

BOSTON COLLEGE LAW SCHOOL  
1L ELECTIVES SPRING 2021

**Introduction to Administrative Practice** – Professors Daniel Lyons and Geoffrey Why (Wed & Fri, 8-9:25am)

This course focuses upon the skills needed to practice law in front of administrative agencies. Much of law school focuses upon statutory interpretation and courtroom practice. But state and federal agencies make far more rules each year than legislatures, and adjudicate far more cases than the judiciary. Agencies develop much of the law that governs our daily life, including many high-profile issues such as immigration, financial reform, and environmental protection. In this course, you will learn about agency rulemaking and adjudication through simulated proceedings, which will culminate in each student filing comments in a live proceeding before a federal or state agency. *Method of Evaluation: Assignments and Participation.*

**Introduction to Appellate Judging** – The Hon. Andrew Grainger (Mon & Wed, 5-6:25pm)

This course will provide students with a “view from the bench” by providing the opportunity to assume the role of an appellate judge in oral argument. At each class, on a rotating basis, two students will present oral argument on opposing sides of a legal issue, seeking affirmance or reversal of decisions rendered in recent state and federal cases. The legal issues will generally be taken from first year/first semester required course subjects or involve principles of statutory construction. Students not scheduled for an argument on a particular day will perform the role of an appeals court panel, probe the strengths and weaknesses of each presenting attorney, and deliver a ruling. Class schedule and court dockets permitting, the class will attend an oral argument session at the Massachusetts Appeals Court or the Supreme Judicial Court. *Method of Evaluation: Assignments and In-Class Performance.*

**Introduction to Children’s Rights Practice** – Professor Francine Sherman (Wed & Fri, 8-9:25am)

Children’s Rights Practice is designed to introduce students to the law and skills needed to represent children involved with state systems. A hypothetical case of a multi-system involved teenage girl will be carried through the semester exposing students to child welfare, delinquency and education law. Student simulations will include interviewing the adolescent client, representing her at a multi-disciplinary meeting, and negotiating a settlement of her education-based claim. In addition to relevant law and policy, guest speakers will discuss child development and how to work with an expert consultant to advance your client’s case. Critical issues of professional responsibility, such as client directed representation and how to navigate family relationships while representing the child, will also be studied. *Method of Evaluation: Exercises and Participation.*

**Introduction to Civil Litigation Practice** – Professor Alan Minuskin (Wed 4:30-5:55pm, Fri 8-9:25am)

This course introduces first-year students to the joys and challenges of civil litigation practice by focusing on development of specific skills and confrontation of ethics puzzles inherent in this exhilarating work. Student will learn how to conduct client interviews, plan and plead, investigate facts (including discovery), counsel clients, negotiate, and advocate in the courtroom. The class will explore how a civil litigator’s often competing ethical responsibilities (to the client, to the court, to the legal system, to the opposing side, and others) naturally lead to challenges in making strategic decisions. We will cover the Model Rules of Professional Conduct for lawyers governing obligations of loyalty, zeal, confidentiality, avoidance of conflicts of interest, fairness in dealing with opponents, honesty in interactions with courts, and fairness to the legal system and society. The primary mode of instruction will be the presentation and practice of models and formats for performing litigation skills, including exercises in which students will conduct brief simulated interviews, case planning and strategy discussions, fact investigation, client

counseling sessions, negotiations, and courtroom advocacy presentations. The method of instruction will also include periodic guest presentations by civil litigation attorneys concerning specific ethics challenges they have faced; in these sessions, the class will be asked to help solve difficult ethics problems.

*Method of Evaluation: Exercises and Participation*

**Introduction to Consumer Rights Litigation Practice** - Professor Elizabeth Miller (Mon & Wed, 5-6:25pm)

In this simulation course, you will use consumer protection laws to help a client who has errors on his credit report and is being harassed by a debt collector. You will learn how to read a credit report, dispute errors and how to use this knowledge to help your client. You will also learn how to communicate with the client, how to avoid ethical conflicts and how to identify claims and evidence needed to prove each claim. You will engage in mediation and discovery, including a deposition of the debt collector's witness. Finally, you will draft and argue a motion for summary judgment. *Method of Evaluation: Written Assignments, Simulations, Participation.*

**Introduction to Immigration Practice** – Professor Mary Holper (Tu & Th, 4:30-5:55pm)

Immigration Practice focuses on the practice of immigration law and in particular the intersection of criminal and immigration law. Students will advocate for hypothetical clients whose cases deal with cutting-edge issues of bond, the intersection of immigration law and crimes, and discretion. In-class hearings include client interview, client counseling, a bond hearing, and a portion of a removal defense case. *Method of Evaluation: Written Assignments, Simulations, Participation.*

**Introduction to Landlord Tenant Practice** – The Hon. Neil Sherring (Wed, 5-7:45pm)

This course is a 1 semester course combining substantive law surrounding the relationship between residential real estate owners and/or lessors and their lessees with practical applications including a wide range of lawyering skills such as how to prepare for and conduct an initial client meeting, client communications, court hearings with an emphasis on ethical issues, research and investigations, strategic counseling, and courtroom performance. Students will examine strategic approaches to: (a) eviction bench trials with defenses and counterclaims including discrimination, retaliation, breach of warranty, breach of contract and violations of the Massachusetts Consumer Protection Law (Chapter 93A), (b) injunctions seeking to void the tenancy based upon criminal conduct, and (c) temporary restraining orders seeking to compel landlords to remedy health code violations or stop a move out.

This class will provide students with the practical skills needed for engaging in mediation and alternative dispute resolution, preparing for an eviction bench trial, evidentiary hearings and motions. We will examine the development of Housing Law during the current pandemic and legislative moratorium on certain evictions, virtual hearings/trials, access to justice, pro se litigants and the legalization of marijuana in the areas of reasonable accommodation and federally subsidized housing. *Method of Evaluation: Written Assignments, Simulations, Participation.*

**Introduction to Mobile App Development: Legal Contributions** – Professor Sayoko Blodgett-Ford (Tu & Th, 4:30-5:55pm)

The focus of this experiential course is on the role the attorney can play in the development and launch of mobile applications, including key skills needed for communications with executives and various stakeholders. Legal issues and strategies to be covered include: obtaining necessary third-party licenses and considering “work around” options when such licenses are not available or are cost-prohibitive, compliance with applicable laws and regulations, deal structure and key terms for contracting with outside developers, and intellectual property protection strategies offense/enforcement and defense/clearance. *Method of Evaluation: Final Project.*

**Introduction to Municipal Law Practice** – Professor Howard Levine (Tu & Th, 4:30-5:55pm)

Local Government Law introduces you to the skills needed to represent a municipal corporation, its Boards, Agencies and Departments, and to represent private clients in their dealings with those Boards, Agencies and Departments. The course will be taught through case studies and simulations in which students will learn how to use the substantive law to advise and guide private and municipal clients toward a satisfactory solution in their best interests. Anticipated practice skills include drafting of local legislation (ordinances and by-laws) (e.g., adult entertainment, sign restrictions, historic districts) in light of constitutional issues, preparing for and presenting a zoning application, drafting permits, negotiating with stakeholders and municipal boards, and representing multiple and often conflicting clients as a municipal attorney. The simulations are based on actual cases of the Professor, a former City Solicitor and a current municipal law and real estate practitioner. Particular emphasis is given to awareness of conflicts of interest and ethical issues in local government law. *Method of Evaluation: Simulations and Final Assignment.*

**Introduction to Negotiation – (2 Sections)** Professor Kelli Powell; Professor Ana Rivera (both sections Wed & Fri, 8-9:25am)

Most lawyers, irrespective of their specialties, negotiate. Many do so without understanding why they do what they do or how they actually behave during a negotiation. This course aims to improve both your understanding of negotiation and your effectiveness as a negotiator. Drawing on work from a variety of research perspectives, the readings will provide frameworks for understanding negotiation. Within class, you will spend a significant amount of time in simulated negotiation role-plays developing practical lawyering skills. Homework will typically consist of preparing for the next class's negotiation, assigned readings, and short writing assignments. Throughout, emphasis will be placed on developing awareness of how you can improve as a negotiator. A goal of this course includes learning how to continue to evaluate and reflect on your own negotiating work when you enter practice.

You will be required to read, write, discuss and perform. This course will require you to apply what you have read immediately, by asking you to think about and plan an approach to solving a negotiation problem and then to act on your plans. Because negotiation is an interactive process, you will frequently have to adjust your analysis and behavior, based on what other parties (and your own client) may do. Being critiqued on your negotiating behavior and strategic decisions is an excellent way to learn. And we will discuss ways to provide productive feedback.

*Method of Evaluation: Final Assignment*

**Introduction to Practice in the Criminal Justice System** – Professors Stuart Hurowitz & Robert Bloom (Mon & Wed, 5:00-6:25pm)

In this class, students will engage in various aspects of a simulated criminal trial, which will give students the opportunity to develop some of the lawyering skills inherent in criminal practice, including how to interview clients, argue motions, engage in plea negotiations, break down a statute, fact investigation, and plan for a trial. Students will also be confronted with the important ethical issues that face counsel in criminal cases. The course will begin with an overview of the Criminal Justice System, including perspectives from various system mechanisms-- police, court system, prisons, defense attorneys and prosecutors. As this is an introductory course, it is necessary to introduce a variety of law school courses including professional responsibility, criminal law and criminal procedure. The goal is to have students become familiar with the criminal justice system, gain experience through simulations and think critically while performing tasks within the practice of criminal law. Outside-of-class simulation exercises will be reviewed by the instructor. Students will write memos that analyze and reflect on their performances. Grades will be based upon participation in class, preparation and execution of exercises, the memos submitted analyzing various exercises, and a final exam. *Method of Evaluation: Written Assignments.*

**Introduction to Restorative Justice** – Professors Melissa Bartholomew & Karen Lischinsky (Mon, 4:30-7:15pm)

This experiential course is designed to train students in implementing restorative justice principles in legal practice. Students will learn how to facilitate restorative justice circles and how to incorporate restorative justice into their daily lives. This course will be facilitated through an interdisciplinary framework, which combines the head and heart with the aim of cultivating compassionate lawyers committed to transforming themselves and the justice system. We will identify practices that nurture and strengthen the inner life and the connection between the inner life and well-being of lawyers and the quality of legal practice. To transform the justice system through restorative justice, future lawyers must be committed to transforming themselves and their way of being in the world.

This course explores the roots of restorative justice, contemporary examples of its application in post-conflict settings in the U.S. and the world, and examines its utility in addressing the pressing mass incarceration crisis, the current penal system and mode of punishment in the U.S. We will practice and apply Critical Race and Systems Theories to sharpen the students' ability to assess themselves, and their future clients, through a systems lens and to examine the impact of racism, sexism, gender discrimination and other systems of oppression on behavior and on the justice system. Three class sessions will take place at MCI Norfolk medium security prison in Norfolk, MA on Sundays. The grade will be based upon attendance, participation, facilitation skills, and written assignments. *Method of Evaluation: Written Assignments and Class Participation.*

**Introduction to Transactional Lawyering** – Professor Lourdes German (Mon & Wed, 4:30-5:55pm)

This course is designed to acquaint students with some of the legal issues associated with starting up and operating a business or venture, examining the role of a transactional lawyer and learning basic practice skills. The objective is to give first year students an introduction to legal issues that lawyers are likely to encounter in an entrepreneurial setting, how the process works, decisions that need to be made and all of the various legal issues during the life cycle of a start-up. These issues include choice of entity, selection of a company name and trademark, protecting the intellectual property of a new company or venture, financing arrangements, operating issues including employment and general business agreements and exit strategies. The course will use simulation and role-plays to explore the legal issues relevant to transactional lawyering. *Method of Evaluation: Exercises.*