

## COMMONWEALTH LAW COURSE DESCRIPTIONS

SPRING 2020

### **LAW 530: ADMINISTRATIVE LAW (3 CREDITS)**

This course studies the law governing administrative agencies, including executive departments, in the task of carrying out governmental programs. Topics include interrelations of legislative, executive, and judicial agencies in development of public policy; decision-making processes and internal procedures of administrative agencies, and the legislative, executive, and judicial controls on them.

### **LAW 784: ADVANCED CRIMINAL PROCEDURE (2 CREDITS)**

This course surveys the criminal justice process from arrest through appeal. Constitutional provisions, statutes, rules of criminal procedure, and practice strategies concerning prosecutorial discretion, initial appearance, pre-trial release or detention, preliminary hearing, grand jury procedure, plea bargaining and selected trial and appellate issues are considered.

Pre-requisites: Criminal Law and Criminal Procedure

### **LAW 788: ADVANCED TRIAL METHODS (2 CREDITS)**

This course is designed to provide students interested in trial practice with an opportunity to study and participate in the various aspects of a trial. Students will develop a thorough understanding of each aspect of a trial, including jury selection, opening and closing statements, introduction of evidence, and examination of witnesses. Case theory, courtroom ethics and professionalism will be discussed.

Pre-requisite: Trial Methods or ITAP

### **LAW 738: BANKRUPTCY (3 CREDITS)**

This course will address state law creditor collection remedies such as garnishment and execution, and state law priorities among competing creditors. After examining state law remedies and priorities, we will focus on the federal Bankruptcy Code. We will discuss elements common to all (business and consumer) bankruptcies, and the principal focus of the course will be Chapter 7 - liquidations in the consumer context, and Chapter 13 - wage-earner payout plans. At the end of the course, we will discuss some issues particular to Chapter 11 regarding business bankruptcies.

### **LAW 925: CENTRAL PA LAW CLINICS (3-6 CREDITS)**

The Pennsylvania Civil Clinic is a one-semester client service clinical program offering an opportunity to study and to undertake actual cases in general civil litigation in the Pennsylvania courts on behalf of clients who are unable to afford legal services from traditional private sources. Clinical participants interview and counsel clients; frame legal issues and prepare for litigation; and participate in negotiations, non-judicial dispute resolution and litigation on behalf of clients before administrative agencies and state and federal trial courts. Students may also assist in appellate cases before state and federal courts. Clients are represented by clinical interns under the supervision of the Clinical Director.

Pre-requisites: Evidence & Professional Responsibility

**LAW 926: CENTRAL PA LAW CLINICS LEADER (2 CREDITS)**

The Pennsylvania Civil Clinic Leader is a one-semester client service clinical program offered to selected students who have completed one semester in the Pennsylvania Civil Clinic. Students who are selected as Clinic Leader will continue to participate in the representation of actual clients in the general civil practice of the clinic. In addition, Clinic Leaders assist in the management of the Civil Clinic by ensuring that the materials used by the Clinic comply with applicable rules. The Clinic Leader also assists in supervising students by helping them in their research as well as their preparation for court proceedings. Clinic Leaders may also be asked to continue representation of clients from prior semesters or to work on special projects that may arise in the Civil Clinic from time to time.

Pre-requisites: Evidence, Professional Responsibility, and Central PA Law Clinics

**LAW 504: CIVIL PROCEDURE II (3 CREDITS)**

A continuation of Civil Procedure I, this course studies civil litigation procedure, with emphasis on modern federal practice. Topics include subject matter jurisdiction, personal jurisdiction, venue, joinder, the Erie doctrine, and related concepts.

**LAW 664 : CLIMATE CHANGE (2 credits)**

Climate change driven by global warming is one of the great environmental, economic, social and legal challenges facing the world, and is already reshaping the legal landscape. This seminar will examine the science, economics, and social implications of climate change driven by global warming. This course will consider the diverse array of local, state, national, and international legal responses to these daunting challenges. Student papers will research and analyze concrete legal developments in the U.S. (primarily at the state level), in other nations, or internationally. This course is intended to provide students with the legal tools and conceptual framework needed to practice in and shape the emerging law of climate change.

**LAW 803: CLINICAL EXTERNSHIPS (2-4 CREDITS)**

This course provides an extern clinical assignment in the practice of law with cooperating agencies such as a district attorney, public defender, legal aid society, etc. A weekly classroom component is also part of the externship program.

Pre-requisite: Evidence

Co-requisite: Professional Responsibility

**LAW 508: CONTRACTS II (2 CREDITS)**

A continuation of Contracts I, this course studies the law governing contracts and contractual relationships. The course introduces the student to contract formation, performance, and non-performance, and explores the role of contract law in a market society.

**LAW 734: COPYRIGHT AND TRADEMARK (2 or 3 credits)**

This course surveys primarily the laws and policies of copyright and trademark law, with a secondary emphasis on related areas of law such as trade secret, rights of publicity, unfair competition, contractual protection of ideas, and patent protection of inventions in varying degrees. Topics to be covered include the subject matter of copyright and trademark; ownership and transfer of copyrights and trademarks; the rights afforded to copyright and trademark owners; duration of protection; infringement; and remedies.

**LAW 505: CRIMINAL LAW (3 CREDITS)**

This course studies the general principles that underlie statutory criminal liability, including a consideration of their judicial application in the context of selected offenses and defenses.

**LAW 506: CRIMINAL PROCEDURE (3 CREDITS)**

This course provides in-depth consideration of the Fourth Amendment's protection against unreasonable search and seizure, the Fifth Amendment's right against compulsory self-Incrimination, and the Sixth Amendment's right to counsel, all with particular emphasis on the judicial Interpretation of the application of these constitutional provision's within the context of police Investigation of crime.

**LAW 798/799: DIRECTED RESEARCH (1 OR 2 CREDITS)**

Students may write research papers for credit under the supervision of a full-time member of the faculty. The faculty member must approve the subject.

Pre-requisite: Successful completion of one Seminar

**LAW 832: EMPLOYMENT DISCRIMINATION LAW (2 CREDITS)**

This course studies federal law governing discrimination in employment on the basis of race, color, sex, religion, national origin, age, and disability. The course explores theories of discrimination and covers litigation under Title VII of the Civil Rights Act of 1964, as amended, as well as selected topics under other employment discrimination and civil rights statutes.

**LAW 7018X: ENERGY LAW (2 CREDITS)**

This course provides an introduction to U.S. energy law and policy and explores the nation's primary sources of energy: coal, oil, biofuels, natural gas, hydropower, nuclear, wind, and solar energy. Students will gain a foundational understanding of the physical, market, and legal structures within which these resources are extracted, transported, and converted into energy, and learn about the ways in which energy law and policy is shaped by common law principles, state and federal regulatory programs, and national/global public policy.

**LAW 831: ENVIRONMENTAL LAW (3 CREDITS)**

This course surveys the federal and state statutes and regulatory programs which attempt to limit water pollution, air pollution, environmental degradation, species extinction, hazardous waste, and chemical regulation problems. The course will examine how and why these statutes and programs are structured the way that they are, how the laws work, and the extent to which our environmental laws achieve their goals.

**LAW 636: FAMILY LAW (3 CREDITS)**

This course considers state and constitutional issues relating to the regulation of sexual and family relationships. Among the areas that may be covered are defining what constitutes a family, entry into marriage, divorce, and its economic consequences (alimony, property distribution, and child support) and child custody. The course draws on constitutional principles, statutes, and the common law to study the family in the legal system.

**LAW 7009: FEDERAL CIVIL PRACTICE (2 CREDITS)**

Most civil litigation resolves before a jury trial. The Federal Rules of Civil Procedure provide litigators with many tools to advance the interests of their clients before a case reaches a jury. Rule 56, governing summary judgment, is one of the most important tools in the civil litigator's toolbox. This class will not only discuss the rules and cases governing summary judgment but will also use a hypothetical civil case to provide students with the opportunity to prepare and "file" documents necessary to the summary judgment process.

**LAW 610: FEDERAL INCOME TAX (3 CREDITS)**

This course surveys and analyzes the federal system of income taxation. Topics include gross receipts, gross income, exclusions, gain-seeking and personal deductions, CREDITS, rates, and tax accounting.

**LAW 810: FIRST AMENDMENT (3 CREDITS)**

This course focuses on constitutional rights involving speech, press, and religion. Rights of political participation, wartime limits on civil liberties, state action, associational freedoms, and constitutional and prudential limits on judicial powers are also potential topics.

Pre-requisite: Constitutional Law

**LAW 690: FUNDAMENTALS OF THE BAR EXAM (2 CREDITS)**

Fundamental of the Bar Exam is a pre-bar review skills-development course that uses bar examination materials to familiarize students with techniques for answering the multiple choice, essay, and performance test questions found on the bar examination. The course focuses on bar exam skills and is not a comprehensive review of the substantive law tested on the bar exam. This course is not a substitute for a commercial bar preparation course.

**LAW 851: GAMING LAW (2 CREDITS)**

This intensive course introduces students to the law and regulation of commercial gambling activities in the United States, which account for \$38 billion in annual revenue from casinos in 24 states including Pennsylvania, the nation's second highest grossing gaming jurisdiction. We will study public policy and regulatory approaches to gambling, the fundamentals of gaming regulation, regulatory structures, the impact of regulation on the gaming industry, state government approaches to problem gambling, and a brief overview of emerging types of gaming.

**LAW 6035: GOVERNMENT LAW COLLOQUIUM (1 CREDIT)**

This course will consider the special areas of law that are involved in litigation by or against a state or local agency. It will review such substantive areas of law as mandamus; statutory construction; when the existence of a statutory procedure precludes other forms of litigation, such as a declaratory judgment action; and a constitutional challenge to a state statute on procedural, as opposed to substantive grounds. The course will consider real life litigation, such as the pursuit of a zoning board appeal or a workers' compensation claim.

**LAW 638: INSURANCE LAW (2 CREDITS)**

Studies the law of the insurance enterprise including insurance marketing, theories of insurable interest, measures of recovery, subrogation, protected parties, nature of loss, warranties, representations, concealment, and rights at variance with policy provisions.

**LAW 511: INTENSIVE LEGAL ANALYSIS (I.L.A.) (2 CREDITS)**

This course provides students with the opportunity to develop and refine their legal reasoning and analysis skills. Topics include: identifying an individual's learning style and problem-solving skills, critical reading of legal authorities, simple and complex rule-based reasoning, and methods of deconstructing legal rules and organizing the analysis of new legal questions. Exam-style essays and "in-basket" projects are used to practice and reinforce analytical skills.

**LAW 772: INTERSCHOLASTIC COMPETITION (1 CREDIT)**

Students may earn one or two credits for participation in interscholastic moot court, trial advocacy and other competitions sanctioned by the law school as appropriate interscholastic competitions. The list of approved interscholastic competitions includes but is not limited to National Moot Court, Jessup International Moot Court, Douglas Moot Court, Patent Moot Court, Polsky Moot Court, American Trial Lawyers Association Competition, Texas Trial Lawyers Competition, American Bar Association Client Counseling Competition and like events.

**LAW 809: JUDICIAL EXTERNSHIP (2-4 CREDITS)**

Students enrolled in the Judicial Externship Program are assigned to selected state and federal trial and appellate judges for a maximum of two semesters. Externs prepare legal memoranda, conduct legal research, and perform duties normally assigned to a law clerk under the supervision of the assigned judge and the judge's graduate law clerk. The program is designed to enhance the student's writing and research skills, familiarize the student with court procedures, permit observation of court proceedings, and enable the student to learn the operation of judicial chambers. Students will meet with the faculty supervisor for mid-semester and end-of-semester reviews. Students are required to keep a daily log and retain a copy of all written work produced for the court. Graded Pass/No Pass.

Pre-requisite: Evidence

Co-requisite: Professional Responsibility

**LAW 770: WIDENER COMMONWEALTH LAW REVIEW BOARD (1 OR 2 CREDITS)**

Please contact Widener Law Review for more information.

**LAW 763: WIDENER COMMONWEALTH LAW REVIEW STAFF (1 CREDIT)**

Please contact Widener Law Review for more information.

**LAW 510: LEGAL METHODS II (3 CREDITS)**

This course expands on the analysis, writing and research skills introduced in Legal Methods I, and introduces new skills. Students will learn basic techniques of persuasive legal arguments, and will draft persuasive documents such as a trial memorandum and an appellate brief. Students will also learn how to research court rules, and will prepare and deliver an appellate oral argument.

**LAW 512: LEGAL METHODS III – CONTRACT DRAFTING (2 CREDITS)**

This course provides students with the opportunity to learn and practice the basic principles of contract drafting and interpretation. Emphasis will be placed on drafting agreements that effectuate clients' need and anticipate potential legal problems. Students will be required to work collaboratively in class, will have regular homework assignments to complete, and will individually draft several written contracts.

Pre-requisites: Legal Methods I & II

**LAW 512:           LEGAL METHODS III—ENVIRONMENTAL LITIGATION (2 CREDITS)**

This course focuses on the practical and fundamental skills needed to prepare litigation-related documents. Although the course primarily relies on environmental case law, students do not need a background in environmental law to succeed. Students will select a counsel role (government, citizens group, or business) and will draft documents for simulated litigation exercises during the semester. Students will draft and revise complaints, motions for preliminary injunction, administrative orders and notices of appeal.

**LAW 512:           LEGAL METHODS III—ESTATE PLANNING (2 CREDITS)**

This course will provide an overview of the estate planning and probate process. Students will have numerous opportunities to review, analyze, and draft common estate planning documents, including wills, trusts, powers of attorney, health care directives, special needs trusts, and petitions for granting letters testamentary.

Pre-requisites: Legal Methods I & II, Wills & Trusts

**LAW 512:           LEGAL METHODS III - LEGISLATIVE DRAFTING (2 CREDITS)**

The goals of this course are to provide the student: insight into the dynamics of a legislative body; appreciation of the importance of legislative history for interpreting the meaning behind legislation; an understanding of and political constraints on legal legislative and regulatory drafting; and practical drafting experiences.

Pre-requisites: Legal Methods I & II

**LAW 512:           LEGAL METHODS III: STARTING YOUR OWN LAW FIRM (2 CREDITS)**

This course focuses on the creation and management of solo or small-firm legal practices. Topics covered include marketing of a legal practice (both traditional and internet), important organizational agreements and documents, leasing office space, malpractice insurance and controlling risk, time management software, billing and collections, and other topics.

Pre-requisites: Legal Methods I & II

**LAW 512:           LEGAL METHODS III: WRITING FOR CRIMINAL PRACTICE (2 CREDITS)**

**LAW 7019X:       MEDICAL MARIJUANA LAW (2 CREDITS)**

This course gives students a real-world look at what it means to represent a medical marijuana grower, processor, dispensary, or laboratory client. As such, students will study the conflict between state and federal law and its impacts on industry participants. Students will also draft and defend proposed regulations, participate in mock regulatory appeals, and study the impact this emerging law has on other areas of law.

**LAW 7012X: MIDPENN PRACTICUM (1 CREDIT)**

Extended Division students will have the opportunity to participate in an externship placement in partnership with MidPenn Legal Services, the legal service provider for low income clients in our region. The practicum will be made up of several opportunities to learn the law in the area of public interest representation, interviewing and counseling experience with client contact, and working with clients in clinical settings both in Dauphin and Perry counties. In addition to this experience, the first group of participating students will be involved in creating a new clinical program that MidPenn wishes to embark upon. Pardon Clinics operate in relatively few areas of the Commonwealth but provide great benefits for the recipients. The process is set forth by the PA Board of Pardons but often is not easily managed by those seeking a pardon. Creating an efficient, accessible process where individuals have guidance is an opportunity for students to build a program that can be put into place within the year. MidPenn will be the umbrella organization but WLC students will be able to be active “practitioners” in the program as part of their externship experience. Students will participate in the practicum as part of the current Clinical Externship program and will be required to comply with the requirements of that course.

**LAWH 7006: MILITARY LAW (2 credits)**

This course surveys the military justice system of the United States. The course briefly covers the history of American military justice and introduces the Uniform Code of Military Justice. The course also examines the roles of commanders, lawyers, and judges in the system; substantive crimes; trial process and procedure; the appellate process; and current topics of interest.

**LAW 767: MOOT COURT HONOR BOARD (1 credit)**

Please contact Moot Court Honor Society for more information.

**LAW 902: MOOT COURT INTERSCHOLASTIC COMPETITION (1 or 2 credits)**

Please contact Moot Court Honor Society for more information.

**LAW 889: NEGOTIATION (1 CREDIT)**

This course provides an overview of negotiation theories and techniques. Through lectures and simulation exercises, students learn to identify their negotiating styles, to negotiate effectively and to use negotiation skills in the practice of law.

**LAW 741: PA CIVIL PRACTICE (2 CREDITS)**

This course provides a general survey of civil practice and procedure in Pennsylvania state trial courts, based primarily on the Pennsylvania Rules of Civil Procedure and the Judicial Code. This is a skills class. The emphasis will be on a practical application of the relevant procedures, their interpretations through developing case law, and their function and importance in the litigation process. Trial strategies will also be a focus. Students will draft pleadings, motions, and trial documents. Time keeping and billing exercises will also be included. Students may have the opportunity to observe an arbitration or jury trial in the Court of Common Pleas Dauphin County.

**LAW 7008: PRO BONO PRACTICE I (2 CREDITS)**

This class will cover basic law and skills that an attorney needs to handle pro bono referrals from Legal Services or Legal Aid. Students will study protection from abuse orders, child custody, child support, divorce proceedings, unemployment compensation hearings, landlord/tenant disputes, and expungements. Students will draft complaints and answers, conduct mock client interviews, and make oral arguments.

**LAW 702: PROFESSIONAL RESPONSIBILITY (3 CREDITS)**

This course examines the duties of lawyers toward clients, courts, and society. Ethical problems which confront the lawyer are raised and discussed in terms of the Model Rules of Professional Conduct, the Model Code of Professional Responsibility and case law. The areas covered include confidentiality, conflicts of interest, competence, and unauthorized practice.

**LAW 516: PROPERTY II (2 CREDITS)**

A continuation of Property I, this course studies the basic elements of the law of real and personal property. Topics in personal property may include ownership and possession, finders' rights, bailment, bona fide purchasers, gifts, bank accounts, and accession. Topics involving real property include adverse possession, estates and future interests, marital interests, concurrent ownership, and landlord-tenant law. The course may also include other topics which are covered in more detail in upper level electives: nuisance law, zoning, constitutional limitations on public land use regulations, eminent domain, private land use restrictions (easements, licenses, servitudes), and real estate conveyancing and recording.

**LAW 655: REMEDIES (3 CREDITS)**

This course examines the various forms of relief available to prevailing parties in civil actions, primarily actions based in contract or tort. Thus, it covers damages, restitution, and equitable relief (specific performance and injunctions). The course also treats the use of the contempt power to enforce court orders.

**LAW 600: SECURED TRANSACTIONS (3 CREDITS)**

This course provides an introduction to the law governing contractually created interests in personal property used to secure payment or performance of obligations. The course involves a study of the creation, perfection, priority and enforcement of security interests in personal property under Article 9 of the Uniform Commercial Code. The course also includes an examination of relevant provisions of the Bankruptcy Code and some other state and federal statutes that affect security interests.

Prerequisite: Property I

**LAW 634: SEM: CHILDREN & THE LAW (2 CREDITS)**

In this course, we will explore the interaction among child, family and state. Our study will focus on fundamental questions that arise from this interaction: Who decides on behalf of the child? How does the law allocate power over and responsibility for children in our society? When and how should the state intervene in the parent-child relationship? We will examine these questions in a number of different contexts: abuse, neglect, foster care, adoption, divorce (custody and child support), medical treatment, and constitutional rights of children. Throughout our discussion of current practices and proposed reforms, we will attempt to keep the child at the center of the debate.

**LAW 909: SEM: VOTING RIGHTS AND ELECTION LAW (2 CREDITS)**

Though we often think of the electoral process as central to the shaping of law, the political process itself is governed by laws that affect the outcome of elections and, by extension, public policy. This course examines those foundational laws, whether they be constitutional or statutory. Topics include the right to vote; First Amendment rights of candidates, voters, political speakers, and parties; the Voting Rights Act's and the Constitution's constraints on the drawing of district lines; and the place of money in the electoral process.



**LAW 800: STATE ADMINISTRATIVE LAW (2 CREDITS)**

This course examines the practice of administrative law in the states with particular emphasis on Pennsylvania. Building on the foundation of the first-year federal administrative law course, State Administrative Law has two objectives. One goal is to help students develop a pragmatic orientation in preparation for the practice of state administrative law. The second objective of the course is to examine differences between state and federal administrative law. First, state procedural due process and separation of powers law are different, and frequently litigated. Second, the text of the Pennsylvania constitution itself is unique, which has led to variations from federal administrative law. Third, Pennsylvania has its own statutory administrative code, which is different from the federal Administrative Procedure Act. Fourth, some areas of administrative law are more pervasive in the states. For example, licensing application, renewal, suspension and revocation practice and procedure are major parts of state law. The course will examine all of these areas at length.

Pre-requisite: **Administrative Law or Professor Family approval**

**LAW 972: TAXATION OF BUSINESS ENTITIES (3 CREDITS)**

This course surveys the federal income tax consequences associated with doing business as a partnership, limited liability company, corporation, and S corporation. It examines the tax issues arising upon the formation, operation, sale, and liquidation of the business entity. Students will spend significant time on statutory interpretation.

Pre-requisite: Federal Income Tax

**LAW 520: TORTS II (3 CREDITS)**

A continuation of Torts I, this course examines and analyzes the general theories of tort liability for injuries to persons or property: intentional misconduct, negligence, and strict liability. The course may also introduce principles and theories of products liability. Defenses to all theories of liability are also covered.

**LAWH 7003: VITA (1 CREDIT)**

This course offers students the opportunity to provide federal and state tax preparation to clients. Students get training and certification by the IRS after satisfactorily completing an open book exam. Depending on their level of certification, they are taught to correctly identify filing status, and to prepare returns with wages, tips, interest, dividends, unearned income, social security and retirement income, and self-employed income for Schedule C-EZ. While VITA volunteers are not required to train to fill out Schedules C, D, and E, certain sites may be able to help with such returns. Students start by talking to the client and finding out what his or her particular situation is. This helps the student develop interview skills while providing the taxpayer with the appropriate services for his or her needs.

**LAW 834: WILLS & TRUSTS (4 CREDITS)**

The course covers in testate succession; testamentary capacity; execution, revocation and component parts of wills; interpretation of wills; constructive trusts; will substitutes; creation and interpretation of inter vivos and testamentary trusts; future interests; the Rule Against Perpetuities; and ethical and practical considerations in drafting wills and trusts. The course may cover charitable trusts; powers of appointment; fiduciary responsibility; administration of trusts and estates; introduction to estate and gift tax law.