

2011-2012

COURSE AND SCHEDULE UPDATES

(As of January 24)

SPRING SEMESTER

1/24/2012 **LL80401 Law, Leadership and Social Justice**, *Prof. Evangeline Sarda*
This course meets the Perspectives on Justice and the Law requirement.

1/3/2012 *Class Cancelled*
LL 40801 Law and Philanthropy, *Prof. William Bagley*

11/22/2011 *Course description*
LL95504 Professional Responsibility, *Prof. Paul Tremblay*
This 3-credit course (with a fourth credit option) explores both the basic elements of a lawyer's fiduciary responsibilities, as well as more complex questions about professional ethics and the organization of the legal profession. It will cover questions about who can practice law and in what forms, including how much money lawyers can charge and how they get it and hold it; complicated conflicts and confidentiality topics, including how the secrecy rules work in the corporate context; challenges in representing questionably competent clients and clients within poor communities; the limits, if any, of hardball lawyering; and the doctrine of malpractice (plus how BCLS grads might avoid the topic, except perhaps for using it to sue other lawyers). We will explore not only the ABA's Model Rules of Professional Conduct, but also the accompanying "law of lawyering" which is so critically important to successful and safe practice. The course grade is based on a 3-hour conventional examination. 2 or 3L students wanting to fulfil the upper level writing requirement may do so by writing a separate research paper for a fourth credit.

11/21/2011 *Schedule Change*
LL99601 Evidence, *Prof. Frank Herrmann*
Class will meet on Monday/Wednesday, 8:30-9:45 a.m.

10/27/2011 *New Courses*

LL78801 Jurisdictional Conflicts in an Age of Globalization: A European perspective (Spring: 1), *Prof. Laurence Sinopoli*
Prerequisites: European Union Law is recommended, but not required.
Class will meet Monday, Tuesday, and Wednesday, 5:00-7:00 p.m.,
March 12, 13, 14 and March 19, 20, and 21.

This course explores the legal consequences of transactions touching on more than one nation, with a particular focus on judicial jurisdiction and recognition and enforcement of foreign judgments. Although it is taught

primarily from a European perspective, it will be useful to anyone interested in international business transactions or international litigation. Topics to be covered include the following:

Jurisdiction: How do you sue a defendant domiciled in EU in civil and commercial matters? What rules determine which courts will have jurisdiction? What is the role of forum non conveniens? In which court(s) can a French citizen sue a defendant domiciled in the U.S.? Is this an example of excessive jurisdiction?

Enforcement and recognition of foreign judgments: EU law provides for mutual recognition of judgments rendered by the courts of other EU member states. Judgments of courts in non-EU member states, by contrast, are recognized and enforced according to the conflict of law rules of that jurisdiction. The course will explore the Hague Convention rules to this effect, plus case-law of the European Convention on Human rights concerning the right to a fair trial, on the one hand, and the right to recognition, on the other.

A syllabus and teaching materials will be available in early March. Evaluation will be based on a take-home exam.

10/27/2011 **LL93401 International Bankruptcy (2 credits)**, *Profs. Ingrid Hillinger and Mark Berman*

Prerequisites: None, although familiarity with the United States Bankruptcy Code is helpful.

Today's national bankruptcy practice seldom centers around one debtor filing one case in a United States bankruptcy court. Most corporations of any size have operations and assets in more than one country. In addition, many troubled corporations are part of a "corporate group" that includes affiliated entities operating in numerous countries, many of which will file their own insolvency proceedings in their countries of incorporation. The most obvious example of this trend is the Lehman Brothers group of companies: approximately 80 Lehman affiliates commenced insolvency proceedings in 16 countries. The course is designed to deal with this world of multi-jurisdictional insolvency. It will tackle two broad topics: Comparative Insolvency Law and Managing Cross-Border Cases.

This is a distance education course taught at Columbia University Law School. Before the start of each Columbia broadcast, the class will meet to discuss relevant issues.

Leading professors, attorneys, judges, and policymakers from around the world will teach this course. Richard Broude, formerly a professor at the Georgetown University Law Center, and now an internationally recognized practitioner, acts as national course coordinator. Mark N. Berman, a partner

at Nixon Peabody LLP who specializes in bankruptcy law, is the Boston College Law School course co-coordinator.

The Columbia University Law School class starts at 6:20 pm on Thursdays. Students at each of the participating law schools can ask questions in real time. The lecturers will answer them when asked. To encourage student participation in each remote location, Professor Broude will distribute a list of questions for each week's session in advance, assigning one or two schools the lead role in responding to those questions.

Class will begin at 5:15 in East Wing 115A. The broadcast will begin at 6:20, EW100. The course begins Thursday, January 19, 2012.

The exam will be a fact-pattern based, open book, in-class exam graded on a pass-fail basis.

10/27/2011 **LL76101 Philosophy of Law: Freedom and Authority in Criminal Law (Spring: 3), Prof. Paulo Barrozo**
Prerequisites: None
Meets Perspectives on Justice and the Law requirement.

Constitutions constitute social and political order. One phenomenon is universally implicated in order: violence. Of all forms of constitutional violence, none is more ordinarily deployed than punishment for criminal offenses. From time immemorial, societies have sought in the distribution of punishment the promotion of their most cherished values and the protection from their greatest fears. This has become true of the global society as well. For individuals, this means that in criminal law their fundamental rights, including the right to life, are at stake in both private and state action. In criminal law, the blameworthy deficiencies of personal will and intention and the awesome power of social and political orders face off. The course interrogates the conditions under which punitive violence can transmute into legal authority and criminal law become consistent with freedom. Readings from contemporary national and international criminal law philosophy. Graded on essay. No pre-requisites. Students from other schools and departments are welcome.

10/24/2011 **LL91701 Philosophy of Law: Future of International Law (Spring: 3), Prof. Paulo Barroso**
Cancelled.

10/24/2011 *Revised course description (change in textbook selection)*
LL 97501 Criminal Procedure (Adjudication) (Spring: 2), Prof. Greg Massing
Prerequisite: Criminal Law
Corequisite: None

This course examines the constitutional doctrines governing criminal proceedings in the United States, from initial appearance and bail, through trial, sentencing, and appeals (i.e., the second half of "Law and Order"). Topics include the grand jury, the right to counsel, criminal discovery, plea bargaining, jury selection, trial rights, double jeopardy, and sentencing. The course will emphasize themes such as the importance of the jury in the American criminal justice system and the role of race in the development of constitutional criminal doctrine. The text will be Allen, Stuntz et al., *Comprehensive Criminal Procedure* (3d ed. 2011), supplemented by selected cases. Grades will be based on a final written examination, with class participation taken into account.

10/12/2011

Revised course description

LL48902 Semester in Practice: Public Interest

Prof. Evangeline Sarda

Spring: 10 credits (8 optional) Variable credit: 8 or 10 clinical credits, pass/fail (for 3 or 4 day placements, respectively)

Corequisite: Law, Leadership & Social Justice: The Role of the Public Interest Practitioner as an Agent of Change (3 classroom credits)

Pre/Corequisite: Evidence (for placements requiring SJC Rule 3:03 certification only)

Meets Perspectives on Justice and the Law, and Lawyering Skills requirements.

This section of Semester in Practice has a public interest focus, allowing students to work three or four days a week in a variety of government and public interest organizations. Examples of possible placements include prosecutor's offices; public defender's offices; family law, legal services, education, impact litigation, employment discrimination, environmental, and immigration practices; and judicial internships. Students participate in an orientation during the first week of classes in January. Placements begin in the second week of classes and end when classes end in April. During the semester, students will write journals and meet for six "coffee" hours to discuss placement issues with each other. Students will reflect on their collective experiences in the field while they consider what it means to be a "public interest lawyer" and whether their work can effectuate real change and social justice.

Students in this section of Semester in Practice must take the co-requisite seminar (LL804) Law, Leadership & Social Justice: The Role of the Public Interest Practitioner as an Agent of Change (co-taught with Professor Amy Reichbach). The seminar is a hybrid class, made up of students in SiPPI and students who take the seminar only, and is open to graduate students in education and social work. The seminar meets for three hours each week and focuses on what it means to be a professional working for social justice

and institutional transformation. Seminar work culminates in a final team change project with a written component and presentation. Please refer to LL 804 for a full course description and course requirements.

SiPPI students receive eight or ten pass/fail clinical credits for placement work for either three or four days respectively. Placement evaluation P/F will be based on written and oral performance on-site, and placement meetings with Professor Sarda. There is no final examination. Students who will engage in legal practice under the student practice rule must take concurrently, or have taken, Evidence; for other students, there are no formal prerequisites. Enrollment is by application and permission of Professor Sarda. Interested students are encouraged to contact Professor Sarda during the application process. Students are encouraged to suggest possible placements as part of their application, though all placements must be approved by Professor Sarda. A maximum of 10 students will be selected to participate, with a 3L preference.

10/6/2011

LL60701 Semester in Practice: International Human Rights Seminar (Spring: 3), Prof. Dan Kanstroom

This course will satisfy the Lawyering Skills requirement.

LL60801 Semester in Practice: International Human Rights Seminar (Spring: 10), Prof. Dan Kanstroom

This course will satisfy the Upper Level Writing, and Perspectives on Justice and the Law requirements.

9/19/2011

New course description

LL95501 Professional Responsibility (Spring: 2), Prof. Kurt Denk, S.J.
Prerequisites: None

This professional responsibility survey course will have three emphases. First, it will introduce students to the ABA Model Rules of Professional Conduct, and will assist in preparing for the Multistate Professional Responsibility Examination. Second, it will address how those rules and related norms play out in the various elements of the attorney-client relationship, in challenges arising from it, and concerning issues such as access to legal services, pro bono representation, and the representation of controversial clients. Third, exploring more broadly what it means to be a legal professional, the course will address basic norms of demeanor and comportment, the meaning and purpose of advocacy, and vocational questions involving professional identity, life-work balance, and how diverse sources of moral and ethical reasoning form and inform the lawyer's role and responsibilities. Because the course is designed to emphasize active class discussion of case studies and relevant literature, while the course grade will be based primarily on a final examination, class preparation and participation also will receive significant weighting.

9/8/2011

Change in credits

LL607 and LL608 Semester in Practice: International Human Rights, Prof. Dan Kanstroom

LL607 Semester in Practice: International Human Rights Seminar (3 credits, graded); LL608 Semester in Practice: International Human Rights (10 clinical credits)

The graded part will be based on a seminar and training of about 30 hours, including a research paper under supervision of instructor.

FALL SEMESTER

9/2/2011

Clinical Independent Study Opportunity: Boston College Innocence Project (Full-year program (both semesters); variable credit), Prof. Sharon Beckman

The Boston College Innocence Project is a full-year clinical independent study supervised by Professor Sharon Beckman in which students evaluate cases of inmates who maintain their innocence. Professor Beckman is offering to supervise four 2^d and 3rd year law students in the project for the 2011-12 academic year.

The BC Innocence Project is part of the New England Innocence Project (NEIP) whose mission is to provide *pro bono* legal assistance to people wrongfully convicted of crimes they did not commit. Students in the BC

Innocence Project screen cases referred by NEIP to determine whether scientific testing or other investigative leads could establish a strong likelihood that the inmate is factually innocent. In this project, BC Law students review the entire case record (trial, appellate, and post-conviction) and all physical evidence. In some instances students must investigate to determine whether physical evidence exists and, if so, where it is located. In the course of evaluating the case, students communicate with attorneys, forensic experts, courts, and law enforcement agencies. After evaluating the case record, evidence, and forensic and other investigative options, the students write an extensive memorandum to the NEIP Case Review Committee analyzing the case and making a recommendation as to whether NEIP should pursue the inmate's claim of innocence. In the spring semester the students appear before the NEIP case review committee to present their findings and recommendation in person and to answer questions from the members of the Committee.

The students meet regularly throughout the year with each other and with Professor Beckman to evaluate the case(s). In addition, students edit each other's work and receive extensive feedback from each other and from Professor Beckman on their written work product.

To apply for this opportunity, please email a resume and statement of interest to Professor Beckman at beckmans@bc.edu.

8/19/2011

LL85801 Attorney General Clinical Program Seminar

(Fall/Spring: 3 credits each semester), *Profs. Thomas Barnico and James Sweeney*

Co-requisites: Attorney General Clinical Program (LL856)

Satisfies Upper Level Writing and Lawyering Skills requirements.

The Attorney General Clinical Program provides an intensive full-year clinical experience in civil litigation in the Government Bureau of the Massachusetts Office of the Attorney General. Students practice under the supervision of one of two faculty members who are assistant attorneys general in that Bureau. Students work directly with Bureau attorneys in the representation of state agencies and officials in state and federal courts. The clinic teaches litigation skills and strategy and includes the following types of legal work: (1) the drafting of pleadings, motions, discovery requests and responses, and other litigation documents; (2) legal research and writing of briefs in the trial and appellate courts; (3) oral argument in the state courts; and (4) other litigation tasks. Students will be expected to do a significant amount of legal writing. Pursuant to Rule 3:03 of the Supreme Judicial Court, students will argue orally in Superior Court on behalf of state agencies. Students will be assigned to one of two Divisions in the Government Bureau, either the Administrative Law Division or the Trial Division. Students assigned to the Administrative Law Division will work

on a variety of court cases involving administrative and constitutional law, federal courts, and statutory construction. Students assigned to the Trial Division will work on a variety of cases involving employment, tort, contracts and eminent domain/land use law. Students receive written and oral comments on their memoranda and written evaluations of their performance. The overall goal of the program is to provide an in-depth exposure to various areas of law in the context of a high-level practice that deals with these issues on a daily basis.

The clinical program includes a weekly two-hour seminar on litigation skills, substantive law topics, and the discussion of student work. Some of the seminars will be conducted jointly with the students assigned to both divisions; other seminars will be specific to each division. Topics include state and federal jurisdiction, the substantive law practiced in each division, drafting litigation documents, motion practice, discovery, trial preparation, appellate practice, and the role of state attorneys general. The seminar for the fall semester will be held on Wednesday afternoon from 12:30-2:30 p.m.; the time for the Spring Semester seminar will be scheduled after consultation with the class.

The program will select twelve third-year students. Students must commit 20 hours per week (including the two-hour seminar but excluding commuting time) to the program at the Attorney General's Office. This often requires two full days and one half-day at the Attorney General's office at One Ashburton Place in Boston, though the students will be free to select their usual hours (other than the seminar time). Students will receive 13 credits for the full year (seven in the fall semester and six credits in the spring semester). The course satisfies the lawyering skills and upper-level writing requirements. The course is graded on a pass-fail basis.

8/19/2011 **LL85601 Attorney General Clinical Program (Fall/Spring: 4 credits in the fall and 3 credits in the spring), Prof. Thomas Barnico**

Revised course description:

Co-requisites: Students register for two components at a time - LL856 and LL858 in the fall and the same again in the spring

The Attorney General Clinical Program provides an intensive full-year clinical experience in civil litigation in the Government Bureau of the Massachusetts Office of the Attorney General. Students practice under the supervision of one of two faculty members who are assistant attorneys general in that Bureau. Students work directly with Bureau attorneys in the representation of state agencies and officials in state and federal courts. The clinic teaches litigation skills and strategy and includes the following types of legal work: (1) the drafting of pleadings, motions, discovery requests and responses, and other litigation documents; (2) legal research and writing of briefs in the trial and appellate courts; (3) oral argument in the state courts;

and (4) other litigation tasks. Students will be expected to do a significant amount of legal writing. Pursuant to Rule 3:03 of the Supreme Judicial Court, students will argue orally in Superior Court on behalf of state agencies. Students will be assigned to one of two Divisions in the Government Bureau, either the Administrative Law Division or the Trial Division. Students assigned to the Administrative Law Division will work on a variety of court cases involving administrative and constitutional law, federal courts, and statutory construction. Students assigned to the Trial Division will work on a variety of cases involving employment, tort, contracts and eminent domain/land use law. Students receive written and oral comments on their memoranda and written evaluations of their performance. The overall goal of the program is to provide an in-depth exposure to various areas of law in the context of a high-level practice that deals with these issues on a daily basis.

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- 8/18/2011 **LL68401 Family Law: Child, Parent, State (Fall: 2)**, Prof. Nancy Dowd
This course will not meet the Perspectives on Justice and the Law requirement, and is offered for 2 credits, not 3 as previously listed.
- 8/18/2011 **LL74701 Family Law (Fall: 3)**, Prof. Nancy Dowd
The examination will be a 7-hour take-home exam.
- 8/16/2011 **LL47401 Energy Law (Fall: 2)**, Profs. Dennis Duffy and John Moskal
Energy Law will be offered in the fall semester:
Prerequisites: None

This course in energy law explores the two very different and often conflicting regulatory structures affecting the electric power industry: the regulation of price, and the regulation of environmental effects. The course focuses on the inherent tension between the modern "free market" regulation of wholesale electric power markets (which, by design, regards electricity as a commodity with uniform market value, irrespective of fuel source or environmental impacts), and environmental regulation aimed at limiting emissions on either a source-specific or regional basis irrespective of cost. The course provides an overview of the development of the economic regulation of the power industry, the evolution of the major environmental laws governing the electric industry, emerging schemes to address these conflicts such as renewable portfolio standards and the different forms and technologies of alternative power generation they incorporate, with discussion of the impacts of potential climate change regulation at the state and Federal level. Grade based on exam and class participation. No technical background required.

8/16/2011 **LL43901 European Union Law (Fall: 3)**, *Prof. Vlad Perju*
Class will meet on Monday and Wednesday, 8:30-9:45 a.m., room 100 East Wing.

8/16/2011 **LL61201 Philosophy of Law: Past & Future of the State (Fall: 2/3)**,
Prof. Paulo Barrozo
This course is offered for 2/3 credits, not only 3 as previously listed.

8/16/2011 **LL66601 Constitutional Law II (Fall: 3)**, *Prof. Richard Albert*
New course description:
Prerequisite: Constitutional Law I

This is the second of two required courses on the constitutional law of the United States. This course will probe the structure of constitutional protections for rights and liberties enshrined in the Bill of Rights. Students will explore the concepts of state action, incorporation, due process, and equal protection. Evaluation will consist of a final examination and class participation.