

DOCTRINAL COURSE LEARNING OUTCOMES

Students will be competent in their knowledge and understanding of the following substantive and procedural legal topics, in recognizing the relevant legal issues in commonplace factual situations, and in applying the appropriate legal principles to those fact situations.

Administrative Law

- I. Constitutionality of Federal Agencies (Separation of Powers)
 - A. Delegation of Power to Agencies
 - B. Presidential Influence of Agencies
 - C. Congressional Influence of Agencies
- II. Federal Agency Decisionmaking, including:
 - A. Rulemaking
 - B. Adjudication
- III. Procedural Due Process
- IV. Judicial Review of Agency Action, including:
 - A. Preclusion of review
 - B. Review of agency findings of fact, law and policy
- V. Also:
 - A. The historical foundation to the growth of the administrative state
 - B. The debate over the future of the administrative state
 - C. The role of administrative agencies in US government

Business Organizations

- I. Agency, including
 - A. Various types of authority of agents to act for principals
 - B. The principal's liability in tort for the acts of the agent
 - C. Fiduciary duties owed by agents to principals
- II. Partnerships, including
 - A. Rights and obligations between partners, including fiduciary duties
 - B. Liability of partners to third parties in contract and tort
 - C. Advantages and disadvantages of a partnership compared to other business organizations
- III. Corporations, including
 - A. The corporate form, limited liability, and piercing the corporate veil
 - B. The relationship between shareholders, officers, and directors, including fiduciary duties
 - C. Derivative actions including the requirement of demand
 - D. Closely held corporations
 - E. Definition of a security under the federal Securities Laws
 - F. Advantages and disadvantages of a corporation compared to other business organizations

- IV. Limited Liability Companies, including the advantages and disadvantages of a LLC as compared to other business organizations
- V. Basic issues in business planning including partnership agreements, shareholder agreements, buy-sell agreements, and employment contracts.

Civil Procedure

- I. Jurisdiction, including subject matter and personal jurisdiction, venue, and service of process
- II. The law applied by federal courts
- III. Pretrial procedures, including pleadings, defaults and involuntary dismissals, joinder of claims and parties, and discovery
- IV. Motions, including pretrial motions, motions during trial, and post-trial motions
- V. Claim and issue preclusion
- VI. Appeals

Constitutional Law

- I. Judicial Review, including power of federal judicial review of executive, legislative, and state actions; Methods of Constitutional Interpretation; Political control of courts through appointment, impeachment, determination of jurisdiction; justiciability
- II. Powers of Congress, including Interstate Commerce, Tax, Spend, War, Necessary and Proper Clauses
- III. Some treatment of Executive Power (topics may vary)
- IV. Limitations on state powers, including dormant commerce clause, supremacy clause, and preemption
- V. Substantive Due Process, including minimal scrutiny and implicit fundamental rights
- VI. Equal Protection, including minimal scrutiny, race and gender classifications
- VII. State Action
- VIII. Other skills important to this topic, including understanding how constitutional law changes over time and developing the skills to predict application of tests in future cases; understanding increasingly complex cases dealing with multiple elements; determining the state of the law where it is necessary to examine opinions by different judges in a single case; understanding the variety of arguments used in constitutional law (and using them appropriately); organizing large and complex legal tests.

Contracts & Sales

- I. Contract doctrines, including:
 - A. Formation of contracts
 - B. Defenses to enforceability
 - C. Parol evidence and contract interpretation

- D. Performance, breach and discharge
- E. Remedies
- F. Third party rights
- II. The applicability of both common law and Uniform Commercial Code doctrines to contracts
- III. The historical development of contract law, both under the common law and the Uniform Commercial Code
- IV. Basic lease of goods concepts including leases intended as security and finance leases
- V. The existence and relevance of the Convention on the International Sale of Goods

Criminal Law

- I. Homicide
 - A. Intended killings, including premeditation, deliberation, and provocation
 - B. Unintended killings, including recklessness, negligence, felony murder, and misdemeanor manslaughter
- II. Other crimes
 - A. Theft and receiving stolen goods
 - B. Robbery
 - C. Burglary
 - D. Assault and battery
 - E. Possession offenses
- III. Inchoate crimes
 - A. Attempts
 - B. Conspiracy
 - C. Solicitation
- IV. General principles
 - A. Acts and omissions
 - B. State of mind, including required mental states, strict liability, and mistake of fact or law
 - C. Responsibility, including mental disorder, intoxication
 - D. Causation
 - E. Justifications and excuses

Criminal Procedure

Constitutional protection of accused persons:

- I. Arrest, search and seizure
- II. Confessions and privilege against self-incrimination
- III. Lineups and other forms of identification
- IV. Right to counsel
- V. Double jeopardy
- VI. Burdens of proof and persuasion
- VII. Appeals

Evidence

- I. Presentation of evidence, including introduction; mode and order; impeachment and rehabilitation
- II. Relevance, including probative value; authentication; character; expert testimony; real and demonstrative evidence
- III. Policy exceptions
- IV. Writings, recordings, and photographs
- V. Hearsay and exceptions
- VI. Other evidentiary matters

Property

- I. The concept of possession in personal and real property
- II. Present and future interests
- III. Concurrent interests and co-ownership
- IV. Landlord-tenant
- V. Real estate transactions, finance, and recording
- VI. Nuisance
- VII. Easements and Covenants
- VIII. Land Use Regulation
- IX. Eminent Domain and Regulatory Takings

Torts

- I. Intentional torts, including harms to the person and harms to property interests, and defenses
- II. Negligence
 - A. Duty, including the reasonably prudent person, limited duties, and duties derived from statutes
 - B. Problems relating to proof of breach, including *res ipsa loquitur*
 - C. Problems relating to causation, including those involving factual cause, legal (proximate) cause, and multiple causes
 - D. Defenses based on plaintiff's conduct
 - E. Liability for acts of others, including *respondeat superior*
- III. Strict liability, including claims arising from abnormally dangerous activities and from the keeping of animals, and defenses to such claims
- IV. Damages, including recovery for harm to persons and property and punitive damages