

COMMONWEALTH COURSE DESCRIPTIONS

Spring 2018

LAWH 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 legislative, executive and judicial controls on them.

LAWH 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

LAWH 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

LAWH 925: CENTRAL PA CIVIL CLINIC (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

LAWH 926: CENTRAL PA CIVIL CLINIC 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 Pennsylvania Civil Clinic

LAWH 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.

LAWH 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

LAWH 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.

LAWH 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.

LAWH 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.

LAWH 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

LAWH 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.

LAWH 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.

LAWH 7007X: ERISA: PENSIONS & DEFERRING COMPENSATION (2 CREDITS)

This course surveys the federal taxation and regulation of deferred compensation arrangements, pension plans, and other employee retirement savings vehicles. Some provisions of the Internal Revenue Code and the Employee Retirement Income Security Act (ERISA) will be examined in depth. Central themes for the course include an analysis of the timing of taxation of employee compensation, the reasons for the development of employee compensation, the reasons for the development of employee retirement savings plans, and the need for, and success of, federal regulation of these plans.

Prerequisite: Federal Income Tax

LAWH 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.

LAWH 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.

LAWH 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 focus on bar exam skills and is not a comprehensive review of the substantive law tested on the bar exam. Students will be required to work collaboratively in class and will have regular homework assignments to complete. This course is not a substitute for a commercial bar preparation course.

LAWH 851: GAMING LAW (1 CREDIT)

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.

LAWH 6035: GOVERNMENT LAW COLLOQUIUM (1 CREDIT)

This seminar 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 seminar will consider real life litigation, such as the pursuit of a zoning board appeal or a workers' compensation claim.

LAWH 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.

LAWH 678: INTERSCHOLASTIC TRIAL COMPETITION COLLOQUIUM (1 CREDIT)

This course is required for all students who wish to participate in interscholastic trial advocacy competitions. Enrollment is permitted only with permission of the Trial Advocacy Honor Society advisor. This intensive course will cover the basics of trial competition from case preparation through courtroom performance. This course will be graded on a pass/fail basis.

Prerequisite/Corequisite: LAW 836: Evidence

LAWH 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.

LAWH 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

LAWH 770: LAW REVIEW BOARD (1 OR 2 CREDITS)

Please contact Widener Law Review for more information.

LAWH 762: JOURNAL OF LAW, ECONOMICS & RACE BOARD (1 or 2 CREDITS)

Please contact Widener Journal of Law, Economics & Race for more information.

LAWH 763: LAW REVIEW STAFF (1 CREDIT)

Please contact Widener Law Review for more information.

LAWH 763: JOURNAL OF LAW, ECONOMICS & RACE STAFF (1 CREDIT)

Please contact Widener Journal of Law, Economics & Race for more information.

LAWH 510: LEGAL METHODS II (2 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—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

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

The goals of this course are to provide the student with: 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

Enrollment: Limited to 20 students

LAWH 7006X: 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.

LAWH 764: MOOT COURT HONOR SOCIETY (1 CREDIT)

Please contact Moot Court Honor Society for more information.

LAWH 6070X: MOOT COURT INTERSCHOLASTIC COLLOQUIUM (1 CREDIT)

LAWH 902: MOOT COURT INTERSCHOLASTIC COMPETITION (1 or 2 CREDITS)

Please contact Moot Court Honor Society for more information.

LAWH 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.

LAWH 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.

LAWH 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.

LAWH 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

LAWH 638: SEM: INSURANCE (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.

LAWH 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

LAWH 850: STARTING YOUR OWN FIRM (Small Firm Practice & Management) (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. This 2-credit course is graded.

LAWH 972: TAXATION OF BUSINESS ENTERPRISE (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

LAWH 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 7003X: 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.

LAWH 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.