises and considering tax and nontax problems inherent in property transmission. Some work is done in actual planning principles and how to reduce federal transfer taxes through proper planning.

### **TAXATION OF GIFTS AND ESTATES AND ESTATE PLANNING**

Credits: 3

This survey course studies the federal tax effects of gifts during life and transfers at death. It focuses on all aspects of the transmission of wealth, both by testate and intestate methods, from the viewpoint of drafting exercises and considering tax and nontax problems inherent in property transmission. Some work is done in actual planning principles and how to reduce federal transfer taxes through proper planning.

### **TAXATION OF INDIVIDUAL INCOME**

Credits: 3

This course deals with the Internal Revenue Code and the administrative and judicial interpretations of that code in the context of personal income taxation. It presents a general overview of gross income, deductible items, and capital gains and losses, with some attention given to timing problems of taxation, such as the concept of constructive receipt and deferral of tax impact.

### **TORTS (R)**

Credits: 4

This required first year course examines private lawsuits that seek compensation or other redress for personal injury, property damage, or certain intangible harms such as mental distress. The course surveys a variety of tort claims including negligence; strict liability involving animals and abnormally dangerous activities; intentional torts to the person such as assault, battery, false imprisonment, and intentional infliction of emotional distress; intentional torts to property such as trespass to land, trespass to chattels and conversion; and products liability. Defenses to tort claims including contributory and comparative negligence, assumption of the risk, and various privileges such as consent, self-defense, defense of property, and necessity are explored. The course also covers practical and procedural issues such as vicarious liability, joint and several liability, and statutes of limitation.

**TRANSACTIONAL DRAFTING**

Credits: 2

(previously known as LRW IV – Transactional Drafting)

Prerequisites for students matriculating in 2019 or earlier: LRW I and II; Transactional Skills and Professionalism Lab. Prerequisites for students matriculating in 2020 or thereafter: LRW I and II

This course develops the skills necessary to draft effective transactional documents, both public and private. It refines skills acquired in the Transactional Skills and Professionalism Lab and prior Legal Research and Writing courses and covers drafting, amending, interpreting, enforcing, defending, or litigating these papers. The course emphasizes organization, accuracy, precision, and clarity by using simple and plain English to effect a desired outcome.

**TRIAL ADVOCACY**

Credits: 3

Prerequisites: Criminal Law, Evidence (completed or concurrent)

This practical course introduces students to the objectives, skills, and ethical considerations of trying a case. Topics include jury selection, openings, direct exam, cross-exam, and closing arguments, and provide a practical command of evidentiary foundations and objections. The course is made up of weekly lectures along with weekly small-session labs for applying trial skills.

**WATER LAW**

Credits: 3

Recommended: Property

This course provides an overview of water law, including riparian and appropriative rights; groundwater; legal transitions; federal and state navigability; the public trust doctrine; federal water rights; and environmental limitations on water rights. Although the class will discuss the intersection of water quality and quantity issues, Water Law focuses on access and allocation policy. Students interested in water pollution control should take the Environmental Law course.

**WILLS AND TRUSTS**

Credits: 3

Prerequisite: Property

This course provides a background in wills and trusts. It examines the law of gratuitous transfers and decedent's estates, including intestate and testate succession and the probate process; the nature and elements of the modern trust and other will substitutes; aspects of powers of appointment; and fiduciary powers, duties and liabilities.

**WILLS AND TRUSTS SKILLS LAB**

Credits: 1

Prerequisite: Wills and Trusts (completed or concurrent)

These skills labs involve some of the following: interviewing clients; preparing documents for probating an intestate estate; drafting wills, durable powers of attorney and/or trust documents; exploring guardianship requirements for the elderly; and/or exploring settlement options in a will contest case.

**WINE LAW AND BUSINESS**

Credits: 2

Prerequisite: Property

Washington State has over 1,000 wineries producing 17 million cases of wine and that contribute \$8.4 billion to the state economy. The California wine industry ranks as the fourth largest wine producer in the world behind France, Italy, and Spain with an impact of \$114 billion to the national economy. Presently, all 50 states have bonded wineries. This course provides an introduction to the wine industry and the regulatory framework which governs the growing of wine grapes, the production of wine, the differing trade practices systems among the various states and the federal government, the labeling of wine, the shipping of wine across state lines, and the limitations on the marketing and sale of the finished product. Students will also receive an introduction in the business of wine with practical instruction as to how wine grapes are grown in the vineyard, how wine is made in the winery and stored in the cellar, how fine wine is evaluated for sale, and an overview of the historically important wine grape varieties and the major regions of the world that produce fine wine.

**WRITING FOR PRACTICE AND THE MPT**

Credits: 2

The primary goal of this course is to strengthen legal problem-solving abilities using realistic legal writing exercises. The course focuses on fundamental lawyering skills such as reading comprehension, rule mastery, issue spotting, outlining, the mechanics of legal analysis and strong writing. Throughout the course, students will have multiple opportunities for hands-on practice with focused drills, group exercises and workbook activities to sharpen these skills. The course enhances learning by providing the student with particularized feedback to learn how to evaluate their own work and see a clear pathway for consistent improvement. The course connects the learning activities to law practice and, more immediately, to law school and bar exam success. Special focus will be given to understanding how to succeed on the MPT (a practical, writing-focused component of the bar exam).

**ZONING AND LAND USE REGULATION**

Credits: 3

Prerequisite: Property

This course discusses land use controls at the local level. It focuses on zoning and zoning flexibility devices such as variances, special use permits, and rezones; modern approaches, particularly transfer of development rights (TDR), planned unit development (PUD), and contract zoning; administrative procedures and judicial review; subdivision regulations; exclusionary zoning and growth control; constitutional issues, including taking without just compensation and due process; and equal protection and the First Amendment.

## **Courses not taught in previous two academic years, but still in current catalog**

### **ADVANCED ADVOCACY**

Credits: 2

(previously known as LRW IV – Advanced Advocacy)

Prerequisites for students matriculating in 2019 or earlier: LRW I, II, and III; Litigation Skills and Professionalism Lab. Prerequisites for students matriculating in 2020 or thereafter: Civil Procedure, LRW I & II

This course further hones persuasive writing skills acquired in the Litigation Skills and Professionalism Lab and prior Legal Research and Writing courses. It also introduces oral advocacy skills. Students first research and write a trial memorandum, and then work with co-counsel to research and write a complex appellate brief and present oral argument on that brief.

### **ARBITRATION LAW**

Credits: 2

Arbitration has become an increasingly popular form of dispute resolution. The course will explore the law and policy surrounding the arbitral process including the Federal Arbitration Act. Some view the main advantage of arbitration as avoiding the American judicial process; others see this a drawback. There has been an explosion of decisions surrounding arbitration including whether arbitration awards are enforceable, how they are enforced, and the interplay between arbitrators and the courts. Anyone involved in practice today should understand the law surrounding arbitration agreements and this often-used dispute resolution process.

### **COMMUNITY ORGANIZING**

Credits: 1

This course equips students with organizational tools for addressing the social and structural inequities that contribute to and perpetuate disparities among individuals and communities identified as vulnerable, marginalized, or underserved. Working in interprofessional teams, students hone their communication and collaboration skills as well as their understanding of different professions' roles, responsibilities, and expertise. The course also addresses the social determinants of equity in underserved populations. The didactic coursework is paired with community engagement experiences that allow student teams to apply skills and collaborate around specific community-identified projects and goals.

### **FOUNDATIONS OF APPELLATE LAW**

Credits: 2

Prerequisite: Civil Procedure

This course focuses on the values involved in appellate decision-making, how these values conflict, and the interplay of these values in the quest for a just system. More particularly, the course examines the substantive foundations of appellate law, including the doctrines of res judicata, collateral estoppel, and law of the case, along with the law regarding preservation of error, stare decisis, justiciable controversy, mootness, dicta, and related concepts. The course provides an introduction to state and federal appellate systems and the practical workings of the Washington appellate system, and surveys the Washington Rules of Appellate Procedure.

**MILITARY LAW**

Credits: 2

Recommended: Criminal Law

This course studies the U.S. armed forces military legal system. The course provides an understanding of such specific areas as constitutional law as it relates to the armed forces, the history of the development of the military legal system, military criminal and civil legal jurisdiction, the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial, the tort claims process, the War Powers Act, the law of armed conflict (including the Geneva Conventions), and judge advocate operations. Significant court decisions are explored to support course goals.

**REMEDIES**

Credits: 2

Prerequisites: Civil Procedure, Torts

This elective course examines the concept of “rightful position” in different areas of law and surveys the options available to courts to put successful civil litigants in their rightful position. It compares and explores actual and punitive damages, attorney’s fees, declaratory judgments, injunctions, replevin, and special remedies such as constructive trusts. In particular, the course addresses the court’s equitable powers to issue post-trial injunctions and interim relief, including temporary restraining orders and preliminary injunctions as well as equitable defenses and contempt options to enforce equitable orders. The course also explores practical issues, such as methods for and limits on collection of judgments and restitution claims and remedies.

**SPECIAL TOPICS IN INTELLECTUAL PROPERTY**

Credits: 2

Prerequisite: Intellectual Property

Special Topics in Intellectual Property Law is intended to give students advanced grounding in the world of Intellectual Property (IP). Particular areas of focus for the course will vary by instructor and course year. Potential areas of focus for the course include technology transfer, Internet domain names, IP in international trade and treaties, counterfeiting, and IP litigation.

**STATE CONSTITUTIONAL LAW**

Credits: 3

Prerequisites: Constitutional Law I; Constitutional Law II (completed or concurrent)

This course, presented as a seminar, provides a grounding in the history, structure, content, and role of state constitutions. It traces the evolution of American constitutionalists, the role of state constitutions in the federal system, the roots of state constitutions prior to the federal Bill of Rights, and the rebirth of interest in state constitutional law in the modern era of “new judicial federalism.” Theoretical study includes the nature and function of state constitutions, how to make a state constitutional law argument, and the approaches to interpretation. The course analyzes particular provisions of state constitutions, focusing principally on the Washington State Constitution, as well as case law interpreting those provisions. The grade in the course is based on a case presentation, and a culminating paper under the direction of the professor that satisfies the Upper-Level Legal Research and Writing requirement.

## **Courses taught in previous two academic years, but no longer in current catalog**

### **Commercial Law Amicus Clinic**

Students will, through a faculty supervisor, and possibly in collaboration with faculty and students at one or more other law schools, provide assistance to the Commercial Law Amicus Initiative (“CLAI”). CLAI is a non-profit corporation that: (i) assists courts in faithfully interpreting and applying the Uniform Commercial Code other commercial laws through the filing of *amicus curiae* briefs; and (ii) provides research and recommendations on matters of commercial law to organizations engaged in law reform (e.g., the American Law Institute, the Uniform Law Commission). Efforts will be made to give every student in the clinic the opportunity to work on an *amicus curiae* brief that CLAI will file in a state or federal case somewhere in the country. However, it is impossible to predict in advance how many, if any, *amicus curiae* briefs CLAI will be involved in during any specific semester; and hence some students might be engaged primarily in other aspects of CLAI’s work.

### **ETHICAL ISSUES IN REPRESENTING CHILDREN**

Credits: 2

This course examines ethical issues that arise when representing children and is highly reflective and interactive. It explores the ethical constraints of each model of child representation (guardian ad litem, attorney for child, attorney for situation) as well as ethical issues that arise when an attorney’s representation of adults or agencies also affects children. Introductory material discusses professional responsibility, legal issues affecting children, and child development. Students build from the introductory material to create class presentations.

### **LEGAL RESEARCH AND WRITING (LRW) I AND II Executive JD**

(R) for Executive JD Program Only (Summer 2020 and Summer 2021)

Credits: 3 + 3

This two-semester, six-credit course provides an introduction to the principles of sound legal analysis for first-year executive students. Topics include the structure of the legal system, critical reading, analysis of rule creation and rule application, legal argument, legal writing, legal research, and basic legal citation. This course teaches students about legal analysis through readings, cases, lectures, and assignments, and it builds on those skills through increasingly complex objective writing assignments.

### **LEGAL RESEARCH AND WRITING (LRW) III**

Credits: 2

(R) for students beginning law school in Summer 2020 or before

Prerequisites: LRW I and LRW II

The third semester of Legal Research and Writing is a two-credit course that further develops and enhances analytical and writing skills. Students draft pretrial and appellate briefs, with a focus on organization and persuasive rhetoric.



**LEGAL RESEARCH AND WRITING (LRW) IV**

Credits: 2

(R) for students beginning law school in 2018 or before

Students choose one of three course options to fulfill LRW IV:

**Advanced Advocacy**

Prerequisites: LRW I, II, and III; Litigation Skills and Professionalism Lab

This course further hones persuasive writing skills acquired in the Litigation Skills and Professionalism Lab and prior Legal Research and Writing courses. It also introduces oral advocacy skills. Students first research and write a trial memorandum, and then work with co-counsel to research and write a complex appellate brief and present oral argument on that brief.

**Drafting for Litigation**

Prerequisites: LRW I, II, and III; Litigation Skills and Professionalism Lab

This course focuses on the skills necessary to draft litigations documents. Students draft various pleadings that could include any of the following: complaint, answer, discovery requests/answers, motions, notices, proposed orders, jury instructions, and settlement agreements. This course builds on concepts first introduced in the Litigation Skills and Professionalism Lab and Legal Research and Writing III.

**Transactional Drafting**

Prerequisites: LRW I and II; Transactional Skills and Professionalism Lab

This course develops the skills necessary to draft effective transactional documents, both public and private. It refines skills acquired in the Transactional Skills and Professionalism Lab and prior Legal Research and Writing courses and covers drafting, amending, interpreting, enforcing, defending, or litigating these papers. The course emphasizes organization, accuracy, precision, and clarity by using simple and plain English to effect a desired outcome.

**MASTERING THE MULTISTATE PRACTICE TEST (MPT)**

Credits: 2

This course addresses the Multistate Performance Test, an essential part of the Uniform Bar Examination and of most other state bar exams. The class will discuss the structure and variations of the Multistate Performance Test and teach strategies for success on the exam. The course will further develop important legal research and writing concepts and skills learned in previous legal writing courses which may be tested on the Multistate Performance Test. This course is ***not*** intended to substitute for a post-graduation bar exam preparatory course or the spring Pre-Bar Exam Seminar. Because the course is a focused 2-credit writing course, it satisfies 2 credits of upper-level writing.

**TRANSACTIONAL SKILLS AND PROFESSIONALISM LAB** Credits: 2  
(R) for 1Ls through 2019-2020; Fall 2021 available only to students who matriculated in 2020  
Prerequisite: Contracts

This course focuses on the skills required of lawyers involved in transactional practice. It covers the distinctions among the various types of contract terms (*e.g.*, representations, warranties, covenants, and conditions) and which type or types to use to best achieve a client's objective. Students gain experience drafting contract language with precision and practice how to spot and avoid ambiguity. The course also introduces the concept of due diligence, the importance of contractual boilerplate and knowing the law that applies to it, and the lawyer's role in identifying risks associated with a transaction. In doing so, the course presents students with issues of ethics and professional responsibility.