

Course Description Booklet

FALL SEMESTER 2007

The instructor has the discretion to alter the Method of Evaluation listed in this Course Description Booklet if the change is announced during the first week of classes.

If there is not a course description for a course, seminar, or workshop being offered, the professor has not submitted one.

Descriptions for courses are listed in alphabetical order.

200 A ADMINISTRATIVE LAW

MICHAEL FROOMKIN

This is a course about the rules that shape and constrain federal power to affect people's lives through the mechanism of federal administrative agencies (also known as "bureaucrats"), and of the struggle to reconcile effective government with the demands of fairness and accountability. The course surveys the powers of the federal government to make rules and regulations, and to conduct executive branch investigations and adjudications. Attention is paid to the legislature's role in drafting (often ambiguous) statutes giving powers and duties to federal agencies, and to the legislature's subsequent role in supervising agencies. The course also examines the use of lawsuits to invoke judicial authority to constrain agencies pursuant to constitutional, statutory, and common-law principles. Administrative Law is important for anyone contemplating a practice that might involve federal regulations in any way; it is particularly valuable for students who are considering a practice involving highly regulated area such as: Banking, Communications, Disability, Environment, Family and Child services, Immigration, Labor, Housing, or Land Use."

Prerequisite: None

Method of Evaluation: Grades will be based on class participation and a 8 hour take-home final exam

Menu Requirement: Group II

Credits: 4

300 A ADMIRALTY

DAVID KARCHER

A study of the problems of the maritime industry: the admiralty jurisdiction in the federal system; carriage of goods by sea; charter parties, general average; rights of seamen and maritime workers; collision; salvage, maritime liens; and limitation of liability.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group II

Credits: 3

216 A ADVANCED CRIMINAL PROCEDURE

BRUCE WINICK

Selected issues in federal criminal procedure will be considered, including: entrapment, lineups and other pretrial identification procedures, constitutional limitations on police interrogation practices, the scope and

administration of the exclusionary rule, negotiated pleas, joinder and severance, speedy trial, trial by jury and jury selection, sentencing, harmless error, due process methodology, and habeas corpus and other post-conviction remedies. This course is a must for students interested in becoming criminal defense lawyers or prosecutors. It attempts to be a blend of the theoretical and practical, presenting students with a constitutional framework for dealing with criminal procedure issues and practical skills training concerning many important aspects of criminal practice. Students will be required to participate in a simulated plea bargaining exercise and in other in-class exercises in which they will play the roles of prosecutors and defense attorneys in dealing with hypothetical problems.

Prerequisite: Criminal Procedure

Method of Evaluation: Final Exam

Menu Requirement: Group II

Credits: 3

700 A ADVANCED MOOT COURT W/S

HARVEY SEPLER

MOOT COURT BOARD

An instructional program open to any second-year student desiring to further develop both oral and written advocacy skills. Administered by the Moot Court Board, each team writes and argues an appellate brief in a competition with fellow students. Second-year students who take the class may use their scores to apply to the Moot Court Board for membership as a third year student. The State Moot Court Teams are chosen from among the competitors in the fall semester; the National Moot Court team is chosen from among the competitors in the spring semester. Awards are given for Best Brief, Best Oralist, and to the Finalists and Winners of the competition. Competitions are held on weekdays in the evenings.

Prerequisite: None

Method of Evaluation: Pass/Fail basis only-additional meetings will be required

Menu Requirement: W/S

Credits: 2

107 A AGENCY & PARTNERSHIP

ELLIOTT MANNING

This is a course about conducting business operations with others in an unincorporated form. The vast majority of closely held businesses are conducted in unincorporated form. The agency portion of the course deals with the issues that arise when one person represents another in conducting a business (or other) activity. The first issue considered is determining when the relationship is an agency versus when the one engaged is performing acting as independent contractor, essentially providing services for a consideration. All employees are agents, but not all agents are employees. Once an agency is established, the issues are when the agent can bind the principal in contract, and when the principal is also liable for the torts of the agent. A major issue is the "fiduciary" duty of the agent to the principal and the duties that the principal owes the agent. The partnership portion of the course concerns similar issues in partnership businesses. The issue of when a partnership exists arises primarily in informal relationships since formation of a general partnership does not require any formalities and is sometimes hard to distinguish from employment, loan, co-owner, or leasing arrangements. Once a general partnership is established, all partners are normally agents. The issues of fiduciary duty are more complex and important in partnerships than in most other agency arrangements. Because partnership involves joint operation of a business, difficult problems arise when the partners' disagreements or other factors make continued working together inappropriate. Many partnerships are now conducted under statutes that provide

limited liability. The statutory provisions sometimes modify the common law rules and traditional general partnership rules, creating complex issues in choice of unincorporated business form. Although some aspects of agency and partnership are covered in Business Associations, of necessity, the depth of coverage is less than in this course. In some ways this course can be considered an introduction to Business Associations, although it is in no sense a prerequisite.

Prerequisite: None

Method of Evaluation: Grades will be based on class participation, a take-home mid-term and a final exam

Menu Requirement: Group I

Credits: 3

224 A ALCOHOLIC BEVERAGE LAW

STEPHEN DIAMOND

The manufacture and sale of alcoholic beverages are heavily regulated and have at times been prohibited. By the term of Repeal, states have authority vis-a-vis alcoholic beverages that they do not have over ordinary commercial enterprises. This course looks at evolving federal-state jurisdiction over alcoholic beverages and at the varied state alcoholic beverage regimes. Regulation of manufacture, distribution and sale of alcoholic beverages will be examined. The history of these subjects will be included, since the shadow of prohibition still looms over them.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group II

Credits: 3

223 A ALTERNATIVE DISPUTE RESOLUTIONS- cannot be take with Lit Skills

RICHARD WILLIAMSON

A practical investigation of alternatives to litigation as a means of resolving disputes. Half the course deals with negotiation, a skill needed by virtually all lawyers. Other alternatives such as mediation, arbitration, and court-sponsored dispute resolution techniques will be covered in the other half. A majority of the classroom time will be devoted to simulated negotiations and mediations using role-playing techniques. The course also covers theoretical, legal and ethical issues in negotiation, mediation and arbitration. Although five hours of class are scheduled each week, the class will not meet some scheduled sessions to allow enough time to carry on in-class simulations. Actual classroom time will be about the same as for a three credit course; reading is about the same as for one and a half credits. Limited enrollment; consistent class attendance is essential. NOTE: Cap at 48.

Prerequisite: None

Method of Evaluation: Honors/Pass/Fail basis only

Menu Requirement: Group II

Credits: 3

706 A ANALYSIS OF EVIDENCE W/S

TERENCE ANDERSON

The workshop has four goals: The first purpose is to teach students how to prepare a case using the Wigmorean chart method of analysis and other analytic devices to analyze the available evidence and to develop and refine the strongest theory of the case in light of the theory the student believes her opposing counsel will adopt. The

second purpose is to teach students how to convert the product of the Wigmorean analysis into a detailed trial book. The third purpose is to teach students how to try a case that has been prepared using this Wigmorean method. The fourth purpose is to identify students who can want to participate, and to train them to succeed, in inter-school trial competitions as members of the University Trial Competition team. There will be two texts for the course: The first is Anderson, Twining, and Schum, *Analysis of Evidence* (2d ed 2005). The second will be announced later. Preference will be given to students who have completed *Analysis of Evidence* and who hope to become a member of the School's trial teams. Grades will be based upon the charted analysis of the assigned case, the trial books, and participation and performance in class and in the trial exercises

Prerequisite: Permission of the instructor

Method of Evaluation: See above

Menu Requirement: W/S

Credits: 2

506 A ART & ENTERTAINMENT LAW

JULIAN KREEGER

A study of various legal questions involved in representing performers, authors, choreographers, fine artists and other creative people. Topics covered include: Structure of the entertainment industry in the U.S. Artistic Control Credit Compensation Grant Rights Representations, Warranties and Indemnities

Prerequisite: Recommended, but not required: Business Associations, Corporate and Individual Income Tax, Copyright Law, and Labor Law.

Method of Evaluation: Class participation; paper or final with Professor's approval

Menu Requirement: Non-menu

Credits: 3

727 A AVIATION LAW WORKSHOP

RAVISH

Is it safe to fly commercially after September 11th? Designed for the > aviation enthusiast and ordinary airline passenger, this course > examines post-9/11 national aviation policy and key administrative, > antitrust, business, constitutional, and legislative issues that > confront the civil airline industry. The course provides an opportunity to experience a client's view of the legal world, seeing the ways in which a single industry interacts with a variety of different legal concerns. Specific course topics include: airline litigation (negligence, carrier/manufacturer liability, and insurance); bankruptcies and market consolidation; predation and foreign ownership of U.S. carriers; safety, terrorism, and passenger profiling; and bilateral and multilateral treaties (Warsaw and Montreal Conventions). The course also will examine the major substantive sources of aviation law, including the Federal Aviation Act, the Airline Deregulation Act of 1978, the Railway Labor Act, etc. In addition, the course will include presentations from relevant government and industry representatives.) >

Prerequisite: None

Method of Evaluation: Class participation. Final Exam

Menu Requirement: W/S

Credits: 2

109 A BANKING LAW**STANLEY LANGBEIN**

Legal aspects of the law regulation of banking institutions including historical aspects of banking; entry into the banking business; regulation of bank operations; deposit insurance and bank failures; bank examination; bank holding company regulation and non-banking action of the bank hold companies; restriction on interstate banking and regulation of international banking.

Prerequisite: None**Method of Evaluation:** TBA**Menu Requirement:** Group I**Credits:** 3**110 A BANKRUPTCY****STEPHEN HALPERT**

An intensive study of the problems of the debtor and creditor under the federal bankruptcy law.

Prerequisite: Commercial Law (pre-requisite or concurrent)**Method of Evaluation:** Final Exam**Menu Requirement:** Group I**Credits:** 3**708 A BANKRUPTCY CLINIC I****PATRICIA REDMOND**

The Bankruptcy Assistance Clinic is a two semester (Fall/Spring) or (Spring/Fall) course for a total of six (6) credits for both semesters. Students will represent clients before the U.S. Bankruptcy Court under the supervision of practicing lawyers who will serve as mentors throughout the representation. The students will be evaluated on a pass/fail basis on the following criteria: 1) Classwork and Class participation 2) A journal or fee application depending on the semester detailing their externship activities 3) The mentor's evaluation of the student in connection with their client representations.

Prerequisite:**Method of Evaluation:****Menu Requirement:** W/S**Credits:** 3**932 A BASIC CONDOS, CO-OPS & PLANNED DEVELOPMENTS (LLM)****WILLIAM SKLAR**

This course examine the techniques, legal foundations, and problems of close-in living in modern housing developments. The legal structures of condominiums, cooperatives, and homeowners associations, and the nature of home ownership associated therewith are delineated and compared. Occupancy and use restrictions on alienation, maintenance of common areas, and enforcement of applicable regulations are examined in detail. Developer rights and liabilities, consumer protection legislation, governmental administrative regulations, management problems, warranties, conversions and litigation problems, such as standing and class actions are covered. The application of the Federal Securities Law, Antitrust and the Interstate Land Sales Act is discussed.

Commercial and mixed-use condominiums are also analyzed.

Prerequisite: LLM, open to J.D.'s with permission of Director

Method of Evaluation: Final Exam

Menu Requirement: Non-menu for JD's

Credits: 2

100 A BUSINESS ASSOCIATIONS

CAROLINE BRADLEY

Analysis of the legal aspects of partnerships and corporations, including: shareholders' interests and rights; powers, duties and liabilities of partners and corporate officers, directors and controlling persons; and close corporation planning. The course will focus on the Uniform Partnership Acts, various state corporation laws, and relevant federal law. Students who do not have a business background should consider taking Introduction to Financial Accounting for Lawyers prior to or concurrently with this course.

Prerequisite: Introduction to Financial Acct. is a recommended prerequisite or co-requisite for students with little or no accounting background.

Method of Evaluation: Final Exam

Menu Requirement: Group I

Credits: 4

100 C BUSINESS ASSOCIATIONS

LILI LEVI

Introduction to agency, partnerships, LLCs and corporations, focusing on powers, rights, duties and liabilities of partners, LLC members, corporate directors, officers and shareholders. With respect to corporations, topics will include the formation and financing of corporations, internal structure, the allocation of power among the various participants in the enterprise, basic fiduciary law, shareholder voting, control transactions, and the rights and duties of controlling shareholders. In addition to the state corporation laws of several jurisdictions - principally Delaware and Florida - the course will address selected federal securities law issues (such as proxy regulation) and the relationship between state and federal law regarding corporations, particularly in light of Sarbanes-Oxley requirements.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group I

Credits: 4

211 A CIVIL PROCEDURE II

ANTHONY ALFIERI

Civil Procedure II will address the subjects of joinder, discovery, pretrial motion practice, settlement negotiation, alternative dispute resolution, trial and appellate practice, judgments, and complex litigation. Four themes will guide the study of these subjects: the form and content of the federal rules of civil procedure, procedural and substantive policy, litigation strategy and the lawyering process, and ethics. Litigation materials, including books and video tapes adopted from The Buffalo Creek Disaster and A Civil Action, will provide case studies

Prerequisite: Civil Procedure I

Method of Evaluation: Grading may be based on class participation, multiple-choice exercises, memoranda, and/or a final examination

Menu Requirement: Group II

Credits: 3

394 A CIVIL RIGHTS ECONOMIC JUSTICE AND INDEPENDENT MEDIA

ELIZABETH IGLESIAS

This course will provide students with an opportunity for in depth analysis of specific legal issues raised by the work of filmmakers, documentarians, and videoactivists in documenting, exhibiting and distributing productions addressing subjects such as war, political corruption, corporate crime and mass civil rights violations. Using selected domestic and foreign films as well as independent media footage from recent mass convergences, the course will examine the social, political and economic implications of recent developments in the regulation of political protest, media access, editorial integrity, the use of embedded journalists, fairness doctrine, and the use of copyright and trademark infringement actions against critical media productions. Apart from issues related to the production and dissemination of independent media, students will also have an opportunity to examine the legal issues raised by the stories and conflicts documented in films such as such as Breaking the Bank, Showdown in Seattle, The Miami Model, Control Room, Shattered Glass, Welcome to Sarajevo, Lolita: Slave to Entertainment, The Fog of War, The China Syndrome, Outfoxed, City of God, Horns & Halos. Final grades will be based on class attendance, participation, and a 30 page extensive research paper or its equivalent. Enrollment is limited to 25 students.

Prerequisite:

Method of Evaluation: See Above

Menu Requirement: Group

Credits: 3

879 A CLINICAL PLACEMENT

LAURENCE ROSE

The Rules regulating The Florida Bar permit third year students certified by the Supreme Court of Florida to engage in the supervised practice of law while still in law school as part of a law school clinical program. Students are placed in one of more than forty participating agencies and they practice under the supervision of agency attorneys. A list of available placements is available at the Clinical Coordinator's office. The most popular placements traditionally have been the Dade County State Attorney's office and the Dade County Public Defender's office. Other popular placements include Legal Aid, Legal Services, and a number of others. To be eligible to enroll in Clinical Placement, students must have completed 48 credits and must have successfully completed Litigation Skills I. Additional courses may be recommended for students in specific clinical placements. The School requires that each student devote not less than 220 hours per semester, an average of sixteen (16) hours per week in the Fall and Spring semesters, or thirty-two (32) hours per week during the Summer session, working in the placement which he/she is enrolled. Students eligible for work study grants, however, may enroll in placements participating in the work study program and earn three (3) credits for the placement. Such students may receive work study compensation for the balance of their work. Students may not receive any other compensation for work performed in their placements, unless otherwise approved by the School of Law in exceptional cases, in which event only three (3) credits may be earned for the placement. In light of the time required by the placement and to minimize the possibility of conflicting interests, students are not encouraged to engage in other outside employment during the period they are enrolled in Clinical Placement without permission of the Director. Students may receive credit for Clinical Placement for one semester only. Students registering for Clinical Placement are encouraged to register at their appointed time. Registering late

my preclude students from getting the classes they desire.

Prerequisite: Litigation Skills I: Pretrial and Litigation Skills I: Trial

Method of Evaluation: Pass/Fail basis only

Menu Requirement: Elective

Credits: 3,6

101 A COMMERCIAL LAW I

WILLIAM WIDEN

The study of secured transactions under Article 9 of the Uniform Commercial Code; the use of letters of credit, both as a security device and a method of payment under Article 5 of the UCC and under the Uniform Customs and Practice for Documentary Credits; and, selected topics on documents of title and sale of goods, and investment property under Article 8 of the Uniform Commercial Code.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group I

Credits: 4

330 A COMPARATIVE CRIMINAL LAW & PROCEDURE-IN SPANISH

EDGARDO ROTMAN

As cases involving Latin American litigants multiply in Miami courts, knowledge of Latin American criminal laws has become a growing issue for American lawyers. This course introduces students to these laws and their various sources, which are based on very different premises than their United States counterparts. Classes will be organized around the 1971 Latin-American Model Penal code, drafted by a group of leading scholars. We will also examine some penal codes currently in force in Latin-American countries, comparing them to selected American criminal statutes and cases. Students will not only gain insights on Latin-American legal solutions, but also will achieve a better understanding of American criminal law. Our additional goal is to teach students the specialized legal Spanish necessary to deal with Hispanic clients in criminal cases. This course is designed for students who are conversant enough in Spanish to understand a lecture. Examinations will be given in English. As an additional feature, the English translation of every legal term will be provided throughout the course.

Prerequisite: None

Method of Evaluation: Students may elect paper or exam option .

Menu Requirement: Group III

Credits: 3

510 A CORPORATE COUNSEL

THOMAS NEALON

This course examines closely the role and responsibilities of corporate counsel. Through discussion of specific "real life" issues that in-house counsel confront on a regular basis, this course focuses on such topics as: attorney-client privilege, corporate compliance, internal investigations, corporate employment law issues, litigation management and the corporate counsel-outside counsel relationship. This class is designed both for students who are interested in pursuing employment as in-house counsel, as well as students who would like to get an overview of the many legal issues facing in-house counsel and the unique perspective they must bring to

resolving these issues.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Elective

Credits: 2

113 A CORPORATE FINANCE

ELLIOTT MANNING

Legal and financial issues of publicly held corporations, including valuation of the enterprise and its securities; analysis of rights of holders of various classes of corporate instruments; the effect of capital structure and of dividend policy; and special issues relating to fundamental changes including elimination of accrued dividends and other rights, mergers, and other consensual acquisitions and of take-overs and defenses.

Prerequisite: Business Associations (may be taken concurrently)

Method of Evaluation: Final Exam, take home mid-term and two drafting assignments

Menu Requirement: Group I

Credits: 3

103 A CORPORATE TAX (JD & LLM TAX)

FRANCES HILL

Tax issues for corporations and their shareholders relating to corporate formation, nonliquidating distributions to shareholders, liquidations of corporations, corporate reorganizations, treatment of the tax attributes of corporate entities when corporate ownership changes occur, and treatment of tax shelters and other potentially abusive transactions.

Prerequisite: Federal Income Tax

Method of Evaluation: Final Exam

Menu Requirement: Group I

Credits: 4

712 A CRIMINAL EVIDENCE W/S

ROY BLACK

This workshop is not for everyone. It is designed for the student willing to undergo the rigors of mock trials in an effort to master the tactics and strategies of the rules of evidence. This includes jury arguments, handling of exhibits and examination of witnesses. The only test is your ability to stand on your feet and think through a problem. The teacher is a full time criminal defense lawyer who adds realism to the task, but will not hold your hand outside the classroom.

Prerequisite: Evidence

Method of Evaluation: Mock trials (2); class discussions; pass/fail basis only

Menu Requirement: W/S

Credits: 2

703 A CUTTING EDGE ISSUES IN ART & ENTERTAINMENT LAW /WS
STEVEN KOZLOWSKI

This course will cover a variety of current and emerging topics in the Art & Entertainment arena such as reality entertainment; podcasting; web blogging; mobile entertainment devices (phones, mp3s); independent film; new forms of infringement; and video gaming issues. Many other emerging topics are to be covered throughout the course. Technologies in the arts and entertainment world are changing at a rapid pace and the legal world must keep up. Additionally, this class will focus on how to represent individual clients such as emerging artists and entertainers. The class is expected to participate in practical exercises such as drafting cease and desist letters; conducting client interviews; drafting license agreements and reviewing various entertainment contracts.

Prerequisite: None

Method of Evaluation: Grades will be based on class participation and written exercises

Menu Requirement: W/S

Credits: 2

721 A ELECTRONIC DISCOVERY WORKSHOP: BYTES, BITS AND BUCKS
JOHN BARKETT

Litigation is very different in the digital world than it was in the paper world. This workshop will focus on electronic discovery rules and cases. Be the first to study the changes to the federal rules of civil procedure that should go into effect on December 1, 2006. They are designed to fill the e-discovery void but may create more issues than they resolve. We will discuss key cases in the areas of cost-shifting and sanctions, including the Zubulake line of cases (\$29 million verdict) and the Morgan Stanley decision (\$1.5 billion verdict), and discuss the effects, if any, the rules will have on existing case law. We will also discuss records hold requirements in the context of different electronic information systems and will deal with the thorny issue of the prelitigation duty to preserve.

Prerequisite:

Method of Evaluation: Short Papers and Exam

Menu Requirement: W/S

Credits: 2

771 A EMOTIONAL INTELLIGENCE: LIFE SKILLS FOR LAWYERS W/S
WILLIAM BLATT

Law school is devoted to developing logic and language skills. Research shows, however, that other skills, commonly referred to as "emotional intelligence," play a greater role in professional success. These skills allow a person to meet the challenges and stresses of life in the law and to interact effectively with colleagues, clients and adversaries. This workshop explores the dimensions of emotional intelligence -- self awareness, managing emotions, motivating oneself, recognizing emotions in others, and handling relationships. To these ends, the course will introduce students to practices, such as mindfulness and cognitive therapy, that develop emotional intelligence. Students will keep a journal of their experiences and write short papers. This two-credit course is initially scheduled for three hours of class time per week. It will not, however, meet for three hours every week. The additional time will be used to shorten classes and to conclude the course prior to the end of the semester.

Prerequisite:

Method of Evaluation: See above

Menu Requirement: w/s

Credits: 2

202 A EMPLOYMENT DISCRIMINATION

DONALD PAPY

This course will focus on the federal laws prohibiting discrimination in employment on the basis of race, sex (including sexual harassment and pregnancy), age, national origin (including language), handicap, and other bases. It will consider issues from both the employee and the employer perspective, and will integrate theory with practice. The course will study evolving federal case law, particularly Supreme Court decisions, discussing what discrimination is and how it is proven. The course will also explore remedies, including affirmative action and the awarding of attorney's fees.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group II

Credits: 3

971 A ENVIRONMENTAL REGULATION OF REAL PROPERTY (LLM)

CLIFFORD SCHULMAN

The course is a compressed review of the environmental laws and regulations that must be considered during the course of a real estate transaction. It is reality based and not theoretical, dealing with real examples of real work situations where the laws governing the "natural" and "man-made" environment come into play. The course stresses the ability to successfully conclude a real estate transaction with virtually any environmental problem. The course does not attempt to make the student an environmental expert but, instead, stresses issue identification and the need to seek expert advice during the course of the transaction. Course materials, provided by the Professor, are used for demonstrative purposes and are not intended to be extensively digested or analyzed during the course of study

Prerequisite:

Method of Evaluation:

Menu Requirement:

Credits: 1

405 A ETHICS & PUBLIC SERVICE

JONEL NEWMAN

Ethics and Public Service studies the regulation of the American legal profession under selected statutes, rules, and standards of ethics and professionalism. Four themes will guide this study: the history and sociology of the profession, the lawyering process, the interpretation of governing rules of conduct, and public service. These themes are explored in a discussion group format through problems based on real cases. NOTE: This course is required for students in the Center for Ethics and Public Service

Prerequisite:

Method of Evaluation: Grading may be based on class participation, multiple-choice exercises, papers, and/or a final exam

Menu Requirement: Group IV

Credits: 3

208 A EVIDENCE

MICHAEL GRAHAM

This 4-credit traditional Evidence course is concerned with the law of evidence applicable in civil and criminal proceedings in the United States. The focus will be on the Federal Rules of Evidence, which now have been adopted through codification in a vast majority of states. These will be examined in detail with reference both to their common law background and to their subsequent interpretation.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group II

Credits: 4

208 B EVIDENCE

RICARDO BASCUAS

This course provides a comprehensive overview of the law governing proof and fact-finding in civil and criminal trials focusing on the Federal Rules of Evidence and their interpretation. The class also examines alternative approaches from the common law and state rules of evidence to impart an understanding of the assumptions and theories underlying the Rules. The concepts covered include relevance, reliability, unfair prejudice, burdens of proof, presumptions, examination and impeachment of witnesses, privileges, expert testimony, and constitutional considerations affecting the law of evidence.

Prerequisite: None

Method of Evaluation: Final exam and class participation

Menu Requirement: GROUP II

Credits: 4

136 A FAMILY LAW

ZANITA FENTON

This is a survey course intended to cover the basic issues that arise in Family law practice. This includes entry into marriage; legal treatment of couples in marital and nonmarital relationships; divorce, including custody and child support, alimony and property distribution, and the role of the attorney; child abuse and neglect; adoption. An in-class mock negotiation on divorce hypothetical is required.

Prerequisite: None

Method of Evaluation: Final exam

Menu Requirement: Group I

Credits: 3

136 B FAMILY LAW

KIRA WILLIG

This course focuses on marital and family law issues. We will examine the legal effect of the formation and dissolution of family relationships (primarily husband/wife and parent/child) and look at the role of the state and private arrangements (e.g. pre-nuptial and settlement agreements) in regulating these relationships. We will cover issues of child custody, spousal and child support, property distribution, enforcement and modification of

judgments, and the rights of non-married couples. We will also consider the roles of various professionals used in family law proceedings, such as Guardian ad Litem, parenting coordinators, and forensic accountants. We will explore the application of the rules of procedure and alternative dispute resolution methods, including mediation and collaborative law, in family law actions. Students will be required to observe a family court proceeding and write a short essay on their observations.

Prerequisite:

Method of Evaluation: TBA

Menu Requirement: Group I

Credits: 3

105 A FEDERAL INCOME TAX I

THOMAS ROBINSON

Tax is so pervasive that you risk malpractice if you skip it. Moreover, basic Federal Income Tax I is more an English than a math course. This course introduces the basic concepts of, and helps students learn to solve problems with, the federal tax code and regulations. Taxation of individuals is emphasized, although an overview of taxation of business entities is included. Subjects also include: whether, to whom, and when income is subject to taxation; capital recovery; business deductions; and capital gains. The course is not designed for students with a strong tax background, assumes no business or accounting knowledge, and has two fundamental purposes: first, to teach basic tax avoidance strategies; and second, to help students learn to use statutory materials to solve legal problems. Special class requirements: Daily (hourly) attendance and class preparation are required.

Prerequisite: None

Method of Evaluation: Final examination, closed book using multistate-type questions. Grade curve generally adjusted to fit entering grade profile of class so students are neither advantaged nor disadvantaged by presence of other students.

Menu Requirement: Group I

Credits: 4

105 B FEDERAL INCOME TAX I

WILLIAM BLATT

This course considers four fundamental issues of income taxation: base, timing, unit and rate. Although focusing on legal doctrine, the course also spends considerable time discussing tax and business planning, the time value of money, and tax policy analysis.

Prerequisite: None

Method of Evaluation: Final Exam and class participation

Menu Requirement: Group I

Credits: 4

574 A FEDERAL LEGAL RESEARCH

BARBARA BRANDON

This course covers advanced research concepts and methods to help students sharpen their research skills in areas of federal law. Complicated research tasks will be emphasized such as federal legislative history and administrative research. The class will also focus on litigation tools, loose-leaf services and other secondary

sources. In addition, Lexis, Westlaw and other Internet resources will be used. Students should gain a sophisticated understanding of how to research complex law and policy matters by mastering a variety of print and electronic resources. Subjects Covered Federal Statutes Federal Legislative History Federal Case Law Sources, Research and Citators Secondary Sources & Loose leafs Federal Administrative Law Federal Executive Orders Federal Practice and Litigation Resources Government Directories and Government Documents Lexis and Westlaw Research Internet Searching & Other Reference Materials Business & Law Related Research Two Topical Classes in areas like Tax, Labor Law or Bankruptcy [Students would select these topics at the beginning of the semester.] Purpose of the Course The complexity of federal law demands a high level of research skills to find and master the necessary resources. The principal focus of the course is on statutory and administrative law resources and how to find and analyze statutory provisions, legislative history and regulatory developments in any area governed by federal law. The student should: (1) obtain the practical skills necessary to conduct statutory and administrative law in depth; (2) understand the basic framework of federal law governing highly regulated areas; (3) learn how to utilize the more advanced features of Lexis and Westlaw and (4) master skills necessary to obtain better research results using the Internet. Case law research will not be heavily emphasized because of time constraints and because annotated code research is more effective than digests.

Prerequisite:

Method of Evaluation: See above

Menu Requirement: Elective

Credits: 1

567 A FLORIDA APPELLATE LAW

HARVEY SEPLER

Analysis of the procedural and substantive aspects of practicing civil and criminal appellate law in Florida courts. Through lecture and appellate arguments, the class will focus on basic jurisdictional, pleading and preservation-of-error problems that commonly arise in appellate courts. Even those students who do not intend to practice appellate law, but who do anticipate participating in trial litigation, will benefit from this class.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Elective

Credits: 3

520 A FLORIDA CRIMINAL PROCEDURE

MILTON HIRSCH

Analysis of the Florida Statutes and Florida Rules of Criminal Procedure regulating the trial of criminal cases. Arrest, bail, preliminary hearing, pretrial motions, indictments, information, grand jury arraignment, speedy trial, instructions to the jury, verdict, pre-sentence investigation, sentence, post-trial motions

Prerequisite: Criminal Procedure

Method of Evaluation: Final Exam

Menu Requirement: Elective

Credits: 2

532 A FLORIDA LEGAL RESEARCH

SALLY WISE

This course will focus on legal research strategy and resources. The resources will include both print and online tools. Topics covered go well beyond the scope of the first year course and highlight research tools and techniques used in practice. Considering the pace at which technology is changing research, the course emphasizes the strategy involved in selecting, evaluating and using appropriate sources. By the end of the class, students will be able to conduct effective and efficient research.

Prerequisite: None

Method of Evaluation: Grades will be based upon assignments, class participation and a pathfinder on a topic selected by the student

Menu Requirement: Group I

Credits: 2

219 A HEALTH CARE FINANCING & REGULATION

KATHY CERMINARA

This course examines the history of health insurance, the emergence of managed care, and the legal structures of various managed care organizations. The course reviews current judicial and legislative developments and the application of the Employee Retirement Income Security Act (ERISA) to modern managed care relationships. Discussion focuses on legal duties and liabilities imposed upon three categories of actors in the health care system: managed care organizations; health care providers (physicians and hospitals); and patients.

Prerequisite:

Method of Evaluation: Exam and also possibly a short paper (8 to 10 page)

Menu Requirement:

Credits: 3

335 A IMMIGRATION LAW

DAVID ABRAHAM

This course offers an introduction to various aspects of immigration law. Among the topics covered are: foundations of the immigration power; the federal agencies; substantive provisions and procedures governing admission and exclusion; entry and deportation and relief from deportation; refugees and political asylum; judicial review; and the evolving meaning and value of citizenship.

Prerequisite: None

Method of Evaluation: Class participation, one or more written exercises, open book final exam.

Menu Requirement: III

Credits: 3

147 A INTELLECTUAL PROPERTY

BEN DEPOORTER

This course surveys the basic principles and policies of copyright law, patent law, trademark law, and trade secrets. Lectures will commence with an overview of the socio-economic and philosophical premises of the protection of original creations and innovations by intellectual property law. We review the foundations and specific rules of copyright law, the substantive requirements for protection, the scope of protection, remedies for infringement, and copyright defenses. The law and theory of patent protection in the United States is explored,

including the type of inventions eligible for patenting, the conditions for obtaining a patent, remedies for patent infringements and limitations on patent protection such as patent misuse and antitrust concerns. We also discuss the basic principles of trademark law, particularly the procedural and substantive aspects of obtaining trademark registrations in the U.S. Patent and Trademark Office. Finally, a few sessions are devoted to the protection of confidential business information in trade secret law. The concepts of intellectual property law are related to recent policy issues, case law and scholarly insights thereupon. Current topics include technological developments affecting copyright, problems of enforcing copyright law, recent developments concerning digital piracy of music (including Grokster and other file-sharing cases), the litigation explosion in patent law, the expansion of patent rights to broad discoveries, the validity of business method patents, and the issue of trademark dilution.

Prerequisite: None

Method of Evaluation: Grades will be based on class participation, timely completion of two small assignments, and a final exam

Menu Requirement: Group I

Credits: 3

603 A INTERNATIONAL COMMERCIAL ARBITRATION SEMINAR

JOHN ROONEY

The seminar will survey the important characteristics of international commercial arbitration and research in detail a specific topic on the subject. Some topics covered will be the international arbitration conventions, procedures applicable to international commercial arbitration, choice of law issues, enforcement and recognition of the foreign arbitral award, discovery, and investor-state arbitration.

Prerequisite:

Method of Evaluation: Paper

Menu Requirement: SEM

Credits: 2

340 A INTERNATIONAL CRIMINAL LAW

ELIZABETH IGLESIAS

International criminal law is a growing field emerging from the convergence of two broad areas of law: the criminal law elements of international law and the international law elements of domestic criminal law. The course provides an overview of the procedures and institutional arrangements available for enforcing international and national criminal law, as well as examining the substantive elements of international crimes. Areas covered include: procedures for prosecuting crimes across international boundaries, extraditions, deportations, abductions; treaties of mutual assistance to obtain evidence, transfer proceedings, cooperative enforcement, recognition and execution of foreign sanctions; international organizations for the investigation and prosecution of crimes as well as an overview of substances offenses, such as crimes against peace, war crimes, crimes against humanity, genocide, human rights, slave trade, terrorism, piracy, drug trafficking, transnational crimes and defenses.

Prerequisite: None

Method of Evaluation: Final exam and class participation

Menu Requirement: Group III

Credits: 3

312 A INTERNATIONAL LAW

RICHARD WILLIAMSON

This course examines the law that governs the activities of nations. Included are such topics as what international law is and how it contrasts with domestic law, how international law is created, who is governed by and has rights under international law, how international disputes are resolved, and the role of the United Nations. In light of recent events, special emphasis will be placed on the law governing the use of force. The course is important for those wanting to understand the international legal system and global change, but also provides a useful foundation for many other courses, such as International Copyright, International Criminal Law, International Economic Law, International Environmental Law, International Human Rights Law, International Tax, and related seminars.

Prerequisite: None

Method of Evaluation: Final Examination, Class Presentation or Short Paper, Class Participation

Menu Requirement: Group III

Credits: 3

747 A INTERNATIONAL MOOT COURT W/S

EDGARDO ROTMAN

Students enrolled in this workshop will be required to attend class and prepare a brief for participation in the Phillip C. Jessup International Law Moot Court Competition. The Jessup International Law Moot Court Competition is the most prestigious international law competition, attracting participants from well over one hundred countries. Teams from foreign and American law schools present a memorial (brief) and oral arguments before a fictitious International Court of Justice. Our law school selects its teams by running the International Moot Court Seminar. The selected team (5 members) will represent the law school at the regional and, hopefully, national competitions. Representing the school at the Jessup competition offers an opportunity to gain moot court experience and to develop important legal skills.

Prerequisite: None

Method of Evaluation: Paper and oral rounds

Menu Requirement: W/S

Credits: 2

313 A INTERNATIONAL SALES

ANNA GIUFFREDI-ZALDIVAR

This course will examine the laws governing the international sale of goods, including the Unidroit Principles, the relevant rules adopted by the United Nations Commission on International Trade Law, and the International Chamber of Commerce (ICC) Modern International Sale Contract. The approach will be to compare the law of international sale of goods with United States contract law. Issues such as international payments methods, choice of forum and arbitration will also be discussed. The evaluation will be a 3-hour open book final exam."

Prerequisite:

Method of Evaluation: See above

Menu Requirement: Group III

Credits: 3

314 A INTERNATIONAL TAX (JD & LLM)

STANLEY LANGBEIN

Taxation of the foreign income of United States persons, and United States income of foreign persons; source of income rules; international tax conventions; allocation of expenses and income of multi-national corporations and corporation groups; tax haven and anti-abuse rules; foreign-related investment incentive programs (FISCs, DISCs, possessions corporations). International Tax may not be taken by students who have taken Federal Taxation of Foreign Income & Persons.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group III

Credits: 3

158 A INTERNET LAW

MICHAEL FROOMKIN

This course will examine topics in the regulation of the Internet, with priority given to "internet governance" -- online self-regulation and government-assisted "self-regulation" -- and to the interplay between domestic and international regulatory structures, such as conflicts over jurisdictional issues and free speech issues. We will also look at some purely domestic regulatory problems, with an eye to developing useful skills such as advising clients on new issues in the absence of relevant case law. Both e-commerce issues and Internet-related intellectual property issues will arise, but neither is likely to be the main focus of the course -- unless, of course, something especially interesting suddenly decides to happen in which case all bets are off. Grading will be based on class participation, participation in the online activities associated with the class (such as the class blog), and a final exam.

Prerequisite:

Method of Evaluation: See above

Menu Requirement: Group I

Credits: 3

564 A INTRODUCTION TO CARIBBEAN LAW (COURSE)

DAVID ROWE

This course will cover the colonial form of government for the English speaking Caribbean countries including the manner in which they became a part of the British Empire, by settlement, discovery, capture or exchange. Special emphasis will be placed on the legal and judicial systems of the English speaking Caribbean countries and the process by which the legal and judicial systems were introduced or imposed or received in the Islands. The larger British Commonwealth Islands whose legal systems will be covered have gained political independence and have written Constitutions. The course will examine the Constitutions, the processes of Reform of those Constitutions, the present state of those Constitutions and the relationship of those Caribbean countries to the British Crown and the British Commonwealth. The course will examine the former experiment in a West Indies Federation, as well as the present arrangements for Regional Cooperation in the political, economic, diplomatic and judicial fields. The similarity between Judicial branches of the several governments will be examined, including the influence of the Judicial Committee of the Privy Council of the United Kingdom and the movement towards a Caribbean Supreme Court to replace the Privy Council and to provide a forum for disposition of Regional disputes. Particular attention will be paid to the movement towards the

abolition of Capital Punishment in the Region, the effect of Human Rights Conventions upon the criminal justice system of the region and Bi-lateral Mutual Assistance Treaties in the field of criminal justice. Finally the course will address Legal Education in the Islands, the structure of the legal profession, issues relating to Family Law and to Electoral laws.

Prerequisite: None

Method of Evaluation: TBA

Menu Requirement: Elective

Credits: 2

123 A INTRODUCTION TO FINANCIAL ACCOUNTING FOR LAWYERS

GEORGE MUNDSTOCK

Financial accounting is the language of business. A working familiarity with accounting is necessary to understand the businesses and transactions encountered in civil (and white collar criminal) practice, regardless of whether the practice involves litigation or transactions. The emphasis of this course is on developing a critical understanding of the basic financial statements?-of the information that they do (and do not) communicate. Additionally, the course will provide a quick introduction to the time value of money and other basic finance concepts. While numbers will not be emphasized, a simple calculator is strongly suggested. Students who have taken more than one term (or quarter) of an accounting, finance, or financial statements course previously are not allowed to take this course.

Prerequisite: None

Method of Evaluation: Exam

Menu Requirement: Group I

Credits: 3

728 A INTRODUCTION TO THE DEAL

GERALD BACKMAN

This course introduces students to business and legal issues common to commercial transactions, whether a multi-billion dollar M&A deal, a license agreement, or a public offering. It is designed to train a third year law school student to perform as a first and second year corporate associate in the context of a law firm. Among the topics to be covered in this interactive practice course are the lawyer's role as the translator of the business deal into legal principles, drafting as a negotiation technique, going public, due diligence, opinion letters, closings, transaction management, corporate governance, and ethical issues. The course will be conducted through workshop exercises, in class role plays, and lecture.

Prerequisite: The only course prerequisites are corporate law (Business Associations or comparable course) and 3L or higher

Method of Evaluation: Course grades will be based on class performance /exercises and the take-home final (40/60).

Menu Requirement: Elective

Credits: 3

696 A ISLAMIC LEGAL SYSTEM SEMINAR

TAREK SAYED

This seminar is a basic introduction to the Islamic legal system in both its historical and contemporary forms.

The course will cover substantive areas of Islamic law such as constitutional, criminal and family law. The course will focus on the sources of law, the theory and application of law within the Islamic state, the application of Islamic law in modern state systems and a view of the conflict between Islamic and Western law. This course will offer a comparative study that illustrates the contrasts with modern legal, secular and constitutional principles.

Prerequisite:

Method of Evaluation: Paper

Menu Requirement: SEM

Credits: 2

688 A ISSUES IN APPELLATE LAW SEMINAR

JONATHAN COLAN

This seminar will explore the standards of review and concepts of finality underlying appellate law and examine how these doctrines impact the practice of appellate law and the evolving role of appellate courts. We will discuss emerging issues concerning “super-precedents” and stare decisis, limitations on habeas corpus and other avenues of collateral review, and restrictions on the jurisdiction of the appellate courts, with special focus on contemporary issues such as the introduction of new DNA evidence, access to appellate review by wartime detainees, the impact of judicial party affiliation on decision-making, and the role of ideology in judicial confirmation proceedings. Understanding the doctrines and philosophies underlying appellate law will aid students wishing to practice in the appellate courts and to appreciate the role of appellate courts in litigation and the development of the law. Students will be assigned a paper applying the issues discussed in class and in the seminar materials to a contemporary issue dealing with appellate doctrines and practice.

Prerequisite:

Method of Evaluation: See above

Menu Requirement: SEM

Credits: 2

316 A LATIN AMERICAN LAW

KEITH ROSENN

The course will explore the interrelationships between law and development in the Latin American context, emphasizing the role of the courts in protecting against arbitrary governmental actions and the defense of constitutional rights, the adaptation of Latin American legal systems to chronic inflation, a law-in-society case study of the barrios of Caracas, and the regulation of foreign investment.

Prerequisite: None

Method of Evaluation: Final Exam or paper

Menu Requirement: Group III

Credits: 3

239 A LAW AND MEDICINE

MARY COOMBS

Law and Medicine: This course will examine the ways in which law governs the practice of medicine. A primary focus will be the legal issues related to medical malpractice claims; we will also examine issues of licensing (by the state) and credentialing (by hospitals) as limits on who may practice medicine and the legal

rules surrounding the inception, management and conclusion of a physician-patient relationship. A major theme of the course will be to consider how these various rules enhance or impede the provision of high quality, safe health care to patients.

Prerequisite:

Method of Evaluation: Exam

Menu Requirement: Group III

Credits: 3

318 A LAW OF THE SEA

BERNARD OXMAN

An overview of the public international law of the sea. The course deals with legal regime of the maritime zones recognized by international law and the uses of the oceans. It focuses on the 1982 UN Convention on the Law of the Sea, customary law and recent agreements supplementing the Convention. After a historical introduction, such topics as: the territorial sea, straits, archipelagos, the exclusive economic zone, the continental shelf, maritime boundaries, the high seas, the international seabed area, navigation, fisheries, marine scientific research, pollution and settlement of disputes will be examined.

Prerequisite: International Law recommended

Method of Evaluation: Exam

Menu Requirement: Group III

Credits: 3

648 A LEGAL REGULATION OF CLASS CONFLICT IN DEMOCRACIES SEMINAR

DAVID ABRAHAM

This seminar will examine how the law has been used to regulate the social class conflicts generated by modern capitalist societies. Particular emphasis will be placed on "democracy" and how nominal legal and political equality guarantee the inequality generated by the economic system. "Level playing fields," "social welfare states," "proceduralism," "bell curves," and "market hegemony" will all be examined. Approximately the first half of the seminar will be devoted to shared readings. These will include: Thompson, Marx, Miliband, Kirchheimer, Gramsci, Przeworski, Cohen, and Wright. Thereafter, in consultation with the professor, students will embark on an original research paper, empirical or conceptual.

Prerequisite:

Method of Evaluation: That paper, along with a seminar presentation, will be the basis of a final grade.

Menu Requirement: SEM

Credits: 2

151 A LEGAL RESEARCH TECHNIQUES

ROBIN SCHARD

This course will focus on legal research strategy and resources. The resources will include both print and online tools. Topics covered go well beyond the scope of the first year course and highlight research tools and techniques used in practice. Considering the pace at which technology is changing research, the course emphasizes the strategy involved in selecting, evaluating and using appropriate sources. By the end of the class, students will be able to conduct effective and efficient research.

Prerequisite: None

Method of Evaluation: Grades will be based on assignments, class participation and attendance and a pathfinder on a topic selected by the student

Menu Requirement: Group I

Credits: 3

780 A LITIGATION SKILLS I & II

LAURENCE ROSE

This comprehensive and rigorous trial training program offers students a unique opportunity to develop fundamental skills for trial practice. This is achieved through intensive classroom exercises and simulated courtroom exercises under adjunct faculty members who are experienced trial lawyers and judges. The entire class meets together for two hours on Mondays, where program faculty and invited guests present "Lecture/Demonstrations" on specific courtroom trial techniques. Students also meet in smaller Trial and Pretrial sections each week. These are separately graded sections for which students must register simultaneously. Litigation Skills I is a prerequisite for both Litigation Skills II and Clinical Placement. It counts as one workshop. If necessary, registration priority for Litigation Skills I in the spring semester will be given to 2L students who commit to taking Clinical Placement during the summer or fall semester. Registration for Litigation Skills I in the fall semester will be for 3L's only, with priority registration given to those students who commit to Clinical Placement during the spring semester. Students making such commitment who receive priority registration will receive credit for Litigation Skills I only if they satisfactorily complete Clinical Placement. Students wishing to register for Litigation Skills I must complete and submit the Registration Form at the back of this packet. Registration for Litigation Skills I will be held during a separate registration period. No EASY system registration will be allowed for Litigation Skills I. Students who register for Litigation Skills I will register for both: LAW 780 Litigation Skills I : Pretrial 3 credits LAW 880 Litigation Skills I : Trial 3 credits Sections of 8 (morning sections) or 12 (evening sections) meet twice weekly with faculty members in addition to the entire class meeting weekly on Monday with the Program Director. Each student performs oral exercises each week and prepares for and participates in two simulated trials as a member of a two-person team. These trials and the entire course of instruction is outlined in the Litigation Skills I Syllabus.

Prerequisite: Evidence

Method of Evaluation: Classroom performance and attendance. Honors/Pass/Fail basis only.

Menu Requirement: W/S

Credits: 3

675 A MARINE INSURANCE SEMINAR (734 FOR WORKSHOP)

MARK HOUCK

A practical study of the law of insurance covering ships, recreational craft, cargo, environmental claims, salvage, liability of third parties and related problems. The course is designed to establish a working vocabulary of the common terms and conditions in the marine insurance industry. Guest lecturers from the South Florida maritime industries are featured along with the lectures and discussions led by the instructor. This course is a must for any lawyer who may pursue a transactional or litigation practice having any bearing on the coastline, rivers, oceans and other navigable waterways and vessels of any kind ranging from kayaks to oil tankers to cruise ships. The course materials have been significantly updated and improved to feature recent cases and law review articles, applicable statutes and sample marine insurance policies.

Prerequisite: None

Method of Evaluation: Paper for SEM and W/S TBA

Menu Requirement: SEM

Credits: 2

742 A MEDIATION W/S

JANET SEITLIN

This is the most reality-based course you will ever take in law school. Students will learn the principles of conflict and its underlying causes and how to deal with it through negotiation. Class is a combination of lecture and role play, with final grades determined on proficiency in mediation skills and answers to written questions. Preferred class size: 10-25 students, with consideration given for slight variation in either direction. It is a high participation class. This is not a class you can pass by reading a book.

Prerequisite: None

Method of Evaluation:

Menu Requirement: W/S

Credits: 3

742 C MEDIATION W/S

MELVIN RUBIN

This workshop examines mediation practice and theory. A variety of simulations, exercises and role-plays will be employed, along with guest experienced mediators and readings, to encourage a critical assessment of mediation concepts and practices. Topics to be covered include practicing mediation, ethical issues in mediation, dealing with power imbalances, gender issues, and the lawyer's role in the mediation process. The workshop will also include an examination of Florida statutes and rules and county, family and circuit-civil mediation. Each student will participate in exercises at various stages of the mediation process.

Prerequisite: None

Method of Evaluation: Class attendance is mandatory and participation will be considered in computing the student's grade. Final will be a short written exam and a short paper of a graded role play

Menu Requirement: W/S

Credits: 2

587 A MORTGAGE LAW

DOUGLAS BISCHOFF

This course will examine the use of the mortgage substitutes, installment land contracts, rights and duties of parties prior to foreclosure, transfer of the mortgagor's and the mortgagee's interests and theories of title. Other topics include acceleration and marshaling, judicial foreclosure, including the necessary - proper party distinction, power of sale foreclosure, statutory redemption and deficiency judgment issues.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Elective

Credits: 2

921 A NEGOTIATION SKILLS (RPD-LLM only)

JOSEPH HARBAUGH

This course focuses generally on skills and techniques in negotiation situations. It includes an intensive study of the theories and tactics of effective lawyer negotiation. The principles of the assessment, persuasive and exchange states of adversarial and problem solving bargaining are explored. Students will engage in simple and complex lawyer negotiation situations.

Prerequisite: RPD LLM

Method of Evaluation: Negotiation exercises

Menu Requirement: Non-menu for JD's

Credits: 1

361 A NEW DIRECTIONS IN LAWYERING: INTERVIEWING, COUNSELING, AND ATTORNEY-CLIENT RELATIONAL SKILLS

BRUCE WINICK

Increasing concern about lawyer dissatisfaction has given rise to a number of new approaches to lawyering. There is increasing concern with lawyer de-professionalism, the transformation of law from a profession into a business, low public esteem for the legal profession, professional burnout, high rates of alcoholism and substance abuse within the profession, and higher rates of depression, anxiety, and suicide for lawyers than for other professions. In response, a number of new ways of viewing the lawyering role have emerged that use non-adversarial, psychologically beneficial, and humanistic ways to solve legal problems, resolve legal disputes, and prevent legal difficulties. These include therapeutic jurisprudence, preventive law, restorative justice, collaborative law, holistic law, creative problem solving and a variety of newly emerging problem-solving courts. These approaches seek to broaden traditional conceptions of the legal profession by adding an interdisciplinary psychologically oriented paradigm that concerns itself with client needs and emotional well-being as well as rights. This course will explore these new approaches and the skills they bring to the lawyering process. Particular emphasis will be placed upon an exploration of ethical issues in the newly defined role. In addition, particular emphasis will be placed on developing ways of bringing increased personal satisfaction, professionalism, and lawyer well-being to law practice, and increasing creative problem solving, preventive lawyering, interpersonal relations, interviewing, counseling, and negotiation skills. Students will be required to participate in a number of interviewing and counseling exercises and to write a short paper exploring application of one or more of these new approaches to dealing with a particular legal problem or problems. They also will engage in drafting, negotiation, and mediation exercises. The course is designed to teach lawyering skills in a non-litigation context, emphasizing the attorney/client relationship. In addition to participating in simulated exercises, students will interview and counsel juveniles in the Juvenile Detention Center in Miami-Dade County under the supervision of Bernard Perlmutter and Carolyn Salisbury of the Children and Youth Law Clinic and Public Defenders from the Miami-Dade Public Defender's Office. In preparation for this client-counseling experience, students also will learn relevant law and procedure relating to the representation of juveniles in the direct file process, in which the State Attorney decides whether their cases should be heard in Juvenile or Adult Criminal Court. Students participating in the Children and Youth Law Clinic will be required to take this course, unless waived by the instructors. Materials will include *Practicing Therapeutic Jurisprudence: Law as a Helping Profession* (2000), co-edited by Professor Winick, David B. Wexler, and Dennis P. Stolle, and additional distribution materials. The Class will also read materials on interviewing and counseling, including one of the leading books in the area. Grading: Students will be graded on both their written submissions and on the quality of their work in in-class and juvenile detention interviewing and counseling exercises. Students enrolling in the class should be aware that it involves a variety

of written and oral exercises designed to improve their interviewing, counseling, and attorney-client relational skills. They also should be aware that they will be expected to prepare for and participate in these exercises and in providing feedback to their fellow students, and that the grade will largely be determined by the quality of their participation.

Prerequisite: None

Method of Evaluation: See course description

Menu Requirement: Group III

Credits: 3

585 A PATENT LAW

NANCY FLINT

The Constitutional and statutory basis for the U.S. patent system will be studied, and patent protection will be compared to other forms of intellectual property protection. The class will provide an investigation of patent prosecution, litigation, and licensing practice by examining and analyzing basic claim and specification drafting; statutory requirements for obtaining a patent; prosecution of the application; infringement and defenses to infringement; assignment and licensing; and international patent protection.

Prerequisite:

Method of Evaluation: TBA

Menu Requirement: Elective

Credits: 3

653 A PRESS FREEDOM IN THE AMERICAS SEMINAR

JAIRO LANA O

Objective: To view some of the most current perspectives and problems relating to the freedom of the press in the Western Hemisphere and applicable solutions by various local laws. The analysis will use a comparative approach by reviewing US law and the law that governs the Inter-American system as well as domestic laws of sovereign states. The analysis will focus on print and electronic media. The course is a supplement to a media law course. This course will provide students with insight on: The Inter-American system of protection of human rights specifically focusing on freedom of expression Internet regulation How the press exercised the right to inform the public The major legal obstacles to a free press Emerging trends Future prospects as they relate to freedom of expression

Prerequisite:

Method of Evaluation: 20-page paper on a topic approved in advance by the instructor . Attendance must be regular (unexcused absences will affect final grade). Class participation is required.

Menu Requirement:

Credits: 2

406 A PROFESSIONAL RESPONSIBILITY

BRIAN SPECTOR

This course introduces students to the business of practicing law, including sound ethical conduct based on the rules regulating United States lawyers. Utilizing a problem-oriented case book, the course covers the responsibilities of lawyers and their relationships with clients, the legal profession, the courts, and the public. Particular emphasis is placed on the lawyer's duties of competence, communication, confidentiality and loyalty.

Special class requirements and limitations: daily attendance and class preparation are required.

Prerequisite: None

Method of Evaluation: Method of Evaluation: Multiple choice/MPRE formatted final examination and class participation.

Menu Requirement: Group IV3

Credits: 3

590 A PROJECT DEVELOPMENT AND FINANCE IN LATIN AMERICA

MIGUEL ZALDIVAR

JOSE VALDIVIA

This course provides a detailed review and analysis of the technique of project financing in an international environment (particularly in Latin America). Emphasis is placed upon structuring and risk allocation issues, which are looked at in the context of specific transactions and from the perspective of the various parties to the project (equity holders, lenders, providers of goods and services). Material is selected from actual transactions so as to illustrate documentation issues when different sources of financing participate in the project. The aspects peculiar to infrastructure projects (such as energy, telecommunications, ports, petrochemical facilities, utilities, toll roads, etc.) are also considered.

Prerequisite: None

Method of Evaluation: Final exam and class participation

Menu Requirement: Elective

Credits: 2

500 A REAL ESTATE TRANSACTIONS I (COURSE)

CAROLE GANGUZZA

Real Estate Transactions covers the basic issues on how property is purchased, sold and financed. This course will tract the steps in a typical residential transaction; that is, listing agreements, purchase and sale agreements, abstracting, title insurance, closing and financing documents and closing statements. Ethical issues will be discussed throughout. The class will be taught in lecture format and there will be a final exam. Additionally, the course will be taught in coordination with Real Estate Transactions Workshop (2 hours).

Prerequisite: None

Method of Evaluation: Final Exam - Two Hours No Take Home

Menu Requirement: Elective

Credits: 2

729 A REAL ESTATE TRANSACTIONS W/S

JOSEPH HERNANDEZ

BRENDA FERNANDEZ

Basic real estate purchase and sale transactions from the negotiation and drafting of contracts through closing the transaction. Topics such as abstracts of title and title insurance, real estate brokerage questions, mortgages, conveyancing documents, legal descriptions and surveys are covered.

Prerequisite: Registration in Real Estate Transaction course (LAW 500) is required unless waived by the director of the Real Property Program

Method of Evaluation: Final exam based on in-class exercises

Menu Requirement: W/S

Credits: 2

540 A REAL PROPERTY & GOVERNMENT

HOWARD LENARD

An examination will be made of the governmental regulations of land development, conservation and preservation. This includes zoning and planning law, common law and statutory law techniques of land use control, and the law of eminent domain. The analysis will focus on historical constraints on the exercise of eminent domain such as the requirement that governmental takings be for public use and that just compensation be awarded. Also an examination will be conducted of the Florida Land and Water Management Act, Growth Management Act and their implementation, proposed federal land management legislation, and other-than-regulatory methods of land management: governmental operations as a land entrepreneur, tax and fiscal strategies which influence land use, and criminal "corrective" sanctions which have a land management role.

Prerequisite: None

Method of Evaluation: Paper

Menu Requirement: Elective

Credits: 3

705 A REORGANIZATION IN BANKRUPTCY W/S

PATRICIA REDMOND

The Bankruptcy Reorganization workshop uses a case study model to explore and analyze different prospects of a chapter 11 reorganization case. The workshop focuses both on, the business and legal aspects of reorganization and restructuring and provides opportunities for students to learn and perfect drafting skills with respect to motions and the preparation of a plan of reorganization.

Prerequisite:

Method of Evaluation: TBA

Menu Requirement: W/S

Credits: 2

104 A SECURITIES REGULATION

STEPHEN HALPERT

The regulation of public and private financing transactions, securities markets, and the conduct of securities professionals. The focus on the course is primarily on federal law, principally the Securities Act of 1933 and portions of the Securities Exchange Act of 1934, with some attention to related state statutes. Concepts from modern economic theory relating to portfolio choice and efficient markets are developed and applied to analyze the law.

Prerequisite: None

Method of Evaluation: Final Exam

Menu Requirement: Group I

Credits: 3

319 A SOCIOLOGICAL EFFECTS OF LAW

ROBERT E. ROSEN

This course will examine the mechanisms by which law constructs social forms. Rather than studying the messages that courts send to other courts, we will study the mechanisms by which courts send messages beyond the parties. We will seek to understand law as building society other than through its wielding of the powers of social control. Readings will be of articles from the social sciences and will not be limited to examining law in the U.S. Students will be required to write reports on the readings. These reports will serve as the basis for class discussion. In consultation with the Professor, students may use their reports to conduct individual research and produce a product by the end of the semester that will substitute for taking a final examination. Class attendance and active participation throughout the semester will weigh heavily in grading.

Prerequisite: None

Method of Evaluation: See above

Menu Requirement: Group III

Credits: 3

733 A STATE & LOCAL TAX W/S

MURRAY GREENBERG

This workshop presents an overview of some unique aspects of real estate law--namely, the impact of state and local taxation upon both vacant and improved parcels of real estate. Emphasis is placed on the practical aspects of advising clients and litigating significant issues relating to real estate taxation. The course also discusses the federal and constitutional implications relating to the taxation of real property. We examine broad principles applied throughout the country and then, utilizing Florida as a prototype state, analyze how Florida has applied those principles. Combined with the foregoing, is a study of policy considerations with special attention given to how all the various forms of state and local taxation, finance and revenue raising should be intertwined.

Prerequisite: None

Method of Evaluation:

Menu Requirement: W/S

Credits: 2

320 A SUBSTANTIVE CRIMINAL LAW

MARTHA MAHONEY

This is a survey course. We will analyze certain pervasive themes in criminal justice--what sorts of conduct may be properly defined as criminal, when a person ought not to be held liable despite having engaged in the described conduct, what should serve as mitigation in determining punishment. We will analyze criminal statutes, learning to recognize the necessary elements for a given crime, and comparing the Model Penal Code with other statutory schemes.

Prerequisite: None

Method of Evaluation: Comprehensive exam; short exercises.

Menu Requirement: Group III

Credits: 3

738 A TAXATION & PRESERVATION OF INVESTMENTS W/S

HOWARD ROSEN

This course is designed to provide the student with a working knowledge of the Internal Revenue Code rules generally governing the taxation of various forms of investments, and, in addition, the course is designed to provide the student with a basic knowledge of the techniques available to preserve such investments for the client's use, and when such preservation techniques may be restricted or unavailable. Materials: Current Internal Revenue Code and Income Tax Regulations; BNA Tax Management Portfolio #810 "Asset Protection Planning" (supplied free of charge by Tax Management). Attendance Policy: Attendance is very important. Miss three classes and grade is lowered by one letter. Classes missed beyond three will be discussed with student on an individual basis.

Prerequisite: The ability to read and comprehend statutory, regulatory, and case law materials; previous federal income tax course preferred, but not required.

Method of Evaluation: The student's grade will be comprised of a class participation grade and a grade on a take home final exam. Relative importance of each portion to be determined by professor on a case by case basis.

Menu Requirement: W/S

Credits: 2

975 A TITLE INSURANCE (LLM)

DAVID MESNEKOFF

This course focuses on the fundamentals of title insurance, with particular emphasis on commercial real estate transactions. The American Land Title Association form of Commitments and Policies of Title Insurance for Owners, Lenders and Tenants will be examined to review the coverages, exclusions, conditions, exceptions, endorsements, and claims thereunder.

Prerequisite: RPD LLM ONLY

Method of Evaluation: TBA

Menu Requirement: Non-menu for JD's

Credits: 1

529 A TRANSNATIONAL LITIGATION AND ARBITRATION

PEDRO MARTINEZ-FRAGA

C. RYAN REETZ

This three-credit course will cover subjects traditionally addressed in conflict of laws and transnational litigation dealing with both domestic and transnational civil litigation; (I) Jurisdiction to Prescribe (Subject matter Jurisdiction), (II) Jurisdiction to Adjudicate (Personal Jurisdiction), (III) Choice of Law, (IV) Service of Process, (V) Enforcement of Judgments, (VI) Forum Selection & Choice of Law Clauses, (VII) Taking of Evidence, (VIII) Forum Non Conveniens and Lis Pendens, (IX) Sovereign Immunity, (X) Act of State Doctrine, (XI) Injunction & Provisional Remedies and (XII) Arbitration.

Prerequisite: None

Method of Evaluation: Exam

Menu Requirement: Elective

Credits: 3

106 A TRUSTS & ESTATES

STEPHEN URICE

This course studies how individuals plan for and effect transfers of property during their lifetimes and at death. The course includes sections on intestate succession, testamentary capacity, execution and construction of wills, creation and modification of trusts, charitable trusts, fiduciary obligations, advance medical directives, and the taxation of gifts and estates. Students will be expected to be fully prepared to participate in class discussion based on the assigned readings. The course includes a required will-drafting exercise.

Prerequisite: None

Method of Evaluation: A closed-book final exam. Performance on the will-drafting assignment and the quality of classroom discussion will affect a student's final course grade.

Menu Requirement: Group I

Credits: 4

106 B TRUSTS & ESTATES I

THOMAS ROBINSON

Survey of the law of family wealth transfer. Subjects include: introduction to estate planning; intestate succession; wills; will substitutes; protection of family; and introduction to trusts. Passing acquaintance with topics covered in Trusts & Estates II, including trust administration and federal wealth transfer taxes, is attempted. Special class requirements: Daily (hourly) attendance and class preparation are required

Prerequisite: None

Method of Evaluation: Final examination, closed book using multistate-type questions. Grade curve generally adjusted to fit entering grade profile of class so students are neither advantaged nor disadvantaged by presence of other students.

Menu Requirement: Group I

Credits: 4

217 B US CONSTITUTIONAL LAW II

KEITH ROSENN

This course covers the protection of individual rights and liberties. It begins with the substantive due process and equal protection, followed by the congressional power to enforce the Thirteenth, Fourteenth and Fifteenth Amendments, and the state action on limitation upon constitutional rights. The course concludes with an examination of various aspects of the First Amendment, including freedom of religion, the establishment clause, and freedom of speech.

Prerequisite: U.S. Constitutional Law 1

Method of Evaluation: Final Exam

Menu Requirement: Group 11

Credits: 4

217 C US CONSTITUTIONAL LAW II

FRANK VALDES

This course is designed to introduce students to the protection of individual rights and liberties under the federal constitution. The bulk of the course is devoted to the 14th Amendment's various provisions. After a brief historical-conceptual overview, attention will be focused chiefly on four doctrinal areas: (1) equal protection;

(2) implied fundamental rights and substantive due process; (3) the intersection of equal protection with substantive due process; and (4) procedural due process and related concepts (contracts and takings). The course concludes with a summary review of 1st Amendment highlights (mostly regarding expression and religion).

Prerequisite:

Method of Evaluation: Final Exam

Menu Requirement: Group II

Credits: 4

611 A WORK LAW SEMINAR

KENNETH CASEBEER

Students will function as new associates in the virtual non-profit firm W.A.L.D.O. - Workers Advocacy and Legal Defense Organization. After background reading and speakers from labor and employment law and the labor movement, for the first few weeks, students will split into small groups of two. Each team will then investigate a different aspect of law-making regarding pending labor and work controversies; for example, striker replacement legislation, or cuts in workers compensation. The team will identify anti-worker bills, or similar lower state and federal court decisions, NLRB, or NAFTA complaints, etc. The team will then develop mock public interest strategies to work with workers and their representatives, participate in hearings, and write briefs and/or legislative bills. Weekly firm meetings will report on team progress and receive group suggestions. The written product of the team, both investigative and strategic, will be graded. The written product will satisfy the third year writing requirement.

Prerequisite: None

Method of Evaluation: Paper

Menu Requirement: SEM

Credits: 2