

Principles of Course Selection

The information found in this handbook informs students about courses offered at Boston College Law School for the academic year 2011/12, and some thoughts to keep in mind when constructing a course of study. Similar information can be found in "Principles of Course Selection" on the Academic Services web site. Students should be aware that certain courses may be prerequisites to taking some states' bar examinations. Certain jurisdictions also mandate the taking of the Multistate Professional Responsibility Examination [M.P.R.E.] as a prerequisite for sitting for a bar exam and for admission to practice law. Finally, some jurisdictions limit the number of "clinical" or co-curricular credits that may be applied toward a law degree. Information about these and other bar admission requirements is available at <http://www.ncbex.org/>.

With the following exceptions, all upper-level courses are electives. All students are required to take Constitutional Law II (LL666), Professional Responsibility (LL955), a course satisfying the "Perspectives on Law and Justice" requirement, a course satisfying the upper level writing requirement, and a course satisfying the "Lawyering Skills" requirement

Lists of the courses satisfying the requirements will be available with the course registration materials and on the website.

In your second and third years combined you must have at least 32 credits from *in-class courses at the law school* – and these 32 credits cannot include any of the following:

- (1) Semester practice credits (other than those for the seminar portion)
- (2) Law review credits
- (3) Moot court credits
- (4) London program – the practice portion credits or credits for courses taken at Kings College from their general curriculum
- (5) Credits from joint degree classes not taken at the law school
- (6) Classes taken at other parts of the university or at other schools or institutions

With the consent of the Associate Dean for Academic Affairs, second and third-year students may take a maximum of four law-related courses (12 credits) at the graduate level in other departments and programs at Boston College. Grades for courses taken outside of the law school (other than courses cross-listed with other departments) will appear on the student's transcript, but will not be calculated into the law student's GPA.

I. Guidelines for Course Selection

A sound course of study requires careful planning. Students may therefore find it helpful to remember six important themes when choosing courses:

- Create a base of substantive knowledge by taking introductory courses in a number of core substantive areas. Such areas include:
 - administrative law
 - business law (i.e. corporations, commercial law, and intellectual property)
 - constitutional law
 - criminal law and criminal procedure
 - environmental law and land use
 - evidence
 - family law
 - international law
 - labor and employment law
 - tax
- Develop specialized knowledge by taking a reasonable concentration of courses in one or two areas of particular interest.

- Diversify the perspectives from which one studies the law not only to satisfy the perspectives requirement but also by taking courses specifically designed to encourage broad thinking about the law.
- Continue strengthening research and writing skills.
- Sharpen practical skills by taking clinical courses, trial practice, mediation, negotiation, appellate advocacy, advanced research and writing, alternative dispute resolution and other courses that will teach you specific lawyering skills necessary to prepare for the successful practice of law.
- Fulfill course requirements for graduation and admission to the bar.

Students are also encouraged to discuss their course selections with their advisors, their current professors and professors with expertise in particular areas of interest. Students are also encouraged to look at the National Conference of Bar Examiners website (referenced above) to determine what subjects are tested on the MBE, and what subjects will be tested on the essay sections of individual state bar exams.

I. Course Offerings by Subject Matter

Any grouping of courses by subject is inexact. A subject-matter arrangement of course descriptions is attempted in this handbook to give you an opportunity for a more organized glance at the curriculum than an alphabetical list of course names permits. However, the interrelationships among areas of law are complex; rarely does an issue touch only on a single subject area. Please consult the subject descriptions below for a clearer picture of the full range of recommended courses in a particular field of interest. **Note that not all courses suggested below are offered every academic year**

A. Business Law: Commercial, Corporate, Labor and Employment, Taxation

This section provides some general advice about course selection for students interested in practicing business law. Although the advice provided here should be of general interest, the faculty recommends that students seriously interested in business law consult personally with professors about their particular course of study.

Basic Courses

The faculty recommends that students gain exposure to general areas of law that consistently arise as part of modern business law practice. Accordingly, students are encouraged to take the following basic courses:

- Corporations
- Taxation I
- Commercial Law: Secured Transactions
- Intellectual Property Survey
- Employment Law
- Law and Accounting

The faculty also recommends that students interested in a corporate or corporate transactions practice also take Tax II and Securities Regulation.

Courses to Increase Depth of Knowledge

Students interested in particular areas of business law may develop expertise by selecting from the following additional courses. Students should be aware that a number of the courses listed here should be taken only after one or more of the basic courses listed above have been taken. Students should consult with individual professors about background needed for these courses.

Commercial Law and Bankruptcy

- Banking Law
- Business Bankruptcy\
- Consumer Bankruptcy
- Insurance Law
- Law of Money

Corporate/Securities

- Corporate Finance
- Securities Regulation
- Mergers and Acquisitions
- Antitrust
- Mutual Fund Regulation
- Venture Capital Finance

Employment Law

- Employment Discrimination
- Labor Law
- Employee Benefits

Intellectual Property

- Copyright
- Trademark/Unfair Competition
- Patents
- Technology Transactions and Licensing
- Patent Litigation
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International Business

- International Business Transactions
- International Trade
- Globalization and International Economic Development
- International Arbitration
- International Aspects of U.S. Income Tax

Tax

- Tax II (Corporate Tax)
- Estate and Gift Tax
- Estate Planning
- International Aspects of U.S. Income Tax
- Partnerships: Transactions, Planning and Taxation
- Tax III (Advanced Corporate Tax)
- Tax Policy Workshop

Advanced Theoretical and Practical Study

Students can complete their studies by taking advanced courses that provide practical experience or advanced theoretical study. These courses are designed primarily for 3Ls who have already taken other courses from the business law curriculum and may in some cases have explicit prerequisites.

- Securities Regulation Seminar
- Advising the Business Planner
- Corporate Governance Seminar
- Business Negotiation
- Deals: The Economic Structure of Transactions
- The Theory and Practice of Business Decision-making
- Advanced Legal Writing: Transactional Practice

B. Clinical Education

Clinical education courses give students the opportunity to work on actual client matters under the supervision of a practicing attorney, a judge or a member of the faculty while learning about the ethical and practical dimensions of practicing law. The available programs offer a variety of settings and subject areas, and differing time and credit commitments.

Please note that the Massachusetts student practice rule allows third-year law students to represent indigent

clients and government agencies in both civil and criminal matters, while second-year law students are limited to civil representation. The student practice rule requires that a student be taking or have successfully completed Evidence or Trial Practice. (The faculty has defined “successfully completed” as a grade of “C” or better.) Enrollment in all clinical courses is limited. An informational brochure on all of the clinical offerings is available from the Academic Services Office; information also appears on the Academic Services web site at “Clinical Education.”

The faculty has determined that a student may not take more than one of the following five major externship programs: the Attorney General Program, the London Program, Semester in Practice, Semester in Practice Criminal, and Semester in Practice: International Human Rights.

Clinical courses are those in which students perform litigation or transactional activities in the representation of actual clients. Externship courses are those in which the students assist practicing lawyers in representing clients (such as providing support) or observe judges in litigation. More information on these courses is available on the Academic Services Web site in the section on Clinical Education and in the clinical brochure available from Academic Services.

- Civil Litigation Clinic
- Community Enterprise Clinic
- Juvenile Rights Advocacy
- Housing Law Clinic
- Semester in Practice
- Attorney General Program
- Criminal Justice Clinic
- Judicial Process
- Immigration Law Clinic and Practicum
- Judge & Community Courts
- London Program
- Advanced Immigration Clinic
- Women and the Law Clinic (*Not offered in 2011-2012*).
- International Human Rights Practicum

C. Criminal Justice

All students should seriously consider taking courses in this area. Clients in civil matters often require advice about whether certain actions may bring exposure to criminal sanction. A background in criminal law is therefore valuable to all lawyers. The two basic offerings in this area are Criminal Law (which covers the substantive scope and definition of crimes and defenses to criminal charges) and Criminal Procedure (which covers the constitutional limitations on criminal investigations). Advanced courses in this area include International Criminal Law, White Collar Crime, Federal Criminal Law; National Security Law; Prosecutorial Ethics, Juvenile Justice Seminar, Death Penalty, Criminal Procedure: Adjudication, Domestic Violence and the Law, and Mental Health Law.

D. Dispute Resolution

1. Litigation

All students should seriously consider taking Evidence. Students interested in litigation practice will find the following division of available courses helpful in pursuing further study. “Traditional” courses focus on case law, statutes and rules which govern litigation: the “substantive” knowledge of a litigator. The teaching method is primarily analysis of cases and rules in a classroom setting. Evaluation is usually done by written examination.

Traditional - examples

- Evidence
- Federal Courts
- Conflict of Laws
- Civil Rights Litigation
- Complex Civil Litigation

Simulation courses emphasize the skills and activities of a litigator and the primary teaching methods are mock exercises and role playing. The teacher provides models and critiques student performances and work product.

Simulation - examples

- Trial Practice
- Advocacy Writing
- Advanced Evidence: Trial Objections
- Appellate Advocacy
- Family Law Practice
- Civil Motion Practice
- Civil Discovery Practice

2. Alternative Dispute Resolution

In recent years the legal system has come to rely to a greater extent upon dispute resolution mechanisms other than litigation. It is likely that any lawyer, whether in a litigation practice or not, will have occasion to participate in some form of Alternative Dispute Resolution procedures. Courses that offer exposure to these processes include: Arbitration; Dispute Negotiation; International Arbitration; Legal Interviewing and Counseling; and Mediation.

E. Family Law

A student interested in practicing Family Law should start with the introductory Family Law course. Students in advanced study should also consider such courses as Child Parent and State, Social Security Law, Trusts and Estates Estate and Gift Tax, and Family Law Practice. The student might also consider the Civil Litigation Clinic or the Women and the Law Clinic, as a significant portion of the problems handled at the Legal Assistance Bureau involves a range of domestic and family-related matters.

F. Intellectual Property

Students interested in technology, entertainment, and publishing will find this area of particular interest. Students interested in general business law should also seriously consider taking a course in this area as the increasing importance of technology makes intellectual property part of every business. The Intellectual Property Survey course is a good place to start. Students intending to practice in the area should take Copyright, Patent, Trademark/Unfair Competition, Technology Transactions and Licensing, Sports Law, and Entertainment Law.

G. International and Comparative Law

The increasing globalization of society and the economy makes literacy in international law part of a modern lawyer's basic knowledge. In addition to the basic public international law course (International Law), offerings in the international and comparative field include: International Business Transactions; Foreign Relations; Comparative Law; International Trade; International Arbitration; International Environmental Law; International Criminal Law, International Human Rights; International Organizations; Law of War, War Crimes and Genocide; Globalization and International Economic Development; International Civil Litigation; and, the London Program.

H. Lawyering Skills

Starting with the graduating class of 2011, student must take a course that satisfies a lawyering skills requirement. Numerous courses develop lawyering skills in the context of studying substantive law or simulating lawyering activities such as interviewing, negotiation, research, drafting transactional documents and courtroom advocacy.

I. Legal History, Philosophy and Theory

Courses in Legal History, Philosophy and Theory are not only an essential component of the education of a lawyer as a member of a learned profession, but can also be very practical courses for students who will be practicing law over a lifetime in which dramatic change in the legal system is a certainty. **Starting with the graduating class of 2011, students are required to take at least one course that explains the moral, philosophical and cultural premises underlying legal doctrines and how such doctrines can best be**

shaped and applied to promote a more just society. Some of the courses that meet this description are: American Legal History; Anglo-American Legal History; American Legal Theory; Foundations of Western Law; Feminism & the Law; Jurisprudence; Comparative Law, Law & Literature; Law & Philosophy; and Modern Legal Theory.

J. Property

1. Land Law and Environmental Law

This area of modern legal practice includes a number of courses related to land use, land transactions, and environmental and natural resources issues which typically involve land utilization decisions. The basic courses in this area are Land Use Planning, Environmental Law, and a Real Estate Finance course. Administrative Law is likewise an important course because this entire area is deeply affected by regulatory controls. Local Government Law is an important course because many land use restrictions are controlled by municipal agencies. An extensive variety of further electives is available, including commercial leases and other commercial real estate practice, regulation of hazardous materials, air and water pollution law, housing law, animal law, compliance counseling for corporate clients, and an advanced environmental law seminar.

2. Estate Planning

To prepare for a concentrated practice in real and personal property and wealth transfers, a student should plan to take the following general courses: Trusts & Estates, Estate & Gift Tax, and Estate Planning.

K. Public Law: Constitutional, Administrative and Legislative

The major proportion of “law” in modern legal practice is today heavily weighted toward public law. Most functional law in virtually every area of practice is today dominated by rules made not by courts but by government bodies at all levels – local, state, federal, and even international. All law students should pursue sufficient studies in this area to feel comfortable with the processes of how laws are created and implemented in the modern administrative state. At least one course should give students direct experience in how complex regulations can be interpreted and applied to corporate or individual clients. Among the course offerings in these areas are: Administrative Law; Legislation and Regulation; Environmental Law; Immigration Law; Constitutional Law II; First Amendment; Comparative Constitutional Law; State Constitutional Law; and, the Attorney General program.

L. Research and Writing

Upper level courses that emphasize research and writing are valuable because they encourage deeper understanding of material and build valuable professional skills. A list of courses satisfying the upper level writing requirement can be found at the back of this catalogue.

M. Graduate Level, Law-Related Courses

A law student may take up to 12 credits of graduate level, law-related courses and apply those credits toward the student’s law degree. Registration for these courses requires permission of each department. Those interested in taking a graduate level, law-related course should contact the Academic Services Office. Please note that, although graduate level, law-related courses will apply toward the 85 credits needed for graduation, only courses carrying an “LL” number in front of them will be included in the official law school GPA.

A complete listing of graduate courses is available at <<https://agora.bc.edu/all/course.schedule>>. Among the courses in other university departments that are of particular interest to law students are Education Law and Public Policy (LL 703) International Business Consulting (MM844) and Philosophy of Law (LL917).

When Courses are Offered

In applying the foregoing principles of course selection, students may also consider some principles by which the Law School determines course offerings. While most courses are offered in one section each year, numerous courses are offered more sporadically, such as on an every–other- year basis.

From time to time as legal, social and economic developments warrant, the Law School develops new courses and terminates others. For these reasons and general contingencies such as teaching coverage,

students should appreciate that not all of the foregoing courses will be offered in the semesters or with the frequency mentioned and others may be added (including others being offered during 2011-12 listed in these materials that are not guaranteed to be offered in future years). That said, this information may be useful in selecting courses.

First, required courses usually are offered in *three or more sections each year*. For 2011-2012, these courses are Constitutional Law II and Professional Responsibility. We generally try to offer such courses twice each semester but this is not always possible. In addition, while many courses satisfy the upper level writing requirement, a number of courses focus on Advanced Legal Writing or Advanced Legal Research. Multiple sections of these courses are offered each semester.

Second, some courses attract such large numbers of students that they usually are offered in *three sections each year*. For 2011-2012, these courses are Corporations and Evidence.

Third, some courses attract such significant numbers of students that they usually are offered in *two sections each year*. For 2011-12, these courses are IP Survey, Criminal Procedure, Secured Transactions, Tax I, Trusts and Estates, Mediation and Negotiation. Sometimes, courses that usually are offered in two annual sections are offered once per year.

Fourth, many courses of a specialized or advanced nature are of interest to smaller numbers of students and therefore are generally offered *once every two years*. Offering some smaller enrollment courses once every two years allows the law school to maximize its curricular offerings in light of limited resources. For 2011-12, based upon recent history and current expectations, the courses on an every other year schedule are set forth below. These predictions may change based on availability of instructor.