

LAW COURSES

Courses which have been offered in the past two academic years or are anticipated to be offered in the 2007-2008 academic year are listed below. Other courses may be offered. The law school Registrar's Office publishes a schedule of courses before the beginning of each term. Students must consult these schedules for actual course offerings and for any pre-requisites or co-requisites for those courses. It is the responsibility of each student to verify that they have taken the pre-requisites, or will be taking concurrently any required co-requisites, at the time they register for a class. Students with any questions concerning these issues should contact the Assistant Dean for Student Affairs.

First-Year Required Courses

Civil Procedure I and II (6371, 8271)

Five hours. (3 hours in fall, 2 hours in spring). Civil procedure, focusing on judicial resolution of disputes; development of the modern civil action including consideration of the jurisdiction of courts, venue, process, pleading, joinder, discovery, pretrial practice, right to a jury trial, withdrawing cases from a jury, motions after verdict, judgments and their effects, and appellate review. An introduction to alternative dispute resolutions is also included.

Constitutional Law I (6222)

Two hours. An examination of methods of constitutional interpretation, the role of judicial review, federal power, separation of powers, federalism, and justiciability.

Contracts I and II (8290, 8390)

Five hours (2 hours in fall; 3 hours in spring). History and development of the common law of contract; principles controlling the formation, performance, and termination of contracts, including the basic doctrines of offer and acceptance, consideration, conditions, material breach, damages, and statute of frauds; statutory variances from the common law with particular attention to Uniform Commercial Code sections.

Criminal Law (8341)

Three hours. Origins and sources of the criminal law; general principles of criminal law, including *actus reus*, *mens rea*, and causation. The elements of some specific crimes, such as homicide and/or theft offenses, may be covered; some conditions of exculpation, such as justification and insanity, may also be considered.

Legal Research, Writing and Advocacy I and II (8375, 8376)

Six hours (3 hours in fall; 3 hours in spring). The primary objective of the course is to synthesize legal doctrine, lawyering skills, and professional responsibility for the first-year student. Meeting in small groups and using simulated exercises, students engage in client counseling, interviewing, negotiating, drafting, and advocating. Grades are based on the evaluation of written and oral performances throughout the term.

Property I and II (8282, 6381)

Five hours (2 hours in fall; 3 hours in spring) Selected topics in personal property, adverse possession, present possessory and future estates in land, concurrent estates, the law of landlord and tenant, easements, private covenants, public land use regulation, and real estate conveyancing.

Torts I and II (7391, 8292)

Five hours. (3 hours in fall; 2 hours in spring). Civil liability arising from breach of common law and statutory duties as distinguished from duties created by contract, including coverage of intentional wrongs, negligence, and product liability. The methods and process of the American legal system are discussed, with attention paid to legislation, as well as to the common law.

Upper-Year Requirements

Professional Responsibility (7350)

Three hours. An analysis of principles and rules governing the conduct of lawyers. Topics include the client-lawyer relationship, competence, confidentiality, loyalty, the roles of lawyers as counselors and advocates, public service, advertising, admission to practice, and professional discipline.

Constitutional Law II (8311)

Three hours. A study of individual rights including such areas as equal protection of the laws and due process of law, with particular emphasis on issues of racial discrimination, gender discrimination, and the right to privacy. Depending on the professor, this course may also include freedom of speech and freedom of religion.

Edited Writing Seminar

Three hours. Each seminar requires the student to participate in an intensive, scholarly expository writing project. It may take the form of a single paper, of at least 30 pages, or several shorter papers, as the

professor may direct. The professor will review and criticize the student's writing. Subject matter will vary at the discretion of the professor. Enrollment in each seminar is limited to 20 students.

General Writing Requirement

A student must complete a writing unit, in addition to the first-year Legal Research, Writing and Advocacy course and the Edited Writing Seminar. This requirement may be fulfilled by completing a course in which more than half the grade for the course is based on written work other than an examination, by completing law review writing requirements for credit, or by completing a two- or three-hour directed research paper.

Professional Skills Requirement

A student must complete at least one upper level course which includes professional skills generally regarded as necessary for effective and responsible participation in the legal profession. Courses which satisfy this requirement will be designated (PS) on the Upper-Class Course List during registration.

ELECTIVE COURSES

Administrative Law (6304)

Three hours. The focus is upon legislative authority and administrative agencies with special emphasis on administrative process and judicial review.

Advanced Bankruptcy (8281)

Two hours. In-depth study of corporate reorganization under Chapter 11 of the Bankruptcy Code.

Advanced Commercial Law (6202)

Two hours. This course will cover one or more current topics in the area of commercial law. Because topics will vary, students may repeat the course for credit.

Advanced Corporate Taxation (7204)

Two hours. Taxation of corporate reorganizations and carryover of tax attributes.

Advanced Environmental Law Seminar (8340)

Three hours. Seminar on selected problems in environmental law. Students will be responsible for drafting and presenting a paper on an environmental law topic selected by the student with the consent of the professor. Topics may be selected from virtually any area of environmental law including pollution control statutes, common law toxic tort, environmental regulation of land use, protection of endangered species, regulatory policy, and enforcement of environmental requirements.

Advanced Legal Writing and Editing (6160)

One hour. This class is designed for students who wish to improve their editorial and writing skills. It targets students who are already competent writers, but it requires no in-depth knowledge of grammar or rhetoric. The course covers issue framing, readability, and writing efficiently.

Advanced Patent Law (6284)

Two hours. The course covers substantive and procedural aspects of patent prosecution before the U.S. Patent and Trademark Office. Practical exercises in prosecution practice, such as claim drafting, preparation of amendments, and other prosecution proceedings, will ordinarily be included. Additional prosecution subjects include dealing with inventors, developing invention disclosures, and preparing patent applications.

Alternative Dispute Resolution (9211, 6311)

Two or three hours. An examination and analysis of materials and skills used in dispute resolution other than litigation. The theory and practice of negotiation, mediation, arbitration, and mini-trials will be emphasized, with examples and problem simulations drawn from various fields of law.

American Legal History (7309)

Three hours. The development of legal institutions and the formulation of rules of law and their application in the United States from the 17th century to 1950, with only secondary reference to the federal constitutional law.

Antitrust Law (7388)

Three hours. A survey of the federal antitrust laws as they relate to mergers, monopolization, and price discriminations, and horizontal and vertical restraints of trade, including price fixing, refusals to deal, territorial and product divisions, tie-ins, exclusive dealing, resale price maintenance, and customer restrictions. The course will also cover enforcement and the private treble damage remedy, including the concepts of antitrust standing and antitrust injury.

Art and Antiquities Law (8272)

Two hours. A seminar course that focuses on the definition and nature of a "work of art" and the legal rights and interests among artists, collectors, dealers, museums, and the public. The course considers these issues primarily as they relate to the visual arts. Although course content may vary, topics usually include the international movement and protection of art, theft and forgery, cultural property and Native American art, artists' moral and economic rights in works of art, and valuation issues.

Aviation Law (6206)

Two hours. An introductory course to aviation law covering regulation of domestic and international aviation; deregulation of domestic aviation; the legal regime of the airspace, aircraft, and users of the airspace; the liability of insurance for the airman, manufacturer, services, airline, and United States of America; aviation litigation fundamentals and focused issues; criminal law specific to aviation; legal issues governing aviation transactions; aviation labor; and the law of space.

Banking Law and Regulation: Domestic and International (6221,6318)

This course was previously titled Financial Institutions – Banking Law: Domestic and International.

Two or three hours; often conducted as a Writing Seminar. An introduction to the federal laws governing commercial banking activities, with primary emphasis on the regulation (and “deregulation”) of national banks and related policy considerations. Lecture topics will vary from year to year, but generally will include key domestic, regional, and international issues with respect to banking, the banking industry, and the financial services industry generally. Use of interdisciplinary subject matter in economics, finance, and business is made. Comparison to regulation of other financial institutions may be utilized. When taught as a regular course, assessment may be by examination and/or paper or series of papers satisfying the writing unit requirement. When taught as a third-year Writing Seminar, course structure and assessment will be consistent with those described above for the Writing Seminar.

Business Enterprise (6420)

Four hours. This is the basic business law course. The emphasis of the first portion of the course is on the closely held business. To be considered are the following: *Agency*: General principles of the law of agency. *Partnerships* (general and limited): Formation, control, liabilities, property, dissolution and disposition of business; internal and external relations of partners. *Limited Liability Companies and Corporations*: Formation, control, allocation concerns; duties, liabilities, and rights of management and shareholders or members; dispute resolution devices; and fundamentals of capitalization and financing (including basic securities financing and securities law concerns, particularly respecting the private exempt offering). The primary emphasis of the second portion of the course is on the widely owned business. In this portion, general corporate governance and capitalization problems (including preferred stock and debt securities structuring) are further explored, along with corporate distributions and repurchases and fundamental corporate changes. Analysis of mergers and acquisitions is emphasized. Depending on available time, emphasis also is placed on the impact of federal securities laws on the corporate governance structure, including discussion of ongoing public disclosure requirements, proxy regulations, and insider trading restrictions and liabilities.

The course is transaction-oriented, whereby planning and problem solving are stressed, and interdisciplinary use of basic taxation, accounting, and finance notions is made. Special attention may be given to modern statutory trends, ethical issues, and selective globalization concerns.

Children and the Law (9205)

Two hours. This course will focus on three interrelated questions involving the legal relationships among the child, parent, and state. First, who decides on behalf of the child? Second, how does the law allocate decisional power and responsibility for children in our society? Finally, what voice should the law give to children in situations where their rights and/or interests are affected? These questions will be explored in the context of the following topics: parental rights to raise their children; constitutional rights of children (e.g., privacy, free speech); child abuse and neglect (civil and criminal); termination of parental rights, foster care and adoption; and medical decision making. Emphasis will be on examining the practical considerations of providing legal representation to children, particularly in cases involving child abuse and neglect.

Civil Clinic (7559)

Five hours. The course develops lawyering skills and analytic methods for developing those skills. Clinic students will represent indigent clients in actual cases. Topics will include interviewing, counseling, fact investigation and discovery, case planning, negotiation, drafting of pleadings, motions and memoranda, and pretrial and trial advocacy. Special emphasis will be placed on professional responsibility issues and strategic planning methods. Throughout the course, a combination of teaching methods will be employed, including one-on-one case supervision, classroom instruction, simulations, and videotaped exercises.

Civil Rights Litigation (7308)

Three hours. A survey of federal legislation protecting the individual against governmental and private interference with constitutional and statutory rights, which may include those pertaining to employment, personal security, housing, and voting, among others.

Civil Rights Seminars (7378)

Three hours. Seminars in selected problems in the protection of individual liberties from governmental interference. Subject matter will vary at the discretion of the professor. Examples of matters that could be considered are First Amendment freedoms, racial discrimination, sex discrimination, prisoners' rights, and privacy.

Clinic Deputy (7157, 7257, 7357)

One, two, or three hours. Assisting in preparing and supervising clinic students in client representation, including fact investigations and analysis, legal research and writing, litigation training, and court appearances. Deputies are selected by the clinic instructors. Students may not enroll before being selected. Pass/Fail or graded, at the option of the professor.

Commercial Lending (6218, 6348)

This course was previously titled Financial Institutions – Commercial Lending.

Two or three hours. This limited enrollment advanced seminar is designed to provide the student with an understanding of the sundry legal aspects involved in structuring, documenting, securing, and closing commercial lending arrangements. Subject matter may include: nature of unsecured corporate lending; fundamentals in drafting and negotiating loan agreements; use of special financial covenants; special alternative interest rate provisions; choice of law and usury-related provisions; significance of the legal opinion; third-party credit supports, such as guarantees, comfort letters, note purchase agreements, and standby letter of credit; collateral concerns; basic bankruptcy and workout concerns for lenders and special industry lending; and the role of financial institutions in providing alternatives to commercial lending. Transaction-orientation, problem solving, and planning are stressed; legal documentation is emphasized; and use of interdisciplinary subject matter in economics, finance, and business is made. Active student participation is essential. A paper or series of papers (on an individual or group basis) are required.

Commercial Real Estate Transactions Seminar (7327)

Three hours. This course will build on the introductory real estate course by introducing students to the main issues presented by a transactional commercial real estate practice, including acquisition, financing, construction, leasing, and management, with an emphasis on financing. The course will examine alternative methods of structuring capital investment in real estate, including issues related to the taxable nature and regulatory context of the investor. Workouts and real estate bankruptcies will complete the examination of the real estate cycle. The basic income tax course is strongly recommended as a prerequisite; partnership tax is helpful, but not required. Students will be expected to work not only with the purely legal issues but also to develop a familiarity with the basic concepts of real estate valuation and should therefore be prepared to work with numbers and perform simple calculations (although no advanced mathematics will be required).

Commercial Remedies (9305)

Three hours. A functional analysis of standards, rules, and devices applicable generally to the trial of various types of commercial claims, including the standards of value, certainty, and avoidable consequences and the concepts of interest, expenses of litigation, and exemplary damages. Detailed consideration will be given to all types of commercial remedies, both at law and in equity, that result in a money judgment.

Comparative Law I (7321)

Three hours. The purposes and methods of comparative law; an introduction to legal systems other than the common law, including sources of law, structure of legal rules, substantive law, procedure, and courts and legal professions.

No knowledge of a foreign language is required. Students from civil law jurisdictions must have instructor's permission to take the course.

Comparative Law II – [Specific Subject-Matter Designation] (7222, 7322)

Two or three hours. Often a GW course. A limited enrollment seminar course designed to accommodate specific seminar interests of Faculty and Visiting Faculty in comparative law – related subject matter. Specific seminar course topics will vary from course to course. Examples of course subject-matter might involve the examination of selected aspects of law and judicial processes or specific legal areas of selected foreign countries, regions, and economic markets; laws impacting foreign investment and dispute resolution; treaty law making processes; comparative corporate governance, business organization, commercial law or accounting trends, etc. Since the subject matter varies from year to year, a student may repeat the course for credit. Each seminar course, for transcript purposes, will be listed as: "CL-2 [specific seminar name]". No knowledge of a foreign language is required.

Conflict of Laws (6330)

Three hours. The study of conflict of laws analyzes transactions that have elements in more than one state. The course has three parts: the choice of the law applicable to the issues in the case; the enforcement of judgments rendered outside the forum state; and jurisdiction over the out-of-state party. The course focuses on relationships among American states, but also includes choices between state and national law (the *Erie* doctrine).

Constitutional Criminal Procedure Survey (6430)

Four hours. A survey of criminal procedure, including topics such as investigation, right to counsel, bail, discovery, trial procedure, sentencing, double jeopardy, and post-conviction challenges. This course is intended for the nonspecialist. Students taking this course may not take Constitutional Criminal Procedure: Investigation or Constitutional Criminal Procedure: Adjudication.

Construction Law (6214, 6312)

Two or three hours. This course will address the legal aspects of the construction process. Particular emphasis will be devoted to discussion of the provisions of standard form contracts, and to the liability issues that arise out of the relationships between design professionals, contractors, and owners. Within this framework, the following will be covered: bidding; types of contracts; pricing variations; the rights and obligations of parties involved in the process; construction documents; bonds; insurance; changes; scheduling; delays; unforeseen circumstances; risk allocation of defective work; payments; and remedies for breach.

Consumer Law (6329)

Three hours. A study of state and federal regulation of credit and noncredit consumer transactions. Special attention will be paid to state and federal legislation regarding unfair and deceptive trade practices embodied in the Federal Trade Commission Act and the Texas Deceptive Trade Practices Act. Other areas of study include the federal Truth-in-Lending, Fair Credit Reporting, Equal Credit Opportunity, and Fair Debt Collection Acts, state and federal warranty law, as well as contractual and procedural devices designed to facilitate collection. The course will also include study of traditional private and public remedies and the means of achieving them as well as special problems and issues arising in connection with resolving consumer disputes in the world of e-commerce.

Copyright (7311)

Three hours. A detailed study of the 1976 Copyright Act as well as other means of obtaining legal protection for literary, musical, and artistic works, including unfair competition, tort, and implied contract.

Corporate Compliance (8206)

Two hours. Prior to Enron and other related corporate implosions, the issue of corporate compliance was primarily the concern of companies operating in heavily regulated industries. Since then, Sarbanes/Oxley, the Department of Justice Sentencing Guidelines, newly implemented stock exchange listing standards, emerging and expanding concepts of director liability — as well as a plethora of lesser factors — have made corporate compliance somewhat of a mainstream issue for all public companies, and an increasing number of private companies and nonprofits. The course will chart the history, evolution and expansion of corporate compliance programs from the early 1950s to the present. In addition to detailing the typical “how-to” methodologies involved in structuring and implementing a modern compliance program, the course will focus on how compliance programs, if improperly implemented, may actually exacerbate a company’s potential liability in unexpected areas. A course textbook will be developed by the instructor.

Corporate Finance and Acquisitions (7235)

Two hours. The first part of this course provides a basis for resolving the typical valuation questions that arise in the corporate acquisition context. The basic concepts of financial theory, including discounting, diversification, portfolio theory, the capital asset pricing model, and the Black-Scholes option pricing model are presented and critically assessed. The second part of the course examines certain issues that arise in the corporate acquisition context that involve valuation questions, including the scope of application of the *de facto* merger and successor liability doctrines, appraisal rights, and the fairness of freeze-out transactions. The course will not consider issues arising under federal securities law. It is strongly recommended that students have some background in economics or finance.

Corporate Planning (6232, 6332)

Two or three hours. Planning and problem course in corporate, tax, securities, accounting, and related fields. Students will draft instruments and supporting memoranda to solve a variety of questions in corporate organization, financing, operation, acquisition, and reorganization — a fairly typical sequence of high-tech company growth and development. Student solutions and simulated negotiations will be presented for class critique and in most instances for comparison with actual solutions to similar problems.

Corporate Taxation (7336)

Three hours. The formation of corporations, corporate capital structure, earnings and profits, dividends, distributions, redemptions, partial liquidations and complete liquidations, and Subchapter S corporations.

Counseling the Small Business Owner (6102)

Two Hours. This is a “how to” course. It is a skills course that will focus on forming and representing small businesses and non-profit organizations. The course will cover advice regarding selection of a client, understanding the client’s goals, what choice of entity to recommend to the client, entity creation by drafting various documents such as certificates of formation for profit and nonprofit corporations and limited liability companies, bylaws, non-competition agreements, non-disclosure agreements, employment agreements, and other documents that relate to a small business. Throughout the course students will be asked to draft various documents.

Creditors’ Rights (6333)

Three hours. An introduction to federal and state law governing the debtor-creditor relationship: enforcement of judgments; attachment, garnishment, and sequestration; fraudulent conveyances; and bankruptcy as it affects secured and unsecured creditors under the Bankruptcy Code.

Criminal Clinic (7641)

Six hours. A practice-based period of study involving representation of indigent clients in Dallas County criminal courts. Classroom instruction and skills training are integrated with actual case work.

Criminal Evidence Seminar (7316)

Three hours. On March 8, 2004, the U.S. Supreme Court decided *Crawford v. Washington* (No. 02-9410). In it, the Court accepted an invitation to completely rethink its approach to the interface between the Confrontation Clause and hearsay. Up to that point, the Court’s efforts at reconciling the Constitutional right to confront one’s accuser with the evidentiary rules was muddled and tended to subordinate the right of confrontation to the common law hearsay exceptions. *Crawford* changed that in a fundamental way. However, it is difficult to envision how *Crawford* and the newly conceived Confrontation Clause will impact the prosecution of criminal cases in the U.S. This seminar will explore that impact. This seminar will examine

the impact of Crawford on the hearsay rules as it applies to evidence admitted against criminal defendants. Students will study the decision in detail, choose one type of hearsay evidence, such as the admission of pre-trial statements of child assault victims to their counselors, and write a 40-60-page paper of publishable quality and format on that topic.

Criminal Prosecution Clinic (7441)

Four hours. A practice-based period of study involving the prosecution of misdemeanor offenses with the Dallas County District Attorney's Office. Classroom instruction and skills training are integrated with actual case work.

Death Penalty Project (9310)

Three hours. A practice-oriented course designed to teach the skills of interviewing, investigating and researching legal issues in the pretrial, trial and post-trial stages of death penalty cases. Evidentiary questions, procedural questions, and the development of mitigation facts and circumstances will be addressed. Limited to twelve students per term, a simultaneous classroom curriculum will introduce students to the law and procedure necessary to provide effective assistance of counsel in death penalty defenses. Students will work with lawyers appointed to death penalty cases while under the supervision of a faculty member. Grades are based on evaluation of case and classroom performance.

Directed Research (6136, 6236, 6336)

Maximum of three hours. Research on legal problems in any field of law may be carried out with the consent of the instructor involved. A comprehensive, analytical, and critical paper must be prepared to the instructor's satisfaction. Open to students who have completed over one-third of the hours required for graduation. Before enrollment for Directed Research, the student must obtain, on a form supplied by the Registrar's Office, written approval of the instructor for the research project. Students may not receive credit for more than a total of three hours of directed research during law school.

Directed Studies (6148, 6248, 6348)

Maximum of two hours. Studies undertaken by a student or group of students under faculty supervision with prior approval of the Curriculum Committee. The committee may prescribe that the product of the studies undertaken be communicated by a public discussion, submission of periodic and final reports, or presentation of a collection of papers.

Economic Analysis of Law (6423)

Four hours. An introduction to the economic analysis of legal rules and institutions. The course will first examine the efficiency paradigm in some detail, and then analyze basic common law and criminal law doctrines from an economic perspective. The course seeks to develop a facility in the application of economic reasoning to legal questions, and to impart a sense of the limitations of the economic approach. While the course will not presuppose extensive familiarity with economics, some background is essential, i.e., at least an introductory course in microeconomics and preferably also some exposure to intermediate-level microeconomics or price theory.

Employee Benefits Law & ERISA Litigation (9201)

This course was formerly titled Employee Benefits.

Two hours. A study of the evolution, theory, and structure of employment-related benefit law. Social, economic, and political considerations and their influence on federal labor and tax law in the area of employee benefits are emphasized, with particular emphasis on the labor provisions of the Employee Retirement Income Security Act of 1974. Also considered is the balancing of authority among several federal agencies in the regulation of employee retirement and medical benefit plans and the interpretation and application of federal statutory law.

Employment Discrimination (7344)

Three hours. Examination of the federal law regulating discrimination in employment. The primary emphasis is upon Title VII of the Civil Rights Act of 1964 (discrimination on the basis of race, sex, religion, and national origin), the Age Discrimination in Employment Act, the Equal Pay Act, the Americans with Disabilities Act, and federal requirements of affirmative action imposed upon government contractors, but other civil rights statutes and the National Labor Relations Act will be treated as they bear upon the subject.

Employment Discrimination: The Art of Effective Investigation and Trial Advocacy (8245)

Two hours. This course offers students a unique opportunity to explore in detail important legal developments in employment discrimination and to be exposed to fundamental techniques of investigation and trial (i.e., opening statement, direct and cross-examinations, and closing argument). Students will examine legal issues, strategies, and techniques used in actual employment discrimination trials to understand how to become better advocates. The seminar will primarily focus on sexual harassment, but other forms of employer misconduct such as disability discrimination, race discrimination, and retaliation will be discussed. Grades will be based on class participation and a final exam.

Employment Law (6340)

Three hours. Legal regulation of work and the workplace in a nonunion environment. The course will cover the expansion of employee rights against unjust dismissal, invasion of privacy, and defamation, and will explore government regulation of the workplace in the areas of health and safety, wages, hours, and benefits; it also will briefly survey employment discrimination law.

Entertainment Law (7201)

Two hours. An overview of the entertainment business and its fundamental legal and financial issues. The course deals with the role of attorneys and agents, personal and intellectual property rights, motion picture production and distribution, television rights and procedures, literary publishing, and music publishing and sound recordings. Particular emphasis is placed on technological developments and contract negotiation.

Environmental Law (6344)

Three hours. A survey that presents an introduction to basic elements of federal environmental law. The course includes analysis of environmental regulatory policy, statutory control of air, water, and hazardous waste pollution, and allocation of the costs of cleaning environmental contamination.

Estate, Gift, and Income Taxation of Trusts and Estates (8252, 7352)

Two or three hours. Consideration of the kinds of transfers that attract the estate and gift tax; the generation skipping tax; income taxation of estates and trusts.

Estate Planning and Practice (6343)

Three hours. Functional examination of the integration of the federal estate and gift taxes; marital deduction planning and drafting; drafting the By-Pass Trust; desirability of making lifetime inter-spousal transfers; gifts to minors and other dependents (including the grantor trust rules); techniques of income deflection and estate shrinkage for tax reasons; transferring ownership of life insurance with emphasis on irrevocable life insurance trusts; and introduction to the generation skipping tax.

Ethical Dilemmas in Legal Practice (8273)

Following lectures for the first four classes that will lay groundwork, the course will pose fact situations presenting current ethical issues and real-life problems counsel might face in actual practice. Each fact situation will be the subject of one or more student papers which will be presented and discussed during a weekly class session. A judge or other prominent practitioner will attend and participate in each session.

European Legal History (6335)

Three hours. The course will survey European legal history from the Roman period through the nineteenth century.

Evidence (8455)

Four hours. Principles governing the admission and exclusion of evidence, including functions of judge and jury, examination and competency of witnesses, demonstrative evidence, the hearsay rule and its exceptions, burdens of proof and presumptions, privileges, and judicial notice.

Extern Programs

Hours arranged. Various programs by the faculty permit a student to work without compensation each week for a designated number of hours at specified legal offices for law school credit. Each student is under the supervision of a faculty member and must fulfill the requirements established for the program. Students may receive law school credit for only one extern program, including the Securities and Exchange Commission Student Observer Program. Contact the Registrar's Office for a list of such programs and more information.

Faith, Morality, and the Practice of Law (6345)

Three hours. Most law students have a number of questions about how the practice of law will fit together with their moral and family values, religious faith, and sense of vocation — "vocation" referring here to its root meaning of "to serve." These questions can take many forms, of course. Can I act consistently with my moral or religious beliefs and still be an effective lawyer? Will I be able to reconcile the demands of lawyering with my desire and need for family, friends, community involvement, religious practices? How can I find supportive mentors without "over-revealing" my anxieties, religious or moral beliefs? Can my work as a lawyer be a vocation and not just a job, and what does that difference entail? This course is an edited writing course that takes a fairly broad, mixed approach to these and other questions. The required and optional readings include theological topics, practical topics (e.g., part-time practice, billing, stress); discussions of ethics. The course work entails considerable reading and the following written work: several 10-12-page papers that will be edited and redrafted; editing one other student's paper; interviewing a practicing lawyer and writing a report on that interview; leading class discussion on certain topics in a panel format. Many of the readings in this course, and many students in this course, will draw upon a faith perspective that guides that author or that student. But this course is not intended to be restricted to those who share dominant religious faiths, or to those who have a faith in a Divine Being. The class should be useful and meaningful to any student interested in questions of vocation, values, and law practice, whether or not the student adheres to a particular faith structure.

Family Law (6347)

Three hours. The legal problems of the family including marriage, annulment, divorce, legitimacy, custody, support of family members, adoption, and related matters. This course does not include Texas matrimonial property law. If the student plans to take instruction in both courses, this course should be taken first.

Federal Courts (6349)

Three hours. Congressional control of the distribution of judicial power among federal and state courts; practice and procedure in the federal district courts including choice of law, federal question and diversity jurisdiction, and state-federal conflicts.

Federal Tax Procedure I (7207)

Two hours. Preparation and trial of tax cases in the federal courts; representation of a taxpayer before the Internal Revenue Service; administrative powers and procedures of the Internal Revenue Service; criminal violations of the Internal Revenue Code; accumulations of supporting evidence for a tax plan.

Federal Taxpayers Clinic (7443)

Four hours. Clinical instruction in federal tax practice emphasizing the representation of taxpayers before the Internal Revenue Service and the Tax Court. Classroom instruction in interviewing techniques and counseling is integrated with interviewing prospective clients and with the ultimate representation of taxpayers before the Internal Revenue Service and before the Tax Court.

Financial Institutions — Banking Law: Domestic and International (6221, 6318)

See Banking Law & Regulation: Domestic and International.

Financial Institutions — Commercial Lending (6218, 6348)

See Commercial Lending.

First Amendment (7248)

Two hours. An examination of constitutional issues and interpretation under the First Amendment focusing on freedom of speech and press, as well as establishment and free exercise of religion.

Food and Drug Law (6246)

Two hours. Food and drug law with emphasis on its history, prohibited acts including adulteration and misbranding, actions and penalties, rule making, jurisdictional overlap of Federal Trade Commission and Department of Agriculture, and impact of other statutes.

Foreign Investment: Rules of International Law (6388)

Three hours. The past decade has not just brought a significant increase of foreign investment worldwide, but has also led to a growth of the applicable legal rules. More than a thousand new treaties have been concluded, and numerous international investment cases have been submitted to international arbitral tribunals. The course explores the nature, the content and the reach of the current international regime of rules governing foreign investment. For instance, rules on expropriation, fair and equitable treatment and denial of justice are discussed, but also the concept of a "foreign investment" and a "foreign investor." Special attention is also paid to the interplay between relevant treaties and the process of dispute settlement, in particular in regard to the jurisdiction of the International Centre for Settlement of Investment Disputes (ICSID). Currently, more than 180 states are members of ICSID, and almost 100 cases are pending before ICSID, most of them dealing with major investment projects.

Franchising and Distribution Law (6275)

Two hours. There is a growing recognition and respect for franchising and product distribution domestically and around the world. Franchising had its start in the U.S. around the time of the Civil War, but in the last ten years franchising's growth has been explosive. It no longer concerns only restaurants and lodging but has expanded to areas such as telecom and automotive. This course will provide an overview of the law of franchising and product distribution, both domestically and internationally.

Freedom of Speech, Press, and Religion (7333)

Three hours. An examination of constitutional issues and interpretation under the First Amendment focusing on freedom of speech and press, as well as establishment and free exercise of religion.

Globalization of the Law: Business and Finance (8210, 8309)

Three hours. Often conducted as a Writing Seminar. This limited enrollment seminar can be both a perspective and a capstone-type course that explores the impact of globalization on the theory and practice of law within the context of its impact on international, regional and domestic business and financial market environments. Particular emphasis is placed on the development of international standards and codes, of a new evolving international business and financial architecture, and of enhanced regulatory and public-private cooperation on the domestic, regional, and international levels. Initial background lectures for the first 8-10 seminar sessions will be provided concerning the general economic and legal dimensions of globalization, and the impact of global economic forces on the national legal systems in such areas as to trade and investment, financial market regulation, intellectual property law, commercial law, international dispute resolution and (if time permits) other business-financial related areas. Then, for the remainder of the course, students will embark on an intense research and writing experience, one-on-one basis with the Professor. Students and the professor will reconvene at the end of the course to discuss the course and student research findings. The primary course objective will be the production of a high-quality research paper similar to a good law review student comment. Students will be asked to identify a specific situation in which the idea of globalization helps explain recent legal developments, to distinguish them from situations in which globalization has had little or no impact on the law, and to develop strategies for anticipating where globalization is most likely to have an impact on the future development of the law.

Immigration Law (8258, 6353)

Two or three hours. An analysis of the Immigration and Nationality Act and relevant regulations with respect to the immigration of aliens, the substantive and procedural aspects of deportation, and exclusion proceedings. A review of nationality law with respect to citizenship and expatriation. Special problems of refugees in the United States may be considered.

Income Taxation (6460)

Four hours. Introduction to the federal income tax system; analysis of Internal Revenue Code, Treasury Regulations, rulings, and case law; consideration of income, deductions, credits, assignment of income, and accounting periods and methods.

Insurance (6254, 6354)

Two or three hours. Principles governing: the nature of insurance law; the principle of indemnity, including insurable interest, measure of recovery, and multiple claims for indemnity (subrogation and other insurance); persons and interests protected; risks transferred, including nature of loss and its causes, warranties, representations, and concealment; limits and duration of coverage; rights at variance with policy provisions; claims processes; and insurance institutions.

Intellectual Property (6356)

Three hours. An overview of intellectual property law for both students with a general interest in the area and students who are pursuing specialized fields with IP. Beginning with an analysis of the competing theories underlying IP law, it goes on to outline the basic principles of patent, copyright, trademark, and trade secret protection, as well as current issues in software protection, biotechnology, and competition policy.

Intellectual Property and Business Organizations (6258)

Three hours. This course examines the role of intellectual property as a business asset by studying the critical events in a hypothetical business as it progresses from start-up to a terminating event such as bankruptcy, merger, or acquisition. Topics covered include: identifying intellectual property at the start-up phase; protecting intellectual property interests in the employment relationship; trade secrets; licensing; antitrust issues; intellectual property at the termination of a business; managing an intellectual property portfolio. Business Enterprise and Intellectual Property or instructor's permission are prerequisites or corequisites. Intellectual Property or two other intellectual property courses are recommended. In unusual circumstances when a student brings extensive business experience involving practice with intellectual property issues, these requirements may be waived with permission of instructor. Evaluation will be by exam and possibly with problem sets.

Intellectual Property Licensing (6212)

Two hours. This course focuses on intellectual property licensing, with a particular emphasis on the generation and identification of licensable rights, traditional and online licensing structures, underlying legal principles, international considerations, licensing in a standards body, and the terms of specific license agreements and their negotiation. We will explore licensing concepts and trends through current case law, relevant statutes, and selected articles. The course will include a specific discussion of licensing copyrights, trademarks, patents, technology, multimedia, software, and general online content.

International Banking and Finance (7213, 7313)

Two or three hours. Selected topics (which may vary from year to year) drawn from the following areas: the international monetary system and role of international financial organizations as related to private transactions; specialized problems of financing international business; and selective international financial transactions (e.g., exchange market operations, country lending, Eurodollar and Eurobond financing, international loan syndications, project financing, and international trade financing). Guest expert lecturers may be utilized. Often contains interdisciplinary and cross-cultural subject matter. Written exam and/or paper may be required.

International Business Transactions (7215, 8215)

Two hours. A basic course for U.S. and international students on fundamental legal problems encountered in international business. Course is particularly beneficial as a foundation course for the second-year student desiring to pursue the international law area or for the third-year student desiring only a survey of the area.

International Commercial Arbitration (6227, 6327)

Two or three hours. This class will provide reasonably in-depth coverage of the basic concepts and issues of international commercial arbitration. The student will review the arbitration rules of the primary institutions and the arbitration laws of the primary arbitration sites, and will draft basic arbitration clauses. This course will not deal with the topic of international litigation.

International Crimes (7356)

Three hours. The course focuses on the origins, development and growth of international crimes. It examines the juridical bases and processes by which objectionable or offensive conduct is transformed into an international crime. In this vein, it identifies the attributes and characteristics of international crimes and explores the practical as well as doctrinal problems relating to the regulation, prevention, control and suppression of this genre of crimes.

International Economic Law and Development (8319)

Two or three hours. Exam - GW option. This is a foundation course that enhances the understanding of international financial, monetary, trade and investment law and regulation and related economic development theories/policies in their current global setting, particularly as they directly impact 80% of the world population – that is, that of the Developing World. Against the constantly changing background of economic policy-making, this course examines economic and legal interaction among industrialized state, developing countries, international (e.g., UN economic functions, IMF and World Bank Group) and regional economic institutions (e.g., in Latin America and Africa) and private actors (e.g., multinational corporations,

international commercial financial institutions and non-government organizations. The primary aim of the course is to provide an overview of the legal and institutional foundations of the new evolving global international economic order. The course pays particular attention to the issues of sustainable economic development, stable financial systems, and alleviation of poverty in developing/emerging countries. It may cover issues such as the basic legal principles/doctrines governing international economic organizations, official development assistance, the UN Millennium Goals, the Washington Consensus v. the Monterrey Consensus, the WTO Doha Agenda for developing countries, South-South and North-South regional economic integration efforts, sovereign debt reduction and rescheduling, privatization development programs, development of appropriate economic legal and judicial infrastructures for development, and post-conflict economic reconstruction. This course should be of particular importance for domestic and international students seeking an international legal practice with private firms, international and regional bodies and domestic government and private bodies dealing with the international arena.

International Environmental Law (6276)

Two hours. An introduction to elements of international law that may regulate conduct affecting the global environment. The course will focus on a number of issues including emerging principles of international customary law, transboundary pollution, international trade in hazardous wastes, and the relationship between international trade and the environment.

International Franchising Law (7231)

Two hours. This course will address the topics to consider in internationalizing a franchise, both economically and legally. Each class period will be an in-depth look at either a step in the internationalization process or a major area of consideration before "going global." Special attention will be paid to the European Union as well as major emerging markets such as Eastern Europe, Middle East, China, South America, India and Asia. Topics will include structuring the franchise, tax, trade, intellectual property, mergers and acquisitions, and dispute resolution. This is an excellent course for anyone considering franchise law or international business as international franchising is the next big wave in the global economy, and a trend that will continue well past the foreseeable future.

International Intellectual Property (6226)

Two hours. When intangible property crosses imagined borders, it becomes subject to competing cultural concerns, economic interests, and protective regimes. This course focuses upon the international regulation of intellectual property and the resolution of disputes through institutions such as the World Intellectual Property Organization and the World Trade Organization, multinational and regional treaty agreements, and national responses. Policy issues include the perspectives of developing and industrialized countries, problems generated by emerging biotechnologies and the growth of cyberspace, and future trends in harmonization of IP protection.

International Law (Public) (6355)

Three hours. The basic course in public international law includes (with varying emphasis depending on teacher preference) such topics as: nature, history, and sources of international law; customary international law; law of treaties; the relationship between municipal law (especially of the United States) and international law; recognition and subjects of international law; law of the sea; air and space law; environmental law; human rights; jurisdiction; state responsibility; state succession; dispute settlement; and regulation of state use of force.

The International Law Review Association of SMU (6130, 8230, 8330)

Maximum credit, five hours. Law review experience involving preparation of comments on topics of current interest, notes on cases of significance, and editorial work incident to publication of *The International Lawyer*, *Law and Business Review of the Americas*, and *Yearbook of International Financial and Economic Law*. Students must be selected for participation before they may enroll. Available to J.D. students only.

International Litigation and Arbitration (7214, 7314)

Two or three hours. Examines practical aspects of private litigation involving a foreign element; includes comparative concepts of jurisdiction, service, taking evidence abroad, divorce, and enforcement of foreign nation judgments, as well as choice of law in contracts, torts, and decedent estates. Also explores arbitration as an alternative means of resolving transnational commercial disputes. Particular attention paid to relevant new treaties.

International Organizations Law (7355)

Three hours. The structure, status, and function of international organizations, especially the United Nations system and its related organizations, functional arrangements, peace and security, trade, economic and monetary matters, and human rights.

International Protection of Human Rights (6224, 6324)

Two or three hours. Selected topics, including the protection of individuals and groups against violations by governments and private institutions of their internationally guaranteed rights, and the promotion of these rights. Presentation and discussion of student papers may be required.

International Tax I (7216, 7302)

Two or three hours. A basic course for U.S. and international students focusing on foreign citizens, residents, and business entities conducting business or investment in the United States — so-called inbound transactions.

International Tax II (7255)

Two hours. A basic course for U.S. and international students focusing on U.S. citizens, residents, and business entities conducting business or investment outside the United States — so-called outbound transactions.

International Transactions: Western Hemisphere (6203, 6303)

Two or three hours. Basic legal dimensions of the key Western Hemispheric economic integrations efforts, including the North American Free Trade Agreement, CAFTA, LAIA, Andean Community and MERCOSUR, and their effects upon trade, investment, licensing, migration and law reform in the Americas. Consideration of the status and possible impact of the FTAA is also considered. Guest expert lecturers may be utilized. Written exam and/or paper may be required. Sometimes offered as a Writing Seminar.

Jurisprudence (7329)

Three hours. A survey of major theories of legal philosophy.

Juvenile Justice (7258)

Two hours. A study of juvenile delinquency as a social concept; law of delinquency; procedure in juvenile court, and the unique aspects of a lawyer's role in a delinquency case.

Labor Law (6360)

Three hours. Law regulating the employment relationship studied in connection with various forms of group conflict and organizational activity. The course covers rights and duties of individuals and institutions in the labor-relations context; concerted activity, including strikes, picketing, and boycotts; negotiation and enforcement of collective agreements; employee-union relations; and problems of jurisdiction and accommodation among courts, boards, and arbitrators. The course emphasis is on the substantive and procedural law of the Labor-Management Relations (Taft-Hartley) Act.

Land Use (6363)

Three hours. Planning; zoning; subdivision; takings; zoning and discrimination; and administrative process in public land use planning.

Law and Archaeology (6262)

Two hours. Law and Archaeology will explore legal aspects of scientific study of the prehistoric human past in its varied and dynamic manifestations. Topics will include archaeological excavations on land and underwater; the collection of artifacts and information; the scientific study of ancient human remains and cultural objects; the curation, preservation, and handling of sites, structures, and objects; the preservation and development of lands and surrounding landscapes; and the perspectives of—and interactions with—living indigenous culture groups, landowners, and other stakeholders in the material remains of the past, with an eye to both legal and ethical implications.

Law and Medicine — Bioethics (7330)

Three hours. The course focuses on the interplay between bioethics and law in the context of topics such as human reproduction, death and dying, and human experimentation.

Law and Medicine — Health Care (7420)

Four hours. An examination of the application of law and legal process to the resolution of problems and the development of policies relating to health and health care services. The course is intended to develop an understanding of the social, business, policy, and ethical implications of legal rules and procedures, as well as an understanding of how the law shapes the financing, organization, and delivery of health care in America. Topics usually include tax, antitrust, insurance, and tort law; medical and hospital licensure and accreditation; Medicare and Medicaid; and state and federal health care regulation.

Law and Medicine — Medical Malpractice (7233)

Two hours. An examination of the legal and economic aspects of medical malpractice, including elements of the prima facie case, defenses, and problems of proof. From time to time, the course also focuses on the potential liability of the individual practitioner and of health care institutions; tort reform legislation; the structure of insurance markets; negligent nondisclosure risks and treatment alternatives; forensic medicine and the use of medical and scientific evidence in the courtroom; and legal and ethical aspects of the professional-patient relationship.

Law, Literature, and Medicine (6205)

Two hours. This seminar provides law students and medical students an opportunity to read and discuss novels, poems, plays, and short stories concerning their two professions, including ethical dilemmas that are encountered in legal and medical practice and a variety of client and patient experiences. Readings will also focus upon the professional and academic aspects of the humanities in law and medicine. Students will have joint assignments and projects throughout the term and will be required to complete a research paper or comparable final project.

Law of Electronic Commerce and the Internet (7368)

Three hours. This writing seminar will look at the impact of new technologies on commercial transactions. Topics covered will include Web site development and hosting agreements; online payment systems including wholesale wire transfers and Internet payment systems; information and software licensing; and online contracting issues such as electronic data interchange, digital signatures, and electronic records in lieu of writings. Each student will write one paper over the course of the term and give a presentation in class based on that paper. Hands-on training in any necessary software or equipment is provided.

Local Government Law (6277)

Two hours. This course explores legal issues governing the formation and operations of cities and other local government units. Police powers, financing, employment, and governmental liability are examined. Constitutional, legislative, and judicial sources of power and control are analyzed. This course provides a foundation for legal and civic services.

Mass Tort Litigation (8217, 6317)

Two or three hours. A study of the unique procedural and substantive issues encountered by the courts in resolving multiple claims for tort damages arising from the same, or parallel, injury-producing conduct. The course will trace the efforts of the courts to resolve mass tort cases more efficiently through innovative use of procedural devices such as consolidation, multi-district transfer, and the class action. The course will also examine the difficulties of applying traditional principles of tort, evidence, and ethics law in the mass tort context.

Mediation Clinic (6328)

Three hours. For the clinical component, students will mediate two real cases, assigned to the clinic by a Dallas judge. The classroom component will continue throughout the semester, as students first study various mediation laws, techniques, and ethical requirements, and then plan and report on their mediation experiences. Students must be available during the daytime hours for mediation sessions. All students will also write a final evaluation paper analyzing and reflection on mediations.

Mental Health Law and Policy (6302)

Three hours. An examination of the history and current state of mental health law, the empirical research on the impact of mental health law on the lives of people with mental disabilities, and proposals for improving the law. (Paper required.)

Mock Trial (6183)

One hour. Participation as a member of a mock trial team representing the School of Law in one of several inter-school competitions in which the School of Law participates each year. One hour for each competition up to a maximum of two hours can be earned. *However, students must be selected for participation on a competition team by the faculty coach before they can enroll for credit.*

Moot Court (Advanced) (6176)

One hour. Participation as a member of an appellate advocacy team representing the School of Law in one of several inter-school competitions in which the School of Law participates each year. One hour for each competition up to a maximum of two hours can be earned. *However, students must be selected for participation on a competition team by the faculty coach before they can enroll for credit.*

Moot Court Board (6177)

One hour. Satisfactory work as a member of the Moot Court Board. Maximum of one hour credit. Students must be selected. Students who are selected to draft the Jackson Walker moot court problem and briefs may be eligible for an additional one hour credit, which will count toward the General Writing requirement.

National Security and Criminal Law Enforcement (6270)

Two hours. This class will examine special problems arising in the investigation and prosecution of white-collar crime, organized crime, cybercrime, and terrorism. We will discuss whether newer, more complex crimes have fundamentally altered the balance of security and civil liberties in constitutional criminal procedure. We will also study the ways in which advances in science and technology have enabled law enforcement to respond to the special challenges posed by complex crimes. Finally, we will examine whether current criminal procedure laws effectively regulate law enforcement's use of science and technology. Students taking this course may not take Perspectives on Counterterrorism.

Negotiations (7285)

Two hours. The purpose of this course is to introduce the student to legal negotiation theory and practice and to prepare the students as lawyers to engage in the negotiation process. While the course will cover all major areas of negotiation theory (interest-based, cooperative-competitive, aggressive-competitive, etc.), a major goal is to expose the students through practical skills exercises to the various contrasting approaches to negotiation and allow the student to determine the style and approach that best fits the student's personality in the context of legal conflicts likely to be encountered after law school. The course is designed to provide students with the fundamental skills, knowledge and actual experience in real negotiations to lay the foundation for future lawyers to develop and hone their negotiation skills through continuing practice and experience after conclusion of the course.

New Media & the Digital World (7232)

Two hours. This course is an overview covering the laws that apply to new media applications and technologies. The course will review traditional media concepts, but with a primary focus upon intellectual property, communications and regulatory law and other aspects of conducting business in the new media world. The intent is to create an understanding of the wide range of issues these new technologies cover, rather than a concentration in one particular area. The course will serve as a complement to students concentrating in intellectual property, media communications and U.S. Constitutional Law.

Oil and Gas (6378)

Three hours. Ownership in oil and gas; correlative rights and duties in a common reservoir; instruments conveying mineral interests; partition; pooling and unionization. Special emphasis on the rights and duties of

the oil and gas lessee and lessor in leasing transactions.

Oil and Gas Contracts: Domestic and International (7269, 7369)

Two or three hours. A survey of basic oil and gas contracts used in exploration and production operations both in the United States and internationally. Included in the coverage are support agreements, farmout agreements, operating agreements, gas contracts, gas balancing agreements, division orders, concessions, production sharing, participation agreements, and technical agreements. The focus of the course is upon both fundamental principles and current issues. Drafting solutions and alternatives are explored.

Oil and Gas Environmental Law (7264)

Two hours. A study of environmental law as it applies to the oil and gas extraction, processing, refining and transportation segments of the energy industry, with emphasis on common law and solid waste issues.

Partnership Taxation (7392)

Three hours. The formation of partnerships, taxation of partnership income, special allocations, elective basis adjustments, distributions, liquidations, retirements, transfers of partnership interests, and family partnerships.

Patent Law (6280)

Two hours. The course provides an introduction to patent and trade secret law for the protection of inventions, technical know-how, and other proprietary intellectual property. Procedures and approaches to protecting high technology, such as computer software, integrated circuitry, and genetic engineering are included. The course includes the law and procedure of developing the rights, as well as licensing and litigation aspects. Trademark law is briefly covered. A technical background is not a prerequisite for the course.

Patent Licensing and Enforcement (7262)

Two hours. A study of issues regarding the licensing and enforcement of patents. The first half of the course analyzes in depth the structure of a patent licensing agreement; the second half explores enforcement of patent rights in federal court.

Payment Systems/Negotiable Instruments (9301)

Three hours. An overview of the law of negotiable instruments, the bank collection system for checks, and modern forms of payment such as wire transfers. Special emphasis is placed on UCC Articles 3, 4, and 4A, as well as on selected federal regulations.

Perspectives of American Business Law (7277)

Two hours. A survey of American business laws for international LL.M. students. Selected topics may be drawn, from year to year, from the laws of agency, partnership, corporation, securities, antitrust, bankruptcy, and business taxation, and are taught from the perspective of assisting non-U.S.-trained lawyers to draw comparative and practical lessons and otherwise to enrich these students upon their return home. Enrollment is limited to international LL.M. students.

Perspectives of the American Legal System (7293)

Two hours. This course is required for and designed to provide international graduate students with an introduction to the U.S. legal system. The primary emphasis of the course is to examine the nature of the U.S. judicial system, the common law system of case law development, and trial and appellate processes. The interrelationship of law and U.S. society is explored. The course further attempts to develop basic U.S. legal writing, research, and exam-taking skills. The course is taught in the fall term. Enrollment is limited to international LL.M. students.

Perspectives on Counterterrorism (7334)

Three hours. Acts of terrorism, committed against the state by non-state actors, are not new. From a lawyer's point of view, what is new about the state's repertoire of responses to them? What are the constants and what are the variables that influence a state's recognition, definition, and reaction to real or perceived threats to the state's core responsibility for domestic security? By what standards should state action be assessed? And what role should law and lawyers play during such extraordinary times? This course will take an insistent interdisciplinary and occasionally comparative approach to these and other legal issues in America's "war on terror." Readings will be drawn from familiar legal sources, but also from works of history, the social sciences, and literature. Students taking this course may not take National Security and Criminal Law Enforcement.

Private Litigation: Problems in Antitrust (8280)

Two hours. This course will take up issues common to most private antitrust litigation. It will include an examination of substantive antitrust standards, as well as procedural complexities and the practicalities of assembling evidence sufficient to sustain or defeat antitrust claims.

Products Liability (6279, 6379)

Two or three hours. Study of the development of the concept of recovery for injuries caused by products; survey of civil actions for harm resulting from defective and dangerous products; study of problems associated with hazard identification and the process of evaluation of risk; government regulation on dangerous and defective products; and current and pending legislation dealing with injuries and remedies in specific areas.

Psychiatric and Psychological Evidence (8382)

Three hours. This limited enrollment class is team taught by Professor Daniel Shuman and Dr. Randall Price, a forensic psychologist. The purpose of the class is to gain experience in presenting and challenging psychiatric and psychological expert testimony in judicial proceedings. It is a limited enrollment class designed to accommodate 10 law students and 10 graduate psychology students or psychiatry residents. The law students and psychology students or psychiatry residents are paired in teams to prepare for and participate in a mini-trial during the last portion of the class.

Real Estate Transactions (7326)

Three hours. Transfer, finance, and development of real property; the real estate sales contract; the duties and remedies of sellers, purchasers, and brokers; conveyancing; title protection, including recording laws, the mechanics of title search, clearing titles, and title insurance; real estate finance, including mortgages and federal programs; condominiums, cooperatives, and shopping centers. Some emphasis on Texas law.

Regulation of Securities and Commodities Markets (6288)

Two hours. A study of the securities laws as they relate to the securities industry itself. Attention will focus on the roles of broker-dealers, investment advisers, and stock exchanges within the scheme of self-regulation under federal law, and on activities of underwriters and specialists. Problems addressed will include broker-dealer duties and liabilities to customers, market manipulation, price stabilization, margin regulations, and competition in the industry. (Paper or examination.)

Religion, Law and Society (7379)

Three hours. Law often reflects the religious beliefs of the society in which it develops. The content of law, concepts of legal and political authority, and ideas about personal responsibility frequently derive from religious sources. Over time, however, law also tends to separate church from state and rights of citizenship from religious affiliation. Modern Western states have evolved in the direction of a tolerant, diverse religious pluralism. The question thus arises whether religious ideas have any role in making and applying law today. Is it morally appropriate or legally permissible to use religious ideas and arguments in determining how to apply the law or in deciding what the law should be? What kind of public influence do religious traditions seek? What opportunities and constraints does constitutional government provide for their participation? This course will consider a variety of religious thinkers, legal scholars, and political theorists with a view to enabling students to form their own critical judgments about the use of religious ideas and themes on public life.

Sale of Goods Transactions (6289, 6389)

Two or three hours. An introductory survey of the law of sales under the Uniform Commercial Code: particular emphasis on Article 2; contract formation; parole evidence rule; statute of frauds; risk of loss; receipt and inspection; acceptance, revocation; warranties; remedies of buyer and seller; remedy disclaimers and limitations; documentary transactions; consumer protection.

Secured Transactions (7325)

Three hours. An introductory survey of the law governing security interests in personal property, with particular emphasis on Article 9 of the Uniform Commercial Code and the Bankruptcy Code.

Securities Litigation and Enforcement (7276, 7376)

Two or three hours. A comprehensive study of public and private actions under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Advisors Act of 1940. Special attention will be paid to the implication of causes of action, the elements of each cause, vicarious liability, the liability of attorneys, accountants, and directors, the peculiarities of civil procedure as applied to securities litigation and damages. The course will also study non-damage actions, including SEC enforcement proceedings, criminal actions, contempt proceedings, and state actions. (Papers required.)

Securities Regulation (7375)

Three hours. A study of the securities laws (primarily federal but also state, especially Texas) and of the activities and industry they govern. The principal emphasis is on the regulation of issuance, sale, resale, and purchase of securities, and on the disclosure requirements generated by the registration, reporting, proxy, tender, and antifraud provisions. Other important subjects are civil liability (express and implied), government enforcement, exemptions from registration (especially private placements), insider trading, and the meaning of "security." Also treated are the functions of the SEC and of state securities administrators. Broker-dealer and market regulation may be covered if time permits.

Selected Problems in Antitrust Law (7383)

Three hours. Seminar in antitrust law that will consider topics not covered or not emphasized in the basic antitrust course. Content may vary but could include private antitrust enforcement, patent law and antitrust, antitrust exemptions and immunities, and extraterritoriality and foreign antitrust law.

Selected Topics in Commercial Law (6304)

Three hours. Each student will submit a seminar paper on a topic that addresses how a particular area of domestic US commercial law relates to international transactions. These areas include international sales, letters of credit, carriage of goods, international wire transfers, and cross-border insolvency.

Sentencing and the Death Penalty (7354)

Three hours. An examination of the role of sentencing in the criminal justice system, contrasting sentencing models and ranges of authority. Includes study of alternatives to incarceration in light of criminal

justice philosophies, scarce resources, and political support. Exploration of the decision-making process, the use of sentencing guidelines, and *habeas corpus*. Also includes examination of the death penalty from historical and contemporary perspectives, justifications for it, evolution of constitutional standards for its imposition, review of empirical data on deterrent effect and demographic distribution of death sentences, modes of execution, access to review of sentences, and state-federal relations.

Small Business Clinic

Two hours. Many small businesses have a wide range of legal issues. Student attorneys will assist small businesses and non-profit organizations with various legal matters that these entities face. Student attorneys will advise clients in the start-up of their business and assist in preparing necessary legal documents. The student attorneys will also form and give advice to non-profit organizations. Student attorneys will learn how to deal with clients involving transactional business law. Student attorneys will have a hands-on experience of representing clients in a wide variety of business issues. For many of our students this will be their first time to practice law and have an experience dealing with clients.

SMU Law Review Association (6100, 6200, 6300)

Maximum credit, five hours. Preparation of comments on topics of current interest, notes on cases of significance, and editorial work incident to publication of the *SMU Law Review* and the *Journal of Air Law and Commerce*. Students must be selected for participation before they may enroll. Available to J.D. students only.

SMU Science and Technology Law Review (9115, 9215, 9315)

Maximum credit, 5 hours. Law review experience involving preparation of comments on topics of current interest, notes on cases of significance, and editorial work incident to the publication of the *SMU Science and Technology Law Review*. Students must be selected for participation before they may enroll. Available to J.D. students only.

Sports Law (7273)

Two hours. A study of the legal and business structure of professional and amateur sports, including an overview of the development of the professional sports industry, an examination of the basic agreements controlling professional sports, representation of professional athletes, the role of labor unions in professional sports, sports league governance and decision-making, sports media issues, and amateur athletic associations. Consideration is given to the various constituencies within professional and amateur sports, the extent to which they have different interests, and the legal framework within which they seek to advance those interests.

State and Local Taxation (6293)

Two hours. Selected problems in state and local taxation of individuals and corporations with particular reference to property, sales, and income taxes. Problems of constitutional authority, intergovernmental conflict and cooperation, economic impact, and administrative review processes.

Structured Finance (8207)

Two hours. Structured Finance is the design of financing solutions so as to resolve particular issuer or investor problems that cannot be solved by conventional methods. This course will be taught through lecture, class discussion, guest speakers, and group work on case studies. It will focus on identifying situations that call for nonstandard corporate finance solutions, the design and pricing of these financing instruments, the legal and regulatory issues involved with such instruments, and legal counsel's responsibility in understanding and addressing the ramifications of such issues. This course is a survey course, designed to cover a broad array of structures and structured finance products. The emphasis will be on the more commonly securitized assets and the more commonly utilized structures. The course will not require any significant quantitative analysis, but will instead focus on the legal and regulatory aspects of the structured offerings. While accounting and tax issues will be addressed, they will be covered from a legal perspective; no prior accounting experience is required for this course. The course material will touch on many areas of law, but there are no specific prerequisites for this course.

Tax Accounting (7227, 6393)

Two or three hours. Timing of income and deductions for federal income tax purposes, including accounting periods, the cash receipts and disbursements and accrual methods, installment sales, interest income and deductions, time value of money provisions, depreciation, and recapture.

Tax Practice and Professional Responsibility (7294)

Two hours. Incorporates federal tax research and writing, as well as the parameters of professional responsibility in the context of the three main aspects of federal tax practice: planning, reporting, and representation in controversies.

Taxation and Fiscal Policy (7284)

Two hours. The interaction between budgetary demands and revenue policy; equity and fairness of taxation; effect of taxation on business activity; social, political, and economic implications of the tax structure.

Taxation of Deferred Compensation (7290)

Two hours. Income, estate, and gift tax law relating to various deferred compensation plans, including profit-sharing, stock bonus, and pension plans; qualified and non-qualified stock options; deferred compensation contract; and restricted property. Corporate, securities, labor, and community property law are

considered where appropriate.

Taxation of Professional and Closely Held Corporations (7271)

Two hours. Organization, operation, and termination of a professional or other closely held corporation; income tax and estate planning considerations of employee compensation programs including health and medical plans, qualified retirement plans, and other employee benefits; income and estate tax planning for departure of a principal, including buy-sell agreements; comparison of Subchapter C and Subchapter S corporations and unincorporated forms of business.

Taxation of Property Dispositions (7291)

Two hours. A survey of property transaction taxation including realization events, amount realized, basis rules, nonrecognition exchanges, losses, characterization rules, debt and security transactions, and mortgaged property transactions.

Texas Criminal Procedure (7239, 7339)

Two or three hours. A study of the Texas Code of Criminal Procedure and its implementation in the Texas courts from the point of arrest through the appellate stage of the proceedings.

Texas Matrimonial Property (6395)

Three hours. The Texas law of marital property; its characterization as separate or community property; its management and liability; and its division on dissolution of marriage by annulment, divorce, or death of a spouse with special attention to the family home and other exempt property.

Texas Pretrial Procedure (7385)

Three hours. Texas civil procedure prior to trial, including establishing the attorney-client relationship; the pre-litigation aspects of civil controversies; jurisdiction; service of process; pleading; joinder of parties and claims; venue; *res judicata* and related principles; discovery; summary judgment practice; and settlement.

Texas Trial and Appellate Procedure (7386)

Three hours. Texas civil procedure from the commencement of trial through appeal, including selection of the jury, presentation of the case, motions for instructed verdict, preparation of the jury charge, motions for judgment notwithstanding the verdict and for new trial, rendition of judgment, and perfection and prosecution of civil appeals through the courts of appeals and supreme court.

Trademark and Business Torts (6397)

Three hours. An examination of common law and statutory remedies for a variety of trade practices denominated "unfair," including misappropriation, the right of publicity, and trade secret protection; trademarks; copyrights; deceptive advertising; and issues of federal preemption. The course will also examine the role of the Federal Trade Commission with respect to unfair and deceptive practices, with emphasis on its regulation of advertising.

Trial Advocacy (7496)

Four hours. Enrollment is limited. An intensive course in trial tactics, techniques, and advocacy, emphasizing the practice of the separate components of a trial: direct examination, objections, cross-examination, use of rehabilitative devices, examination of expert witness, jury selection, opening statements, and closing argument. At the end of the term each student acts as co-counsel in a full trial. Video tape recording is used for critiquing student performance throughout the term.

Trail Techniques I (6120)

Two hours. This introductory trial techniques course offers students a unique opportunity to learn fundamental trial skills against the backdrop of studying real trials. For example, through the study of video footage and trial transcripts, students will examine trial techniques as they were executed in the O.J. Simpson civil and criminal trials and the Timothy McVeigh trial. Students will get to study one of the greatest opening statements ever given: the prosecution's opening in the McVeigh trial. Likewise, students will see unforgettable video footage of the execution of specific trial techniques in the Simpson criminal trial. Such footage includes F. Lee Bailey's cross-examination of Mark Fuhrman, Christopher Darden's direct examination of a key witness, and Johnnie Cochran's closing argument. The course is taught by Assistant U.S. Attorney Shane Read who is also an author of a new trial advocacy textbook, *Winning at Trial*. Grades will be based on student performances throughout the semester (i.e. opening statement, direct examination, cross-examination, and closing argument) and class participation. Preclusions: This course is an alternative to Trial Advocacy for students who are interested in a trial skills class but who do not have time to devote the four hours required for the full course. There is nevertheless substantial overlap, such as opening statement, direct examination, cross-examination, and closing argument. However, in addition to the subjects covered in this class, Trial Advocacy includes voir dire, impeachment, the introduction and utilization of exhibits, and a final full jury trial downtown. Students who have taken Trial Advocacy may not take this class, and students who take this class may not take Trial Advocacy.

White Collar Crime (7205, 7305)

Two or three hours. This is an advanced criminal law course that covers the substantive law of federal white collar crime including conspiracy, mail fraud, RICO, public corruption, money laundering, financial institution fraud, tax fraud, and environmental crime. The course will also address issues of corporate and executive criminal liability and parallel civil/criminal proceedings.

Wills and Trusts (6495)

Four hours. Functional examination of state and interstate succession; execution and revocation of wills;

testamentary capacity, undue influence, mistake, and fraud; failure of devises and legacies; creation of express trusts; resulting and constructive trusts; spendthrift trusts; charitable trusts; rights, duties, and powers of settlers, trustees, and beneficiaries of trusts; liabilities of trustees to third persons; termination of trusts; class gifts; powers of appointment; rule against perpetuities; administration of estates and trusts; principal dispositive instruments employed in the wealth transfer process; role of taxation; and drafting of instruments.