

COURSE DESCRIPTIONS
Widener University Commonwealth Law
Spring 2021

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 legislative, executive and judicial controls on them.

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 business bankruptcies.

LAW 7002X: BUSINESS BASICS FOR LAWYERS (1 credit)

This course is designed to demystify business concepts so that students beginning courses in corporate and commercial law have some familiarity with the language of business. Although business lawyers do not keep their clients' financial books and records or model the financial effects of acquisition transactions, they need a basic understanding of accounting and finance in order to understand and find solutions to their clients' problems. This course will provide students with a basic knowledge of essential business and finance concepts such as the balance sheet, the time value of money, valuation of a business, and the difference between debt and equity.

LAW 631: BUSINESS ORGANIZATIONS (3 credits)

A.J.D./LL.M survey course that analyzes the conduct of business in each of the principal forms of business organization, and the relative rights and liabilities of the members of such organizations and third persons. The course reviews the uniform partnership statutes, the Model Business Corporation Act, and the Delaware General Corporation Law, and considers the legal principles governing agency and partnership relationships as well as corporations. The course introduces the federal securities laws and the state statutes governing limited liability companies, limited partnerships and limited liability partnerships.

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 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 (3 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 (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 provisions 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 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 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. 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.

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 819: GOVERNMENT CONTRACTING (1 credit)

This course provides a discussion of the elements, practices and processes of government contracting dealing with applicable statutes, regulations and policies. Topics include authority of government agents to contract, methods of procurement, issues of disputes and claims, socioeconomic programs, contract changes and terminations, debarment and suspension, and procurement ethics.

LAW 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.

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 752: INTERNATIONAL ENVIRONMENTAL LAW (2 credits)

This course will provide an overview of the basic rules of international law. It will focus on selected international environmental treaties, including the Climate Change Convention and the Kyoto Protocol, and will explore the U.S. domestic consequences of international agreements, particularly the need for energy efficiency. No pre-requisites.

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: LAW REVIEW BOARD (1 or 2 credits)

Please contact Widener Law Review for more information.

LAW 763: 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—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 – WRITING FOR THE BAR EXAM AND BEYOND (2 credits)

This course helps jumpstart students' preparation for the essay and performance tests on the bar exam. In this course, students will enhance their legal writing, analytical, and organizational skills through intensive studying and writing practice. Students' legal and factual analytical reasoning skills and writing skills will be developed through multiple practice essay exams and performance tests. This course is designed to help students develop the skills needed to succeed on the bar exam and as newly admitted attorneys. This course is not a substitute for a bar preparation course. Students are encouraged to take this course in the year immediately preceding graduation.

LAW 645: LEGISLATION (2 credits)

This course studies the enactment and interpretation of statutes, principally on the national level. As such, the course is one of separation of powers, as we consider the exercise of governmental power by, and the relationship between, the legislative, executive, and judicial branches. Students will learn tools for interpreting statutes and for arguing in favor of one interpretation over another; the course is not designed to teach doctrinal lessons. Students should have a basic familiarity with the legislative process and the separation of powers before beginning the course, which one can learn by reading an introductory text.

LAW 7012X: MID PENN LEGAL SERVICES 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 in 2019. 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 902: MOOT COURT INTERSCHOLASTIC COMPETITION (1 or 2 credits)

Please contact Moot Court Honor Society for more information.

LAW 845: NON-PROFIT ORGANIZATIONS (2 credits)

This course examines the formation, organization and operation of tax-exempt entities including charitable organizations and private foundations. The course will analyze a myriad of topics including, but not limited to, the following: distinctions between non-profit and tax exempt statutes; income taxation of exempt organizations; private vs. state related classifications and the scope of judicial review; structuring relationships with non-profit affiliates and for-profit business organizations; liability and responsibility of agents, officers and directors; comparisons of the Delaware and Pennsylvania statutory schemes; and considerations in acquisitions, mergers and liquidations of exempt organizations.

LAW 6044: OIL AND GAS LAW (2 credits)

This course is a comprehensive introduction to the dynamic area of oil and gas law with a particular focus on the nature of oil and gas interests, oil and gas leasing and key provisions, implied covenants in oil and gas leases, principles governing the lessor-lessee relationship, pooling and unitization, a multitude of common law doctrines peculiar to oil and gas, oil and gas conservation statutes, and contemporary environmental challenges associated with oil and gas exploration and development.

LAW 925: 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

LAW 926: 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

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 7008X: PRO BONO PRACTICE 1 (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 646: SALES AND LEASES (3 credits)

This course covers Articles 2 and 2A of the Uniform Commercial Code. Coverage generally includes all the stages of contracts for the sale and lease of goods from formation to breach and remedies. Documents of title (Article 7) and payment by means of letters of credit (Article 5) may also be covered. The course may also include comparisons and contrasts with the Convention on Contracts for the International Sale of Goods.

LAW 7023: SEM: BUSINESS LAW & EMERGING TECHNOLOGIES (2 credits)

Apps, smart goods, platforms, smart contracts, blockchain, artificial intelligence. We use these terms a lot as new technologies change the way that individuals and entities interact to conduct personal and business transactions. Do we need new laws to deal with these technologies, or is existing law malleable enough to govern emerged and emerging technologies? This seminar will address those questions by exploring the impact of new technologies on various business practices, analyzing laws that could govern disputes arising from these technologies, and discussing laws enacted to address new technologies. We will also discuss proposals to amend the Uniform Commercial Code to accommodate emerging technologies such as blockchain technology. Students will write a research paper on the law and technology issue of their choice.

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.

Pre-requisite: Constitutional Law

LAW 699: SPECIAL PROBLEMS IN LEGAL ETHICS (1 credit)

The advanced problems course will take a more in-depth look at the very real and very serious professional responsibility challenges which arise in everyday practice of law. We will move the consideration of professional responsibility from the theoretical study of moral codes to the application of those codes in light of other law, moral and professional considerations and the individual student's own sense of proper action. The ultimate purpose of the course is to arm the student with a sophisticated understanding of the workings of the moral and professional rules applicable to law practice, to train the student in identification of the ethical questions which frequently arise in law practice and thus to enhance the value of the student to him/herself and to the employing firm or organization. (Inter-semester; 2-days, 1 credit)

Pre-requisite: Professional Responsibility

LAW 773: STATE CONSTITUTIONAL LAW (2 credits)

This course examines the significance of state constitutions, their role in our federal system, and competing approaches to their interpretation. Particular emphasis is placed on the importance of state declarations of rights in providing guarantees in addition to, and different from, federal guarantees of individual rights, and on separation of powers issues. Other topics include local government, public education, state and local taxation, limits on debt and expenditures, and the processes of amending or revising state constitutions.

Pre-requisite: Constitutional Law

LAW 519: TORTS I (2 credits)

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.

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.

LAW 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 vivo 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.

LAW 745: WORKERS' COMPENSATION (2 credits)

This course studies the development and application of workers' compensation statutes, combining theoretical and practical approaches. Among the topics that will be covered are: statutory elements of a claim for an accident to be work-related and compensable; defenses, burdens of proof, and procedure; distinctions among occupational injury, disease, and stress claims; different types of compensation on civil actions and related claims for damages and disability; and current legislative proposal.