CURRENT CURRICULUM

Elective Courses:

**ACCOUNTING FOR LAWYERS, 2 credits**

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<thead>
<tr>
<th>Enrollment Limit: 25</th>
<th>Course Requirement: exam</th>
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Fulfills Concentration Elective: Business Law

This course introduces basic accounting concepts that are relevant in problems relating to taxation, corporations, and other business areas. Topics include an introduction to accounting records and procedures, and the preparation and analysis of financial statements. The course is restricted to students who have not had any undergraduate accounting.

**ADJUDICATION: The Judicial Process, 2 credits**

Course Requirement: exam

Fulfills Concentration Elective: Criminal Law

Introduction to the judicial process and its many dimensions, including legal philosophy, jurisprudence, the common law, statutory and constitutional construction, precedent, decision making theory, burdens of proof, standards of appellate review and other concepts. Our study of the adjudication process is thoroughly covered by the required texts, which include writings by leading jurists and scholars of American law. We will explore essential principles of adjudication during our lectures and class discussions. The course will draw upon the practical experiences of the adjunct professor as trial and appellate judge, appellate law clerk, and trial lawyer.

**ADMINISTRATIVE LAW, 3 credits**

Course Requirement: exam

Fulfills Concentration Elective: Civil Litigation, Energy & Environmental Law, Government & Public Interest Law, Health Law & Science, Labor & Employment Law

This course examines all aspects of the federal administrative process with special emphasis upon constitutional concepts. Topics covered include: agency powers, delegation, rule-making, right to a hearing, judicial review, agency hearing processes and controlling agency discretion.

**ADVANCED CONSTITUTIONAL LAW: CURRENT ISSUES, 2 credits**

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<th>Enrollment Limit: 16</th>
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Prerequisite: Constitutional Law I & II

Course Requirement: paper and exam

Fulfills Concentration Elective: Government & Public Interest Law

In this seminar, we read, discuss and evaluate recent Supreme Court opinions dealing with significant constitutional questions, primarily those involving the Bill of Rights.
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<thead>
<tr>
<th>Course Title</th>
<th>Credits</th>
<th>Enrollment Limit</th>
<th>Prerequisites</th>
<th>Course Requirement</th>
<th>Satisfies Requirements</th>
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<tbody>
<tr>
<td>ADVANCED LEGAL REASONING, 2 credits</td>
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<td>writing assignments and/or in-class exam</td>
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<td>This course is designed to provide in-depth training in legal reasoning for law school exams, the bar exam, and practice. It is a two-credit course offered in the day and evening division of the fall semester only. Students will receive guidance and feedback on all written work from the professor about ways to improve their legal reasoning skills. Due to the number of written assignments and extensive individual feedback provided, enrollment is limited. The target audience is second year students. This course is required for students in the bottom ¼ of their first year class.</td>
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<td>ADVANCED LEGAL WRITING: LEGAL DRAFTING, 2 credits</td>
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<td>12</td>
<td>Legal Research &amp; Writing I &amp; II</td>
<td>paper</td>
<td>Upper Level Writing requirement OR Professional Skills requirement</td>
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<td>This seminar is intended to build on the foundation resulting from the two required first-year Legal Research &amp; Writing courses and introduces new drafting skills and new research techniques. The course theme is how lawyers work with legislation and regulations. Students will prepare various types of correspondence, including a job letter, client letter, and a demand letter; will prepare a trial court memorandum in support or opposition to a motion in limine; and will do short exercises that will require the rewriting and editing of portions of statutes. The final paper assignment (worth 50% of the course grade) will require the drafting of a state or federal statute, local ordinance, university or law school policy statement, set of state or federal regulations, or similar rule-based document (such as sports rules) on a topic of the student’s choice. Several papers for this course have resulted in actual legislation or have been published. This course also prepares students well for the Pennsylvania and Multi-State Performance Test, by covering the types of documents likely to be assigned on the test. Requires approval of professors to be taken with PA Legislative Process and Drafting.</td>
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<td>ADVANCED LEGAL WRITING: LAW AS A LITERARY PROFESSION, 3 credits</td>
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<td></td>
<td>paper</td>
<td>Upper Level Writing requirement</td>
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<td>This course, which is divided into two parts (Law in Literature &amp; Law as Informed by Literature), will foster an appreciation of law as a literary profession and the obligation of every lawyer to commit to a lifetime of reading, writing, learning and professionalism through the study of various literary texts. Readings will include classic works by Franz Kafka, Harper Lee, and Herman Melville, as well as contemporary authors, such as John Grisham, Saul Bellow, and modern judges and scholars. Topics covered during the first part include the depiction of law, the legal system and the role and humanity of lawyers in literature. Topics covered during the second part include the role of literature and narrative techniques to enhance persuasion. As part of this course, students will complete five short essay assignments, one creative writing assignment, and a substantial scholarly paper involving a topic of choice based on a text authorized by the Professor. The scholarly paper, which may be used to satisfy the Upper Level Writing Requirement, is worth 50% of the course grade (allocated as 35% for the final written paper and 15% for the oral presentation of the “work in progress” mid-semester). No previous background in the study of literature is required and certain class sessions will be devoted to reviewing the process of researching and writing a scholarly paper.</td>
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ADVANCED LEGAL WRITING: LAW FIRM SIMULATION, 3 credits

ACTIVE, Elective

Enrollment Limit: 16
Formerly: ADVANCED LEGAL WRITING: WRITING IN LAW PRACTICE
Prerequisite: Legal Research & Writing I and II
Satisfies Upper Level Writing requirement OR Professional Skills requirement/Experiential Learning requirement
Fulfills Concentration Elective: Civil Litigation

Through a substantive assignment vehicle, students will participate in the evolution of a relatively simple civil case and learn the basics of pretrial litigation practice from client intake through negotiation and settlement. Students will be exposed to the rigors and ethics of law practice and will be required to draft many of the documents routinely encountered by new law firm associates during the pretrial litigation stage (including client letters, initial pleadings, discovery, a motion brief and settlement documents) and, in so doing, will learn the importance of time management through the use of billable hours. The class will meet once a week for two hours. The third hour of class each week will be conducted in the “flipped” classroom model, where students will engage in class in an asynchronous online environment that will primarily focus on advanced legal research techniques. Successful completion of this class may result in completion of the portfolio requirement for the Civil Litigation Concentration and may result in completion of the upper-level writing requirement.

AGENCY, 2 credits

Enrollment Limit: 25
Course Requirement: take-home exam
Fulfills Concentration Elective: Labor & Employment Law

This course involves the study of the legal consequences that arise from the agency relationship, a relationship in which one person acts on behalf of another. Topics covered include creation of the agency relationship; the nature of the agency relationship; the concepts of principal, agent, master, servant, and independent contractor; scope of employment; authority; rights and liabilities of principals and agents in relation to third parties; and rights and liabilities of the types of principals and agents to one another.

ALTERNATIVE DISPUTE RESOLUTION, 2 credits

Enrollment Limit: 25
Course Requirement: class projects; no exam
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Civil Litigation, Family Law, Government & Public Interest Law, Labor & Employment Law, Religion & Moral Life

This course is a survey of various dispute resolution processes, including negotiation, mediation, arbitration and hybrid processes. This two (2) credit course is designed for those who anticipate using ADR while representing clients as well as those who are interested in serving as neutrals in one or more ADR processes. While the course will involve discussion of dispute resolution theory, the focus will be on skills training, ethics and the use of ADR problem-solving. (Students who have registered for Judgment and Decision Making for Lawyers cannot register for this course.)
ANIMAL LAW, 2 credits
Fulfills Concentration Elective: Government & Public Interest Law
Satisfies Upper Level Writing requirement (beginning Summer 2017)

Animal Law is a dynamic and growing subject of legal inquiry that frequently intersects with traditional legal subjects including Constitutional Law, Property Law, Family Law, Tort Law, Criminal Law and even Contract Law. This course will explore federal, state, and international law pertaining to animals of all kinds, including companion animals, domestic animals, and wild animals. In connection with our survey of the law, this course will explore the societal framework and assumptions that explicitly or implicitly influence laws and decisions dealing with animals. Additionally, we will consider the practical implications of animal law, and how, with increasing frequency, it is affecting the day-to-day practice of lawyers in Pennsylvania and around the country. Students taking this course have the opportunity to complete their Upper Level Writing Requirement.

ANTITRUST, 3 credits
Fulfills Concentration Elective: Business Law, Government & Public Interest Law, Health Law & Science

A comprehensive coverage of antitrust and trade regulation law, including monopolization, horizontal and vertical restraints, price and territorial arrangements, mergers, tying arrangements and exclusive dealing, patents and the antitrust laws, and price discrimination and discrimination in services and facilities to customers, as provided in the Federal Sherman, Clayton, Celler-Kefauver and Federal Trade Commission Acts and under statutory and common law precedents in many states. Trade regulations affecting foreign commerce, as well as domestic commerce, will be considered including provisions in effect in other countries such as, for instance, in the European Economic Community under the Treaty of Rome.

APPELLATE MOOT COURT I, 1 credit
PASS/FAIL
Prerequisite: Students must have been selected for membership on the Appellate Moot Court Board.
Course Requirement: projects
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Civil Litigation, Criminal Law, Family Law, Labor & Employment Law

This course is required for all new members of the Appellate Moot Court Board. This course focuses on appellate brief writing and oral advocacy to prepare students to participate in extramural moot court competitions. This course provides advanced instruction on legal research, persuasive writing, the record on appeal, the rules of the Supreme Court of the United States (which govern most extramural competitions), and professionalism. While the focus of the Course is on appellate advocacy, students will also learn skills related to client counseling and alternative dispute resolution.

APPELLATE PRACTICE AND PROCEDURE, 2 credits
Enrollment Limit: 25
Course Requirement: paper
Fulfills Concentration Elective: Civil Litigation, Criminal Law, Government & Public Interest Law

This course will address significant issues in appellate practice and procedure in Pennsylvania, using as a guide the Pennsylvania Rules of Appellate Procedure. The purpose of the course is to educate about the both the substantive and procedural issues and traps inherent in appellate practice in Pennsylvania. The course overviews the unified judicial system and the constitutional and statutory basis for each appellate court in Pennsylvania and the powers enjoyed by each of them. Then, specific subjects in both the criminal and non-criminal appellate arenas will be examined. Who may appeal? What is a final, interlocutory or collateral order? When may the appellate court exercise jurisdiction? When is an issue
Mediation is becoming part of the legal process in civil and family cases, with courts and legislatures increasingly mandating alternative dispute resolution prior to trial. The goals of mediation are to save time, expense, and stress of a trial, protect the parties' privacy and autonomy, and, in family, cases, protecting children and families from the adversarial process. This course explores history and theory of conflict management and provides skills training in mediation for students considering this field of practice or desiring improved negotiation skills. In addition to interactive lectures, videos, and exercises, students will participate in a variety of role play scenarios to build practice skills and techniques. Students successfully completing the course will receive a certificate in basic resolution training.

This course offers an introduction to the Federal Bankruptcy Code. Elements common to consumer and business bankruptcies will be reviewed. The course will explore qualifications for bankruptcy, the claims allowance process, discharge, the automatic stay, as well as issues of procedure and jurisdiction. Further, State law issues of collection practice will be studied as they interact with the Code.

An introduction to the policies and theories underlying the law of federal income taxation and to the fundamental concepts of individual income taxation. Primary emphasis is given to the definition of gross income and to the tax consequences associated with the acquisition and disposition of property.

The Duquesne Business Law Journal is a bi-annual publication, which focuses on topics currently affecting the world of business, evolving Supreme Court case law, and influential persons in the business community. The published articles are written by law students, faculty, alumni and practicing attorneys throughout the City of Pittsburgh.
BUSINESS PLANNING, 2 credits
Enrollment Limit: 45
Course Requirement: exam
Fulfills Concentration Elective: Business Law, Tax & Estate Planning

An advanced course involving the application of partnership, corporation, securities and tax law in the analysis and solution of factual business problems such as selection of the business entity, organization of a corporation, redemption of stock, liquidation and dissolution of a corporation, purchase and sale of a business, and acquisition of a corporation by merger or purchase of stock or assets. The course will stress planning and counseling.

BUSINESS PLANNING: AN ENTREPRENEURIAL FINANCE TRANSACTION SIMULATION, 3 credits
Enrollment Limit: 12
Prerequisite: Corporations I or Corporate and Partnership Law
Corequisite: Corporations II or Advanced Corporate Law & Business Entities
Course Requirement: assignments
Satisfies Professional Skills requirement/Experiential Learning requirement

Business Planning: An Entrepreneurial Finance Transaction Simulation integrates rigorous coursework, simulated practice experiences, real-world exposure and high-level networking opportunities to teach you how to form, advise, govern, manage and lead the innovative new ventures that will drive tomorrow’s global economy. This course counts toward the Transactional Business Law concentration and meets ABA simulation course requirements.

CANON LAW, 2 credits
Course Requirement: paper
Fulfills Concentration Elective: Family Law, International & Comparative Law, Religion & Moral Life

This course studies the 1983 Code of Canon Law of the Roman Catholic Church and its history. This course begins with the theological and philosophical underpinnings of the 1983 Code. Then it considers the general norms of Canon Law, the canons on the Apostolic See, the hierarchy, religious orders, dioceses, parishes, the sacraments, marriage, annulments, church property, ecclesiastical crimes and church trials. The course also relates canonical norms to the civil law on a comparative basis.

CAPSTONE COURSE: LAWYERING SKILLS, 2 credits
PASS/FAIL
Course Requirement: projects
Fulfills Concentration Elective: Civil Litigation

This course will provide third-year and fourth-year students moving toward completion of their Juris Doctor degrees with the opportunity to understand how the substantive knowledge they have acquired translates to the actual practice of law through skills training and experiential learning presented by prominent members of the bench and practicing bar. The course is divided into a nine-week segment that will provide an overview of law firm structures and the business of practicing law, followed by a three-week specialty segment, where students will break into specialty subject groups that include Civil Litigation Practice, Practice, and Business Law Practice. The final two weeks of the course will be devoted to solo law practice and student reflection on their learning experience.
**CHILDREN AND THE LAW, 3 credits**

Enrollment Limit: 12  
Course Requirement: take-home exam or paper  
Fulfills Concentration Elective: Family Law, Government & Public Interest Law

This course examines the legal rights (and not infrequent competing interests) of parents and children and the State’s authority to regulate those interests and define the parent-child relationship. Among the topics discussed are children’s and parents’ rights of expression and religious exercise, parent-child privacy, liabilities and limitations on autonomy, education including trends in anti-bullying laws and policy, economic relationships, foster care and “aging out” of state care, children living with life-limiting conditions, fertility preservation and legal issues raised by assisted reproduction impacting children’s interests, child poverty and homelessness, status offenses and juvenile curfews, child misconduct and the juvenile justice system, and the role of counsel and representation of children. In relation to the various topics, we will also consider the ways that ‘childhood’ is constructed by the law, aspects of childhood that are ignored by that legal construct, and the ways the construction could be challenged and changed. In addition, we will examine scientific and social science literature on child development and its application by legislatures and courts.

**CLIMATE CHANGE LAW, 2 credits**

Enrollment Limit: 12  
Course Requirement: paper  
Fulfills Concentration Elective: Energy and Environmental Law, Government and Public Interest Law, International and Comparative Law

This course will explore climate change laws, regulations, and policies. The first part of the course will focus on US law, the second part will discuss global regulation of climate change. Thus, the course will begin with an overview of the causes and effects of climate change and the methods available to mitigate and adapt to it. Then, the course will examine how the US addresses the need to incorporate climate change into laws and regulations. Doctrinal instruction focusing on the Clean Water Act, the Clean Air Act, the National Environmental Policy Act, the Endangered Species Act, and relevant energy laws will provide the framework for the first part of the course. Next, the course will examine the United Nations Framework Convention on Climate Change, its Kyoto Protocol, and successor policies. Throughout the semester, the class will evaluate the various legal tools that are available to address climate change, including cap-and-trade schemes, carbon taxation, command-and-control regulation, litigation, information disclosure, and voluntary action. Emerging policy considerations about geoengineering, “green washing,” and urban greening will also be discussed.

**COMMERCIAL USE OF INTELLECTUAL PROPERTY, 2 credits**

Prerequisite: Fundamentals of Intellectual Property  
Course Requirement: exam  
Satisfies Professional Skills requirement  
Fulfills Concentration Elective: Intellectual Property

The course focuses on the applied use of intellectual property rights and the protection and enforcement of those rights in both a commercial context and in litigation and prelitigation settings. Special emphasis will be placed on: the management and strategic use of IP portfolios by businesses; intellectual property concerns in the field of information technology; patent trademark, and copyright infringement, including cease and desist letters and claim construction issues in patent cases; handling of IP issues in mergers and acquisitions; and other practical considerations of using and protecting intellectual property in the marketplace.
CONFLICT OF LAWS, 2 credits
Course Requirement: exam
Fulfills Concentration Elective: Civil Litigation

An examination of legal problems with multi-state or international aspects. Attention is given to newly developing theories of jurisdiction, recognition and effect of foreign judgments, and rules of decisions applicable in conflict controversies.

CONSTRUCTION LAW, 2 credits
Enrollment Limit: 25
Course Requirement: exam
Fulfills Concentration Elective: Business Law, Real Property

This course will consider the law pertaining to the construction contracting process, including formation of the contract, administration, claims, dispute resolution, mechanics’ liens and constructions bonds, with particular emphasis on Pennsylvania law.

CORE COMPETENCIES FOR LEGAL PRACTICE I, II 2 credits each semester
Course Requirement: exam

This course is designed to provide students with the substantive knowledge, skills training, and critical legal reasoning required to succeed as newly admitted attorneys, and on the bar examination. The course covers core legal concepts in the following subject areas: in the fall semester course (criminal law, criminal procedure, evidence and constitutional law); and in the spring semester course (contracts, property, torts, civil procedure and remedies). Students are afforded ample opportunity to practice applying the substantive knowledge of the "Black Letter Law" to real-world fact scenarios, presented in the same formats used on the bar examination: multiple choice questions, essays and performance tests. The course employs a "flipped classroom" approach by posting lectures online (which students view outside the classroom) and using class time for analysis and application of the law to new fact scenarios.

CORE/APPLIED COMPETENCIES FOR LEGAL PRACTICE I, II 3 credits each semester
Course Requirement: exam and writing assignments

This course is designed to provide students with the substantive knowledge, skills training, and critical legal reasoning required to succeed as newly admitted attorneys, and on the bar examination. The course covers core legal concepts in the following subject areas: in the fall semester course (criminal law, criminal procedure, evidence and constitutional law); and in the spring semester course (contracts, property, torts, civil procedure and remedies). Students are afforded ample opportunity to practice applying the substantive knowledge of the "Black Letter Law" to real-world fact scenarios, presented in the same formats used on the bar examination: multiple choice questions, essays and performance tests. The course employs a "flipped classroom" approach by posting lectures online (which students view outside the classroom) and using class time for analysis and application of the law to new fact scenarios.
CORPORATE GOVERNANCE, 3 credits
Limited Enrollment: 20
Prerequisite: Corporate & Partnership Law & Advanced Corporate Law & Business Entities OR Corporations I and II OR instructor permission
Course Requirement: exam

Prior to the implosions of Enron and WorldCom in the early 2000's, Corporate Governance was a sleepy backwater of the law that generated some interest of professionals in the field but little beyond that. Since then, there has been an explosion of interest in Corporate Governance with the trading markets, the business and general media, and publicly traded companies, closely held companies and non-profits all focusing on what are or should be best practices. Utilizing a series of hypothetical problems, this course will examine the internal structures, processes and standards of behavior that are required by law in the governance of corporate organizations. Particular attention will be given to the corporate director's duties with respect to his or her oversight and decision-making functions and the shareholders' ability to enforce those duties. The roles of activist investors, the SEC, the stock exchanges, proxy advisory firms and the media will also be discussed. Certain features of the Sarbanes-Oxley Act of 2002 and the Dodd-Frank Act of 2010 will also be considered.

CRIMINAL PROCEDURE: BAIL TO JAIL, 3 credits
Course Requirement: exam
Fulfills Concentration Elective: Criminal Law

This course will cover all aspects of criminal proceedings from the time a defendant is arrested, or is investigated by a grand jury, through the trial, sentencing, appeal, and post-conviction. Topics to be considered include bail, preliminary hearings, grand jury investigations, speedy trial, venue, joinder and severance, discovery, plea bargaining, jury selection, the trial process, sentencing, double jeopardy, appeals, effective assistance of counsel, and collateral review. This elective course is highly recommended for anyone planning a career in criminal law. There is no pre-requisite for this course. It may be taken before, during, or after “Criminal Procedure: The Police Function” or “Criminal Procedure: Fundamentals” and covers none of the same topics.

DEPOSITION SKILLS, 2 credits
PASS/FAIL
Enrollment Limit: 16
Prerequisite: Evidence
Course Requirement: projects
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Civil Litigation, Family Law, Labor & Employment Law

Deposition Skills is a one-semester, two-credit, pass/fail course which will provide the students with a general overview of the discovery process, with specific emphasis on depositions. The students will be presented with as few as one and as many as three fact patterns based upon actual cases. The students will be expected to review the fact pattern and determine the identity of individuals to be deposed. The students will then be asked to prepare a deposition outline for each individual to be deposed as well as a summary of documents to be requested and then used at the depositions. The students will then conduct the deposition of the Instructor, who will assume the role of the chosen deponent. The students will then receive critique from the Instructor which they will hopefully utilize in their next deposition exercise. It is anticipated that the students will conduct a minimum of two depositions during the course of the semester. The students will be evaluated based upon their analysis of the fact pattern, preparation of a written deposition outline, their overall quality of questions and demeanor during depositions, and their ability to incorporate the Instructor’s critique into their next deposition exercise. Regular attendance is expected.
DIRECTED RESEARCH, 1 to 3 credits

NON-CLASSROOM CREDITS – GRADED
Satisfies the Upper Level Writing requirement

Any student in good standing beyond the first year may engage in a directed research project. The student must prepare a substantial paper which will be graded by the Faculty member subject to the following restrictions: 1) A student may count no more than a total of 6 credits toward the 87 credits needed to graduate; 2) A student may register for no more than 3 credits a semester; 3) A student must have a different faculty advisor for each Directed Research; however, a student may register for two Directed Research courses over two consecutive grading periods, with the same professor if the work involves a single project and is for no more than 3 total credits; and 4) a student may register for Directed Research during the summer, provided it is for 1 credit. Work product must be a minimum of 7500 words if the course is taken to satisfy the upper-level writing requirement; otherwise, the work product must be a minimum of 2500 words per credit. A Directed Research Project may not be used to satisfy a Summer Session residency requirement. In addition, a Directed Research Project performed during the Summer Session is subject to the regular tuition rates.

E-DISCOVERY SIMULATION, 3 credits

Prerequisite: Evidence
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Civil Litigation, Labor & Employment Law

E-Discovery, a practical course, is an intensive, practical introduction to the discovery of electronically stored information. The class will be divided into two groups (plaintiffs and defendants) and will use a hypothetical case study to allow students to gain experience in the identification and location of relevant information, formulate a plan to preserve that information, and determine appropriate steps to obtain relevant information from other parties. The course will include preparation and classroom critique of litigation hold letters, preservation letters, search protocols, Rule 26 meet and confer disclosures, Interrogatories, Requests for Production, and Motions to Compel. Students will also prepare for and take a 30(b)(6) deposition to assist with the identification of electronically stored information and argue the Motion to Compel electronically stored data. The course is intended to provide students with hands-on experience in a litigation setting. Classroom time will be split between lecture and active learning with an emphasis on self-critique of work product. The goal of the course is to aid students in becoming practitioners and provide them with a foundation of exemplar documents to use as they move into the work force.

ELECTION LAW, 2 credits

Course Requirement: exam or paper
Satisfies Upper Level Writing requirement (beginning Fall 2016)
Fulfills Concentration Elective: Government & Public Interest Law

Election Law will provide a working understanding of local, state and national laws and decisions as they affect the electoral process. The history of the right to vote, including past and current voter suppression policies and devices will be part of the focus. Congressional legislative reapportionment will be examined, including current grounds and procedures for challenges to decennial maps and plans. Executive legislative and judicial elections will be examined at each level with emphasis on the problems that confront the practitioner. Legal considerations involved with the planning and administration of political campaigns, including fundraising and ballot access, will be examined from a practitioner’s perspective.
The roles of special interest groups and lobbyists will be reviewed and legal and ethical pitfalls will be identified.

**EMPLOYMENT DISCRIMINATION, 3 credits**

Course Requirement: exam  
Fulfills Concentration Elective: Civil Litigation, Family Law, Government & Public Interest Law, Labor & Employment Law

This course is concerned with discrimination in employment. This course will introduce the basic theories and legal principles underlying equal employment opportunity law in the United States. The course focuses primarily on Title VII of the Civil Rights Act of 1964 as amended, and secondarily on the Age Discrimination in Employment Act and, Americans with Disabilities Act (and its amendments): the fundamental federal statutes prohibiting employment discrimination based on race, gender, religion, age and disability.

**EMPLOYMENT LAW, 3 credits**

Course Requirement: exam  
Fulfills Concentration Elective: Family Law, Government & Public Interest Law, Labor & Employment Law

This course surveys the rights and liabilities of employees and employers in a non-union context. Types of legislation studied include workers’ compensation, unemployment compensation, social security, occupational safety and health, and regulation of wages, hours and working conditions. Historical background, statutory language, and judicial and administrative interpretation are studied. Additionally, the course will survey modern judicial and legislative developments in the area of wrongful discharge and modification of the common law doctrines relating to the “at-will” employee.

**ENERGY LAW, 3 credits**

Course Requirement: exam  
Fulfills Concentration Elective: Energy & Environmental Law, Government & Public Interest Law, Real Property

This course provides an introduction to energy law and regulation in the United States. It focuses on the basic principles of rate regulation and public utilities, the division of jurisdiction between federal and state governments, and the key regulatory federal statutes and case law governing energy resources. The class will also examine new challenges confronting energy law as a result of climate change and emerging mandates for renewable energy.

**ENVIRONMENTAL JUSTICE SEMINAR, 2 credits**

Enrollment Limit: 12  
Course Requirement: paper  
Satisfies Upper Level Writing requirement

This course provides a detailed examination of environmental justice, a multi-issue movement that addresses environmental disparities caused by racial, ethnic, and class discrimination. Specific topics include evidence of inequity, risk assessment, constitutional and civil rights claims, and interagency initiatives. Students will engage in interdisciplinary study and individually write an present a paper at the end of the semester. The paper will satisfy the Upper Level Writing requirement.
ENVIRONMENTAL LAW, 3 credits
Course Requirement: exam
Fulfills Concentration Elective: Energy & Environmental Law, Government & Public Interest Law, Real Property

This course covers various aspects of the interrelated legal, economic, and technological problems of environmental quality control. An overview of federal law’s response to air and water pollution, waste management issues, and natural resource conservation is provided.

ESTATES AND TRUSTS, 3 credits
Prerequisite: Property I & II
Course Requirement: exam
Fulfills Concentration Elective: Family Law, Tax & Estate Planning

An introduction to the law of wills and trusts. The primary focus of the course is intestate and testamentary transfers of property under Pennsylvania law, including intestate succession, the execution and revocation of wills, will contests, and the protection of family members from inadvertent disinheription. Students will also be introduced to trusts and to powers of appointment.

ESTATES AND TRUSTS SKILLS, 2 credits
Enrollment Limit: 20
Prerequisite/Corequisite: Estates and Trusts
Course Requirement: exam
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Tax & Estate Planning

Estates and Trusts Skills is a 2-credit, one-semester, elective, skills course that uses simulations to allow students to apply the doctrinal knowledge acquired in Estates and Trusts and to teach students practice skills related to estate planning, trusts, probate, and fiduciary administration. Students will draft a complete, albeit simple, estate plan for a fictional Pennsylvania resident and will study and discuss Pennsylvania-specific estate planning forms. Students must have already taken Estates and Trusts or must take it concurrently with this course. Enrollment in the course is limited to 20.

EXPERT EVIDENCE SIMULATION, 3 credits
Formerly: Expert Evidence
Prerequisite: Evidence
Course Requirement: paper
Satisfies Upper Level Writing requirement OR Professional Skills requirement/Experiential Learning requirement
Fulfills Concentration Elective: Civil Litigation, Criminal Law, Family Law, Health Law & Science, Intellectual Property

Expert Evidence is an upper-level Evidence course that focuses on the use of experts in civil and criminal trials. Providing an in-depth examination of federal and state law standards governing admissibility of such evidence, the course includes a solid grounding in the relationship of both science and statistics to law. In addition, the course covers a variety of possible subjects including medical malpractice, the role of memory and eyewitness identification in trials, social and behavioral science, economic damages, DNA, accident and crime reconstruction, forensic science, and ethical concerns involved with expert testimony. The course provides both a solid theoretical understanding of the subject and a practical application of the principles.
**FAMILY LAW, 3 credits**
Course Requirement: exam
Fulfills Concentration Elective: Civil Litigation, Family Law

This course studies the legal requirements for a marriage in Pennsylvania, marital agreements, the legal definition of a family, sexual privacy and procreation issues, the dissolution of a marriage on both fault and no-fault grounds, child custody, child support, spousal support, alimony, the equitable distribution of property, child abuse and neglect and Protection from Abuse actions.

**FEDERAL CIVIL PROCEDURE, 3 credits**
Course Requirement: paper or project
Fulfills Concentration Elective: Civil Litigation

Federal Civil Procedure focuses upon litigating civil actions in federal courts using procedures and practices that are sharply different than state court procedures. The course covers federal jurisdiction and the Federal Rules of Civil Procedure with special emphasis on pleading, joinder of claims and parties, judicial control of actions, discovery, pre-trial motions including summary judgment techniques, bench and jury trials, post-trial motions, and appealable orders.

**FOOD LAW AND POLICY, 2 credits**
Online Course
Enrollment Limit: 12
Course Requirement: paper

This doctrinal course will explore the legal regulation of food. We will study federal and common law regulation of food, with an emphasis on environmental implication of current food production systems, and cutting-edge policy issues like intensive farming, food safety, biopiracy and genetic modification. Although the primary focus will be on domestic law, we will contextualize food trade, patenting and regulation internationally. Students will submit one research paper on a topic of their choosing and present their research to the class. There are no prerequisites for this course.

**FUNDAMENTALS OF INTELLECTUAL PROPERTY, 3 credits**
Course Requirement: exam

This course surveys the basics of United States intellectual property law, including patents, copyrights, trademarks, and trade secrets. This course is appropriate for students wishing to prepare for a career in intellectual property law and take additional specialized courses in the area, as well as for those seeking only a foundational understanding of the subject. A technical background is not required.

**HEALTH CARE LAW, 2 credits**
Enrollment Limit: 20
Course Requirement: exam or paper
Fulfills Concentration Elective: Government & Public Interest Law, Health Law & Science

This course introduces the student to the basic topics and themes that affect patient care and the doctor-patient relationship. In addition, students learn how to translate legal theories and strategies into practice, problem-solving, and policy development as well as practical skills in advising clients. Topics
include medical licensure, staff privileges, information disclosure and management, Medicare/Medicaid
and prescription drug fraud and abuse, legal duties to treat and obligations of care, aging populations and
elder care, professional discipline and liability, error prevention and patient safety, health care decision
making, and the roles of health care providers and institutions. Evaluation will be based on a final
examination.

HEALTH CARE ORGANIZATION AND FINANCE, 2 credits
Enrollment Limit: 30
Course Requirement: paper or exam
Fulfills Concentration Elective: Health Law & Science

This course will examine how the law influences the delivery and financing of health care in the United
States. Covered subjects include national health reform, the obligation to provide health care, health
insurance, managed care, ERISA, HIPAA, COBRA, EMTALA, Medicare, Medicaid, SCHIP, regulation of health
care providers and facilities, staff privileges, hospital-physician contracts, antitrust, and fraud and abuse
laws. Health Care Law is recommended prior to or simultaneously with this course. It is not, however, a
prerequisite.

IMMIGRATION LAW, 2 credits
Course Requirement: Exam
Fulfills Concentration Elective: Government & Public Interest Law, Labor & Employment Law

This course offers an introduction to immigration law and practice and is taught from the perspective of
an immigration practitioner. Topics include Exclusion, Deportation, Asylum and Refugee Status, Non-
Immigrant and Immigrant Visas, Labor Certification, Adjustment of Status, Revocation of Visas and
Rescission of Adjustment, Relief from Deportation and Exclusion, Naturalization, Administrative Appeals
and Judicial Review.

INCOME TAXATION OF CORPORATIONS AND SHAREHOLDERS, 3 credits
Prerequisite: Basic Federal Income Taxation
Course Requirement: exam
Fulfills Concentration Elective: Business Law, Tax & Estate Planning

This course examines the tax consequences of transactions between shareholders and corporations, from
when a corporation is created through to the end of its existence. Transactions examined include
transfers of property, distributions and dividends, stock redeemptions, and corporate liquidations are
encompassed by this course. Both shareholder and corporate tax concerns are addressed. Prerequisite:
Basic Federal Income Taxation.

IN-HOUSE COUNSEL IN MODERN CORPORATIONS, 2 credits
3D, 4E, 4P preference
Enrollment Limit: 14
Course Requirement: exam
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Business Law, Civil Litigation

This course will explore the unique legal and practical challenges that face counsel working in corporate
law departments. Topics examined will include selecting and managing outside counsel and expense,
developing internal training programs, and reducing litigation risk. It will also examine matters of
corporate compliance and governance, attorney-client privilege, and the Sarbanes-Oxley Act specific to
the in-house context. In addition to legal issues, students will build practical business skills such as counseling the non-lawyer business client, metric-tracking and reporting, and business writing.

**INTELLECTUAL PROPERTY LAW & POLICY IN HIGHER EDUCATION, 1 credit**

Six Week Course  
Prerequisite: Fundamentals of Intellectual Property  
Course Requirement: paper  
Fulfills Concentration Elective: Intellectual Property

This seminar course will explore intellectual property law and policy issues in higher education. Articles from leading scholars in the field, published in the Winter 2016 issue of Duquesne Law Review, will provide the content for the course, in addition to “The Branding of the American Mind,” a book published by the instructor on the topic. Students will complete a 10- to 15-page paper (due by the end of the semester), and be expected to contribute to class discussions, for purposes of evaluation.

**INTERNATIONAL BUSINESS TRANSACTIONS, 3 credits**

Course Requirement: paper  
Fulfills Concentration Elective: Business Law, International & Comparative Law

This course introduces the student to selected legal aspects of International Business Transactions. Topics include: international sale of goods; U.S. Trade Laws and the GATT; foreign licensing and distributorship agreements; direct foreign investment; International Monetary System; US/EC antitrust and trade laws as well as international civil litigation. The course will focus upon the international dimensions of local business and legal practice, with specific practical project work that will feature international business in Pittsburgh as examples.

**INTERNATIONAL CRIMINAL LAW, 3 credits**

Prerequisite: Criminal Law  
Course Requirement: exam  
Fulfills Concentration Elective: Criminal Law, International & Comparative Law

This course will examine the various international courts and domestic courts dealing with international law such as the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Areas to be explored include common responsibility, joint criminal enterprise, genocide and universal jurisdiction.

**INTERNATIONAL LAW, 3 credits**

Inactive Course Number: L29  
Course Requirement: exam or paper  
Fulfills Concentration Elective: International & Comparative Law

This course is designed to introduce the student to international law through the examination of such matters as the nature and sources of international law (including the role of treaties, custom, and natural law), the relationship between international law and municipal law, the operation of international law on states and individuals, the role of international organizations, and international conflict of laws.
INTERNATIONAL TRADE LAW, 3 credits
Enrollment Limit: 25
Course Requirement: paper
Fulfills Concentration Elective: Business Law, Government & Public Interest Law, International & Comparative Law

While a survey in International Business Transactions can discuss most elements of private international business law, it only discusses public international law when private law touches upon it. Thus it is often the case that a separate course in International Trade Law (ITL) is offered. ITL also allows students to appreciate the interplay between the private law and public law from the public law perspective of regulating trade between the nations. International Trade Law concerns the study of the law of the multilateral trading system in the World Trade Organization (WTO) and the implementation of those legal obligations into the law of the US and other countries.

INTRODUCTION TO THE AMERICAN LEGAL SYSTEM, 2 credits
Required for LL.M. Students
Course Requirement: paper

This 3-credit, required course for all LL.M. for Foreign Lawyer students is offered in the fall semester each year. The contents of the course includes: history and the government structure, legal methodology, the adversary system and the jury trials, the legal profession, the judicial system and all major areas of American law including administrative law, constitutional law, civil and criminal procedures, contracts, tort law, property law, criminal law, tax law, family law, etc. The text book for the course is: William Burnham, Introduction to the Law and Legal System of the United States, (5th ed. 2011). Students will be assigned reading before class. The classes are conducted by the Socratic Method. Students will be asked to compare the American legal system and the legal systems of their own countries. A substantial original paper is required for the course.

JOULE: DUQUESNE ENERGY & ENVIRONMENTAL LAW JOURNAL, credit varies

Joule: Duquesne Energy & Environmental Law Journal (“Joule”) is Duquesne University School of Law’s first journal-blog hybrid, which serves as a forum for students and outside professionals to discuss legal concepts related to energy and environmental law. Our mission is to facilitate and encourage contribution of written work that provides insight to the local, state, and national community.

JUDGMENT AND DECISION MAKING FOR LAWYERS, 2 credits
Enrollment Limit: 12
Course Requirement: project
Satisfies Professional Skills requirement

Few practicing lawyers ever try cases in front of juries or even judges. Over 98% of cases filed in courts are resolved by other means. Hard data from studies of verdicts and settlement negotiations show that the overwhelming majority of attorneys do not accurately access their case and are prone to “decision error” in settlement. A greater understanding of how leading lawyers effectively analyze a situation and implement the decisions that result in the negotiations, mediation and litigation of legal matters provides a solid foundation for future success in the practice of law. Lawyers make dozens of hundreds of decisions during the course of advising a client, consummating a transaction or litigating a case. This course seeks to unpack the processes utilized by people to make human decisions. **Students who have already taken or plan on registering for Alternative Dispute Resolution cannot register for this course.**
JURIS, credit varies

Juris, our ABA award-winning legal news magazine, has served the Duquesne community since 1967. Juris publishes articles concerning substantive areas of the law as well as matters of local and national interest. Law students, faculty and alumni contribute articles to this semi-annual magazine.

Juris is completely student-operated and calls upon the talents of law students who wish to strengthen their writing, editing and production skills. Juris is distributed to more than 8,000 alumni, judges and bar associations throughout the country.

LABOR LAW, 3 credits
Course Requirement: exam
Fulfills Concentration Elective: Government & Public Interest Law, Health Law & Science, Labor & Employment Law

This course covers the evolution of federal labor relations laws and their effects upon the relationships between employers and employees, employers and unions, and employees and unions. Within this broad area, special attention is devoted to the following topics: the area of federal regulation, labor objectives and labor rights, employee representation (bargaining units and elections), unfair labor practices of both employers and unions (i.e., employer interference in union activities, domination of labor unions by employers, discrimination encouraging or discouraging union activity, restraint or coercion of employees by unions, discrimination by unions), strikes, picketing, boycotts, and injunctions.

LAND USE PLANNING, 2 credits
Course Requirement: exam
Fulfills Concentration Elective: Energy & Environmental Law, Government & Public Interest Law, Real Property

This course examines the doctrines and implications of land use planning. Consideration is given to relevant constitutional and property law doctrines. The coverage includes the role of the judiciary in resolving conflicting land uses, legislative controls through zoning, subdivision control, building and housing codes, the use of eminent domain, and the uses of public lands.

LAW AND MEDICAL ETHICS, 2 credits
Enrollment Limit: 25
Course Requirement: exam
Fulfills Concentration Elective: Government & Public Interest Law, Health Law & Science

This course introduces law students to the constellation of issues in medical ethics arising from life-support systems and other medical interventions and innovations, along with the law's response and ongoing development. Among the topics covered are institutional mechanisms such as ethics committees and research review boards, decision-making capacity, informed consent, right to choose (and to refuse) medical treatment, end-of-life care, physician aid in dying, advance directives, family and proxy decision making, medical futility, pediatric care, confidentiality and privacy, human subject experimentation and research ethics, assisted reproduction, genetic screening, testing, and engineering, human cloning, and transplantation. Evaluation will be based on a final examination.
**LAW AND NEUROSCIENCE, 2 credits**

Enrollment Limit: 15  
Prerequisite: Evidence  
Course Requirement: paper  
Satisfies Upper Level Writing requirement (beginning with Spring 2016)  
Fulfills Concentration Elective: Criminal Law, Health Law & Science

Law and Neuroscience is a team-taught course by a law professor (Moriarty) and a practicing forensic neuropsychiatrist (Dr. Bernstein). There are two overarching goals of the course: First, to educate students about neuroscience as reflected in basic neuroanatomy and physiology and to teach them the current neuroscience evaluative technologies. Second, to consider the role of various forms of neuroscience in the practice of law. This latter goal will include considering the how neuroscience may be of use in the legal system and will consider the problems such science poses. We will also be including a neuroethics component in the readings and discussion. The goals of the course are to stimulate informed discussion, encourage rigorous and critical thinking, help students with speaking and presentation skills, and teach students to use science and medicine in a deep and more accurate way in their practices.

The class will be primarily in a discussion format in a seminar setting. In addition to being prepared to discuss the assignment for the week, students will be periodically assigned a neuroscience cases or topic and will serve as the point person for that week’s issues, acting as a catalyst for the class’s discussion. The class will include assignments throughout the semester and the grading will be based on the quality of class participation, short papers, and an individual presentation on a subject of the student’s choosing that relates to the course.

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**LAW AND PSYCHOLOGY, 2 credits**

Enrollment Limit: 25  
Course Requirement: exam  
Fulfills Concentration Elective: Criminal Law, Government & Public Interest Law, Health Law & Science

This course is divided into two parts. The first part of the course is designed to present a study of psychoanalytic theory and to explore its relevance to a wide variety of fundamental legal issues. The second part of the course returns the lawyer to the more familiar role of participant in particular legal processes. We will examine the relationships between the disciplines of psychiatry and the law, focusing on mental law in the criminal justice system (competency to be tried, insanity as a defense, the concept of guilty but mentally ill), involuntary civil commitment, and problems in the process of mental health administration.

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**LAW, PUBLIC SERVICE AND THE EXECUTIVE BRANCH, 2 credits**

Course Requirement: writing assignments  
Satisfies Upper Level Writing requirement  
Fulfills Concentration Elective: Government & Public Interest Law

A Common standard for public policy debate often falls short of understanding the complexity of government. Political ideology, excessive or inadequate government control, and market and social fundamentalism only begin to address how government responds to continuing and contemporary political, social, and economic conditions that impact our daily lives. Law, Public Service, and the Executive Branch is designed to look behind the common standard for assessing policy making. The course is uniquely poised to examine the art of government through the lens of the Chief Executive. Through the Chief Executive’s vantage point, this course will examine the management of the many interrelated complexities of government that intimately involve our legislature, the Courts, and the citizenry at large, among other outside sources and influences. The course will provide a rich menu of issues and ideas.
supported by a blend of common sense, historical knowledge, first-person gubernatorial experience, and how these complexities continue to interact (or not) to shape the latest developments in government generally, and in our daily lives, in particular. The course form will be lecture driven, although we anticipate a great deal of interaction with our students – perhaps more so than that of a typical law school class given the nature of the course.

**LAW REVIEW, credit varies based on position and publishable quality**
Satisfies Upper Level Writing requirement

Duquesne Law Review serves the legal community as a forum for the examination, analysis, and criticism of various facets of the law through a commitment to not only inform and influence courts, the bar, and legal scholars, but also to afford law students an opportunity for an integral role in that process, and to do so with the highest professional and ethical standards befitting of a Duquesne law student.

**LEGAL MEDICINE AND FORENSIC SCIENCE, 2 credits**
Course Requirement: paper
Fulfills Concentration Elective: Health Law & Science

This course will cover numerous medical-legal and forensic scientific issues and problems of timely interest and concern to attorneys. These matters will relate to civil and criminal litigation, as well as workmen’s compensation cases, governmental agencies, and health care institutions. Personal injury lawsuits, particularly medical malpractice, and products liability cases involving scientific issues will be emphasized. An opportunity to attend an autopsy will be provided for interested students.

**LEGAL RESEARCH, WRITING & ANALYSIS I, 2 credits**
Required for LL.M Bar Track

This is the fall semester course in a sequence of two courses required of all students in the Bar Track Curriculum of the LL.M. for Foreign Lawyers program. In the fall semester, emphasis is placed on understanding how to research and find relevant law, how to read and understand statutes and cases, issue identification, problem solving, case analysis and synthesis, effective legal writing style, print-based and online research, and professionalism. A predictive writing assignment will be assigned, leading to the preparation of law-office memoranda and client letter. The professor will confer individually with students on these assignments, and the initial drafts of papers are revised after faculty critiques. Additional shorter research and writing assignments may also be assigned.

**LEGAL RESEARCH, WRITING & ANALYSIS II, 1 credit**
Required for LL.M Bar Track

This is the spring semester course in a sequence of two courses required of all students in the Bar Track Curriculum of the LL.M. for Foreign Lawyers program. The spring course builds upon the fall course; students will continue to refine the legal writing, analysis, and research techniques learned in the fall semester. Emphasis is placed on persuasive writing, advocacy, and compliance with court rules through the preparation of a letter to opposing counsel and trial court brief in support of a motion. The professor will confer individually with students on these assignments, and the initial drafts of papers are revised after faculty critiques. Additional shorter research and writing assignments may also be assigned.
LITIGATION TECHNOLOGY, 2 credits
Prerequisite: Trial Advocacy
Course Requirement: project

The purpose of this course is to train and familiarize students with the role that technology plays in presenting documents and evidence in the modern day courtroom throughout all parts of a trial. Building on what students have learned in trial advocacy, this class will allow students hand-on experience in playing both the role of the advocate and the technology consultant, with a focus on understanding and taking advantage of sophisticated courtroom technology.

NEGOTIATION SKILLS, 2 credits
PASS/FAIL
Enrollment Limit: 20
Course Requirement: project
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Civil Litigation, Criminal Law, Family Law, Government & Public Interest Law, Labor & Employment Law

All attorneys regardless of specific practice area, negotiate on a regular basis. Good lawyers know how to use various negotiation tactics, and know how to respond to negotiating strategies used by other lawyers. This course is designed around a series of negotiation simulations using mock business and legal problems in which students will learn various negotiation skills.

OIL AND GAS LAW, 2 credits
Course Requirement: exam
Fulfills Concentration Elective: Energy & Environmental Law, Real Property

This course covers the life cycle of natural gas and oil production from cradle (obtaining a lease) to grave (end use at the burner tip/facility/vehicle, etc.), focusing on the mechanics of obtaining the interest, the geology/engineering of drilling and producing the interest, the marketing/processing/transportation of the interest, and the ultimate end use. Students will learn about oil and gas leases, how to interpret and negotiate one, how to convey mineral interests, the legal/environmental/regulatory aspects of oil and gas production, the midstream aspects of gas production (gathering/transportation pipelines, processing facilities, sales points on interstate pipelines, etc.), and ultimately for downstream aspects that are generally regulated.

PATENT DRAFTING, 3 credits
Prerequisite: Fundamentals of Intellectual Property OR Patent Law OR permission of concentration advisor
Fulfills Concentration Elective: Intellectual Property

This skills course offers students a hands-on introduction to drafting patent applications. Topics covered will span from the initial stages of invention disclosure to post-issuance proceedings before the United States Patent and Trademark Office. Students will be exposed to real-life scenarios and will learn how patent attorneys actually address those situations, with emphasis on strategy, execution and client management. In addition to these practical skills, students will be exposed to the rapidly evolving legal landscape that impacts patent drafting and prosecution.
PATENT LAW, 3 credits
Prerequisite: Fundamentals of Intellectual Property
Course Requirement: written and oral assignments
Fulfills Concentration Elective: Intellectual Property

This course introduces students to the basic principles of patent law in the United States, including subject matter eligible for patent protection, the conditions for patentability of an invention, and the disclosure requirements for a patent application. In addition, course reading and discussions will cover the history, origins, and evolving architecture of the patent system (including under the America Invents Act of 2011), as well as patent enforcement considerations and defenses. A technical background in not required to take the course.

PATENT LITIGATION, 2 credits
Prerequisite: Fundamentals of Intellectual Property
Course Requirement: paper or project
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Intellectual Property

This skills course offers students a hands-on introduction to patent litigation. Topics covered include strategies related to the decision to sue for infringement, the fundamentals of motions practice and discovery in patent litigation, claim construction hearings, proving infringement, determination of remedies, the role and use of expert witnesses, and trial and post-trial considerations. A technical background is not required to take the course.

PENNSYLVANIA CIVIL PROCEDURE, 3 credits
Course Requirement: exam
Fulfills Concentration Elective: Civil Litigation, Family Law

This course is designed to acquaint students with the Pennsylvania Rules of Civil Procedure and their application to the handling of a civil action. It will explore drafting of pleadings, venue, jurisdiction, service of process, parties, arbitration, practice before the minor judiciary, other forms of actions, post-trial practice and appeal ability. Students will acquire a working knowledge of these Rules and related statutes that will assist them in handling legal matters for clients.

PENNSYLVANIA LEGISLATIVE PROCESS SIMULATION, 3 credits
Satisfies Professional Skills Requirement/Experiential Learning requirement
Fulfills Concentration Elective: Government and Public Interest Law
Requires approval of Professors to be taken with Adv. Legal Writing: Drafting

In this course, students will explore and experience the role and the work of legislatures in our state and federal governments. Despite the fact that the lawmaking function of our government resides with legislatures, lawyers all too often focus on the court system as the primary means of solving client problems. In this course, students will gain a greater understanding of the legislative process and how it can be used to help clients. While traditional learning methods of reading, lecture, and discussion will be employed, the primary learning method in this course will be experiential. Students will have the opportunity to “work” in a mock legislative setting, drafting legislation and working with classmates to improve and “pass” the bills. Additionally, students will work with a real-world client to draft federal, state, or local legislation to help solve a problem for the client. No matter the field of law a student intends to enter, the understanding of the lawmaking process, as well as the basic legal drafting skills learned will be transferable.
**PENNSYLVANIA PRETRIAL CIVIL LITIGATION SIMULATION, 3 credits**

Formerly: ADVANCED LEGAL WRITING (summer)
Enrollment Limit: 12
Prerequisite: Legal Research & Writing I & II
Course Requirement: paper
Satisfies Upper Level Writing requirement OR Professional Skills requirement/Experiential Learning requirement

The purpose of this class is to provide students with an opportunity to enhance their writing skills through drafting various litigation documents. Students will litigate a civil case researching the applicable law, drafting client correspondence, pleadings, motions and a settlement agreement. In addition to class time, students will be required to complete 3 hours of work online each week. This will generally entail supplemental materials or watching videos and answering questions or completing exercises related to the topic to be addressed in the subsequent class. Students will be provided with a hard copy of the case files, billing time sheets and a file folder to organize the case documents. All assignments should be submitted by the deadline to kwisnek@duq.edu. This course may be used to satisfy either the Professional Skills Requirement or the Upper Level Writing Requirement.

**PENNSYLVANIA STATE CONSTITUTIONAL LAW, 3 credits**

Course Requirement: exam or paper
Satisfies Upper Level Writing requirement
Fulfills Concentration Elective: Energy & Environmental Law

Increasingly, state courts are turning to state constitutions as sources of fundamental legal norms. This course will examine the history, structure, and content of the Pennsylvania Constitution. Inevitably, the role of courts in the process of interpreting organic law also will be examined. The course will aim to help the student understand the nature of the Pennsylvania Constitution, the contours of its most significant provisions, the extent to which it differs from the U.S. Constitution and the methods of constitutional interpretation generally applied by Pennsylvania courts.

**PHILOSOPHY OF LAW, 3 credits**

Enrollment Limit: 20
Formerly: 2 credits
Course Requirement: paper
Satisfies Upper Level Writing requirement
Fulfills Concentration Elective: Government & Public Interest Law, Labor & Employment Law, Religion & Moral Life

This course has as its goal, perspective forming: to remove the shackles of the mind which limit our ways of seeing and experiencing law and lawyering. The insights of civilization’s greatest thinkers are used to examine the law and the legal profession within the largest context imaginable. Particular focus is given to the impact of the role of law and lawyering upon the self as well as upon civilization, with considerable attention given to moral sensitivity, personal values, imagination, and creativity.

**PLEADING AND DISCOVERY SKILLS, 2 credits**

PASS/FAIL
Enrollment Limit: 25
Course Requirement: project
Satisfies Professional Skills requirement
Fulfills Concentration Elective: Civil Litigation, Family Law, Labor & Employment Law

Within the context of an actual case, this course centers on skills in the area of pretrial litigation. The class is divided into sections or “firms”, each representing a party in the lawsuit. The students then analyze a
set of facts and develop a strategy for their clients. As the course unfolds, the students prepare a complaint, an answer, a cross-claim, and complain to join an additional defendant. When the pleading phase of the course concludes, the students, or firms, develop a discovery plan for their respective clients. Interspersed in the course are a series of projects that relate to the law applicable to the case.

**PRETRIAL CIVIL LITIGATION SIMULATION, 3 credits**
Formerly: ADVANCED PRETRIAL LITIGATION TECHNIQUES
Enrollment Limit: 18
Course Requirement: writing assignments
Satisfies Professional Skills requirement/Experiential Learning requirement
Fulfills Concentration Elective: Civil Litigation

This course is designed to give students practical, hands-on experience in the civil litigation process from initial client meeting up until, but not including, trial. Students will draft pleadings, draft and argue motions, draft and respond to written discovery, and conduct depositions, with feedback from an experienced litigator. Classroom discussion will focus on the strategic aspects of the litigation process.

**PUBLIC HEALTH LAW AND POLICY, 2 credits**
Course Requirement: paper

This course explores the inherent tensions between the responsibility of governments (principally state and federal, but also stretching from the municipal to the international, intergovernmental levels) to promote and protect the health of the public while also ensuring the legal rights and interests of individuals. Public health law and policy thus provides a high stakes setting for examining how collective and individual rights are balanced both in theory and in practical legal terms.

**REAL ESTATE PLANNING, 2 credits**
Enrollment Limit: 30
Prerequisite: Property I & II
Fulfills Concentration Elective: Real Property

The course will focus on expanding the student’s knowledge from fundamental real estate transactions to more complex commercial dealings. Commercial development as well as construction financing will be covered in addition to the role of the various participants involved such as the lender, developer and respective counsel. The related federal, state and local laws and regulations governing the same shall be reviewed as well.

**REGULATION OF INVESTMENT COMPANIES AND INVESTMENT MANAGERS, 2 credits**

A survey course reviewing law and regulation governing mutual funds and other pooled investment vehicles and their investment managers. The course will focus on the Investment Company Act of 1940 and the Investment Advisers Act of 1940 and the rules promulgated thereunder as interpreted from time to time in SEC enforcement cases and Court decisions.

**REMEDIES AT LAW AND IN EQUITY, 2 credits**
Course Requirement: paper or exam
Fulfills Concentration Elective: Civil Litigation

This is a capstone course designed to focus on remedies in contracts, torts and other substantive areas. The expectation, reliance and restitution interests are pursued in specific remedial applications including equitable remedies to provide the student with a greater appreciation of the discretionary nature of such
remedies. Restitution remedies including subrogation, equitable liens, constructive trusts and quasi contracts are explored. Distinctions among direct, incidental and consequential damages and the remedial interface between contract and tort damages are important segments of the course. The capstone focus of the course is designed to prompt a necessary review of the substantive law underlying remedial applications.

### RESEARCH FOR LAW PRACTICE, 1 credit

PASS/FAIL, Online-Asynchronous  
Enrollment Limit: 25  
Course Requirement: project  
Satisfies Professional Skills requirement

This course is a continuation of the research skills learned in the first year’s legal research and writing program. In addition to advanced research skills students will also learn the various types of law practice tools available. If you have already completed Advanced Legal Research, you are not permitted to register for this course.

### SANCTIONS, SENTENCING AND CORRECTIONS, 2 credits

Course Requirement: exam  
Fulfills Concentration Elective: Criminal Law

This course will examine the most critical part of the great majority of criminal proceedings: the rendering of a sentence. Lawyers have traditionally played a very limited role in the sentencing of convicted criminal defendants and have not used the sentencing hearing as a forum for effective advocacy. However, the role of the lawyer in this area is rapidly changing. This course will review all facets of criminal sanctions, including the procedures used to determine the sentence, the purposes for the imposition of sanctions, and whether those purposes could be better achieved with sanctions other than imprisonment. In addition, we will look closely to the role lawyers can and do play in the sentencing process and how knowledge of sentencing processes can enhance the effectiveness of legal representation. The course will also explore the special problems of sentencing juvenile and mentally ill defendants, and the current “populist” movement toward stripping away judicial discretion and replacing it with legislatively mandated sentences.

### SECURED TRANSACTIONS, 3 credits

Fulfills Concentration Elective: Business Law, Real Property

This course is concerned with aspects of security in personal property. Covered are problems and legal principles relevant to the creation of the security interest, to its perfection, to priorities between competing security interests and between a security interest and other kinds of property interests. The emphasis will be on Article 9 of the Uniform Commercial Code (UCC) and on interrelationships between the UCC and federal bankruptcy law.

### SECURITIES REGULATION, 2 credits

3D, 4E, 4P preference  
Enrollment Limit: 40  
Prerequisite: Corporate and Partnership Law & Advanced Corporate Law and Business Entities  
Course Requirement: exam  
Fulfills Concentration Elective: Business Law

This course is designed to provide an overview of the public offering and sale of securities under the Securities Act of 1933. A problem analysis approach will allow students to follow the registration process
from the initial business decision to “go public” through the filing of the registration statement and subsequent sales of securities. Students should complete the course with an overall understanding of the securities registration process as it applies in the United States. The course will explore the question of “what is a security?” The concept of “materiality” is also considered along with the consequences of a deficient registration statement, including the remedies available under the Act. The course will explore exemptions from the registration requirements of the Act including the private offering exemption, the intrastate offering exemption, the small offering exemption and Regulation D. Secondary transactions and resales of securities are also covered.

**SECURITIES REGULATION- GROUP DIRECTED RESEARCH, 3 credits**

3D, 4E, 4P preference  
Enrollment Limit: 12  
Prerequisite: Corporate and Partnership Law & Advanced Corporate Law and Business Entities  
Course Requirement: paper  
Satisfies Upper Level Writing requirement  
Fulfills Concentration Elective: Business Law

This course considers the same topic areas as Securities Regulation. Students taking this course will attend the Securities Regulation classes and must participate in them. Rather than a final examination, the student’s grade in this course will be based on a research paper that will require substantial research, guided by the professor, in a select area of Securities Regulation Law. The paper will go through two drafts prior to the final version, to be reviewed by the professor and rewritten by the student based on the professor’s comments. The student must also provide the professor with an original outline prior to any drafts being submitted.

**SPORTS & ENTERTAINMENT LAW, 2 credits**

Fulfills Concentration Elective: Business Law, Labor & Employment Law

The course will involve the study of the application of various legal doctrines as they relate to sports related activities and issues. Areas of law that will be discussed in the course will include: Contracts, Labor Law, Taxation, Torts, Licensing and Media Rights.

**STRATEGIC INTERNATIONAL TRANSACTIONS, 3 credits**

Course Requirement: exam  

Strategic cross border transactions exhibit various forms and are driven by the key business aims of the Parties at the negotiating table. Whether the transactions at hand are an intellectual property deal, a joint venture or a merger or acquisition, the final form of the transaction emanates from the underlying business goals and objectives of the Parties. Each of these forms will be examined and dissected from the underlying business case as well as their respective legal underpinnings within the context of an international setting and comparative law application. Guest lectures with respect to International Tax and International Labor Laws are envisioned with senior international lawyers.

**TRADEMARK AND UNFAIR COMPETITION LAW, 3 credits**

Prerequisite: Fundamentals of Intellectual Property  
Fulfills Concentration Elective: Business Law, Intellectual Property

This course introduces students to the Lanham Act and related statutory and common law doctrines designed to protect against consumer confusion and appropriation of commercial goodwill. Topics
covered include trademarks and service marks, trade dress, dilution, false advertising, misappropriation, false endorsement, and false attribution. Class readings and discussion will focus on the policy justifications for these property rights, requirements for obtaining, maintaining, and enforcing them and applicable defenses and remedies. A technical background is not required to take the course.

**TRADE SECRET LAW, 2 credits**

Recommended but not required: Fundamentals of Intellectual Property  
Course Requirement: exam  
Fulfills Concentration Elective: Civil Litigation, Government & Public Interest Law, Intellectual Property, Labor & Employment Law

This course introduces students to trade secret law, a fourth intellectual property regime. The common law development of trade secret protection, as well as the doctrine’s philosophical and statutory underpinnings are covered in the course. Also examined are the relationships between federal and state trade secret laws, the relationships between trade secret law and other intellectual property regimes, and the relationships between trade secret law and other areas of law, such as employment law and law governing business relationships. A technical background is not required to take the course.

**TRIAL ADVOCACY, 3 credits**

Enrollment Limit: 12  
Prerequisite: Evidence  
Satisfies Professional Skills requirement  
Fulfills Concentration Elective: Civil Litigation, Family Law

This course is designed to acquaint students with the practical aspects of representing a client in Court. The emphasis is on the application of the rules of evidence, procedure and ethical conduct in trial and adversary proceedings. Students will be expected to transform their education in the law to the reality of courtroom behavior and advocacy. You will learn the “how to’s” of direct, cross, introduction of exhibits, use of experts, and an understanding of the pitfalls and landmines that trial lawyers face. You are expected to conduct legal research and vignette moot court trials, as well as the trial of an entire case from beginning to end. Students are selected for this course after an annual interview process.

**TRIAL ADVOCACY I - TRIAL TEAM, 3 credits**

Exclusively for those students who are selected after the interview process with faculty  
Enrollment Limit: 12  
Co-requisite: Evidence  
Satisfies Professional Skills requirement  
Fulfills Concentration Elective: Civil Litigation

This course is designed to acquaint students with the practical aspects of representing a client in Court. The emphasis is on the application of the rules of evidence, procedure and ethical conduct in trial and adversary proceedings. Students will be expected to transform their education in the law to the reality of courtroom behavior and advocacy. You will learn the “how to’s” of direct, cross, introduction of exhibits, use of experts, and an understanding of the pitfalls and landmines that trial lawyers face. You are expected to conduct legal research and vignette moot court trials, as well as the trial of an entire case from beginning to end. Students are selected for this course after an annual interview process.
Since 1989, the results from DNA testing from post-trial claims of actual innocence are causing policy and practical shifts in our understanding of what were once thought to be settled conventions and static principles in our criminal justice system. This shift has not only assisted law enforcement in solving crimes, but it has also helped to reveal a problem that many observers of the criminal justice system have long suspected: that a number of actually innocent prisoners have been convicted in the United States. This seminar will explore (1) the primary factors that contribute to the phenomenon of wrongful convictions and (2) potential reforms that could be implemented to guard against convicting of the innocent. We will explore various policy initiatives in Pennsylvania and around the nation, pertinent case and statutory law as it continues to develop, post-conviction practices, various other disciplines and social sciences and how they impact our understanding of criminal law, law review and peer-reviewed articles on select aspects of wrongful convictions, and case studies of specific exonerees, some of whom who will visit with the class during the semester. Each student will be required to write a research paper on a counseled topic of your choice and briefly present your paper to the class.