

BC Law 1L Elective Courses

Spring 2022

Introduction to Administrative Practice

Professor Geoffrey Why, Partner, Verrill Dana LLP; former Commissioner, Massachusetts Department of Telecommunications & Cable

Tu & Th, 5:00-6:25pm

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.

Introduction to Appellate Judging

Hon. Professor Andrew Grainger, Justice, Massachusetts Court of Appeals (Ret).

Mon & Wed, 5:00-6:25pm

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.

Introduction to Children's Rights Practice

Professor Lauren Koster

Attorney, Children's Rights Center of Massachusetts

Mon & Th, 5:00-6:25pm

Children's Rights Practice is a 1L Elective 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.

Introduction to Civil Litigation Practice

Professor Alan Minuskin

Boston College Law School

Wed & Fr, 3:00-4:25pm

This course provides an introduction to civil litigation practice, with emphasis on the word “practice”. The 1Ls enrolled will bring a basic knowledge of Civil Procedure, plus lifetime perceptions of how civil litigation is conducted, & a personal sense of morals & ethics. The course will provide an understanding of skills involved in litigating a civil case through the stages preceding trial, with an emphasis on the interrelationship of those skills with the litigator’s professional responsibilities to clients, colleagues, opponents, judges & others. In addition to discussions & guest presentations by experienced litigators, students will perform litigation skills -- client interviews, negotiations, depositions & courtroom advocacy -- based on a hypothetical factual scenario. The combination of teaching techniques will provide insight into the real world of civil litigation while fostering skills that are important for all practitioners to master, whatever field they choose to enter.

Introduction to Consumer Rights Litigation Practice

Professor Elizabeth Miller, Attorney at Law

Wed & Fri, 3:00-4:25pm

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: Assignments.*

Introduction to Criminal Law and Trial Practice

Professor Suzanne Wiseman, Assistant District Attorney, Middlesex District Attorney’s Office

Wed, 5:00 – 7:45pm

This course will take a hands-on approach to being introduced to criminal law; taking a criminal domestic violence case all the way from arraignment through trial. This practical simulation

class will allow students to delve into both the prosecution and defense sides of bail arguments, motions to suppress, discovery motions, trial strategy as well as conducting mock opening statements, direct and cross exams, and closing arguments. During the course, students will be introduced to Massachusetts criminal law pertaining to bail, discovery and evidence, with emphasis on the effects of bail on diverse populations, the intersection of the criminal justice system on victims and witnesses of violent crime, ethical considerations pertaining to exculpatory evidence and effective trial strategies in criminal cases. Students will be encouraged to participate in the class activities from both a prosecution and defense approach.

Introduction to Family Law

*Professor Karen Dexter, Attorney at Law, Licensed Independent Clinical Social Worker
Wed, 5:00 – 7:45pm*

This course introduces first-year students to the excitement and challenges of family law practice by focusing on development of specific skills, both written and oral. Students will learn how to conduct client interviews, draft pleadings, investigate facts (including discovery), counsel clients and practice expectation management, negotiate, and advocate in the courtroom. The class will explore how a family law attorney's often desire to 'help' can be either enabled or frustrated by the limits of what the court system can do to assist families. This class will note the intersections of family law with constitutional law, property law and contracts. 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 instruction via two case studies. The case studies will allow for the practice of pre-trial litigation skills, motion and discovery request drafting, client interviewing and counseling and the opportunity to learn about the other systems that impact family law case outcomes. The method of instruction will also include periodic guest presentations by family law attorneys concerning specific challenges they have faced, both with clients and opposing counsel and identified solutions to these challenges

Introduction to Government Oversight

*Professor Glenn Cunha, Inspector General, Commonwealth of Massachusetts
Tu & Th, 5:00 – 6:25pm*

Government oversight is essential to holding public officials and government employees accountable. This course introduces students to the role of inspectors general who conduct oversight of publicly funded agencies and entities. Typically created by statute, inspectors general are charged with preventing and detecting fraud, waste and abuse in the expenditure of public funds. By any measure, this is a broad mandate. With a case study as a guide, students will learn and practice issue spotting exercises, witness interview techniques, and how

to draft letters and present recommendations to government officials. Understanding the principles of government oversight will expand the knowledge base for first year law students particularly those who have an interest in criminal law, regulatory and compliance practice, and in-house counsel work.

Introduction to Immigration Practice

Professor Claire Valentin, Staff Attorney, CPCS Immigration Impact Unit

Wed, 4:00-6:45pm

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.

Introduction to Landlord-Tenant Law

Hon. Professor Neil Sherring, Judge, Massachusetts Housing Court

Tu & Wed, 5:00-6:25pm

This course is a one 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: (1) 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), (2) injunctions seeking to void the tenancy based upon criminal conduct, and (3) 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.

Introduction to Mental Health Law

Professor Crystal Lyons

Licensed Clinical Social Worker; former Supervising Attorney, Mental Health Team, Middlesex District Attorney's Office

Mon & Wed, 3:00-4:25pm

This course will introduce students to the practice of mental health law. Students will explore the intersection of substance use and mental health balanced against the goals of civil liberties and public safety, and treatment and accountability for individuals and communities in crisis. Students will develop skills in factual development and legal research, preparing for evidentiary hearings, oral advocacy, and preparing legal filings and memorandum addressing treatment, civil commitment, and criminal responsibility. Throughout the course, students will explore and reflect upon the ethical considerations raised in the approaches and choices made by the legal system and by individual attorneys.

Introduction to Municipal Law Practice

Professor Howard Levine, Partner, K&L Gates LLP (Ret.)

Tu & Th, 3:00-4:25pm

The course dissects a municipality as a business organization, a Municipal Corporation; how a governmental lawyer practices law within that corporate structure, and the skills needed by a private practitioner to deal with it, municipal boards, agencies, departments and employees. Subject matter includes home rule, Charters, Ordinances and By-Laws (purposes, standards and constitutional issues), forms of municipal government, the government attorney and unique representation issues resulting from multiple clients, the Conflict of Interest common and statutory law, ethical issues, the Attorney-Client Privilege in the governmental setting, taxation, assessments and valuation, procurement, contracts, real estate acquisitions and conveyances, environmental issues, public records, open meetings, zoning and land use planning, comprehensive and master planning, inclusionary zoning, low and moderate income housing and affordable housing.

Introduction to Negotiations (Two Sections)

Section 1: Professor Jordan Engelhart, Attorney at Law

Wed, 5:00 – 7:45pm

Section 2: Professor Carol Kamm, Mediator, MWI Mediation & Negotiation Services

Tu, 3:00 – 5:45pm

The goal of this course is to teach you to think about negotiation as an opportunity to solve a problem that exists, or create new value where there is none, or try to make a bad situation a bit better. I hope to enhance your ability to think creatively and synthetically as well as analytically. You will also learn that planning is essential and can sometimes make up for your

status as a new legal negotiator. The skills you will learn include analysis, persuasion, creativity, listening, interviewing, counseling, question framing, and the use of law and legal principle. We will also explore the moral and ethical issues implicated in negotiation--honesty, integrity, character, reputation and personal identity.

Introduction to Non-Profit Transactional Lawyering

Professor Sandy Tarrant, Boston College Law School

Tu & Th, 3:00-4:25pm

The nonprofit sector is huge, encompassing health care, education, the arts, philanthropy, advocacy and aid, public finance, and government institutions. This course will introduce students to the law of nonprofit, charitable organizations and to fundamental transactional practice skills applicable in any setting. Through simulated client engagements, students will be introduced to nonprofit corporate law, regulatory systems and federal tax exemption rules and processes as well as transactional practice skills such as entity formation, corporate governance, drafting, counseling, interviewing, regulatory advocacy, and applied transactional research. Students interested in this course might be interested in working with nonprofits directly, serving on boards, pursuing public interest careers, or generally gaining an understanding of transactional practice. *Method of Evaluation: Written Assignments, Simulations, Participation*

Introduction to Practice in the Criminal Justice System

Professor Robert Bloom, Boston College Law School

Professor Stuart Hurowitz, Staff Attorney, CPCS

Mon & Wed, 4:30-5:55pm

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, & 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 & prosecutors. As this is an introductory course, it is necessary to introduce a variety of law school courses including professional responsibility, criminal law & criminal procedure. The goal is to have students become familiar with the criminal justice system, gain experience through simulations & think critically while performing tasks within the practice of criminal law.

Introduction to Restorative Justice: Transforming the Law from Within

Professor Melissa Bartholomew, Associate Dean of Diversity, Inclusion, and Belonging, Harvard Divinity School

Professor Karen Lischinsky, Founder, Transformational Prison Project

Fr, 3:30-6:15pm

This course is designed to train students in implementing restorative justice principles & practices in legal practice. Students will learn how to facilitate restorative justice circles & how to incorporate restorative justice into their daily lives through an interdisciplinary framework combining the head & heart with the aim of cultivating compassionate lawyers committed to transforming themselves & the justice system. We will identify practices which nurture & strengthen the inner life & the connection between the inner life & well-being of lawyers & the quality of legal practice. To transform the justice system through restorative justice, future lawyers must be committed to transforming themselves & their way of being in the world. We will explore the roots of restorative justice, contemporary examples of its application in post-conflict settings in the US & the world, & examine its utility in addressing the pressing mass incarceration crisis, the current penal system & mode of punishment in the US. We will practice & apply Critical Race & Systems Theories to sharpen the students' ability to assess themselves, & their future clients, through a systems lens & to examine the impact of racism, sexism, gender discrimination & other systems of oppression on behavior & on the justice system. We anticipate holding at least one class session off-campus at a correctional facility. The grade will be based upon attendance, participation, written assignments, & facilitation skills.

Introduction to Transactional Law

Professor James Jones, Owner, Elevate Law PC

Mon, 5:00-7:45pm

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.

Introduction to Trial Practice

Professor Tyson Ence, Partner, Ence & Boehlen PLLC

Professor Amanda Ward, Staff Attorney, CPCS

Th, 5:00-7:45pm

Intro to Trial Practice offers a dynamic view of the litigation process and provides students with the opportunity to learn effective trial skills by participating in simulations and exercises in class. The course will focus on developing trial advocacy skills in all phases of a trial as well as learning how to use themes and theories of a case in order to make the advocate's presentation more effective. After each exercise, students will receive real time feedback and commentary to improve their advocacy.