

BC Law 1L Elective Courses

Spring 2023

Introduction to Administrative Practice

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

Tu & Th, 4:00-5:25pm

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 Family Law

Professor Karen Dexter, Attorney at Law, Licensed Independent Clinical Social Worker

Tu, 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, Former Inspector General, Commonwealth of Massachusetts; Special Prosecutor, Suffolk County DA

Tu & W, 5:15 – 6:40pm

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 Human Rights, Refugee, Humanitarian Law

Professor Daniel Kanstroom, Professor and Faculty Director, Rappaport Center

M & W, 3:00 – 4:25pm

- *Counts towards Perspectives requirement*
- *Does not count towards the required experiential credits*

This class will examine legal understandings of—and responses to—some of the most compelling human rights challenges of our times. We will explore torture, forced migration, religious freedom, refugee and humanitarian protections, the human rights of migrants, human trafficking, and criminal prosecutions of alleged war criminals and those who commit “crimes against humanity.” We will engage critically with ideas of gender, culture, ethnicity, legal status, and race. There will be guest speakers, engagement with the [BC Center for Human Rights and International Justice](#), and (if possible) field trips to observe human rights “in action.”

We will consider:

- Western ideas of human rights and how those ideas differ from other conceptions;
- The international law, treaties, instruments, “customary” norms, etc. that create and protect human rights, including economic and social rights, rights against racial, ethnic, religious, and gender discrimination, rights to self-determination, and the rights of children;
- The institutions that monitor and enforce human rights law, including regional systems such as those of Europe and the Inter-American system.

Grading will be based on class participation (including in-class simulations and presentations), and a guided research paper of approximately 15 pages on a topic chosen by each student in consultation with Prof. Kanstroom.

Introduction to Immigration Practice

Professor Claire Valentin, Staff Attorney, CPCS Immigration Impact Unit

Mon, 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 Negotiations

Professor Carol Kamm, Mediator, MWI Mediation & Negotiation Services

Wed, 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 Practice in the Criminal Justice System

Section 1: Professor Robert Bloom, Boston College Law School

Mon & Wed, 5:00 – 6:25pm

Section 2: Professor Stuart Hurowitz, Staff Attorney, CPCS

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, & 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 & Wed, 4:00-5:25pm

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.

Jurisprudence

Professor Vlad Perju, Professor of Law

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

- *Counts towards Perspectives requirement*
- *Does not count towards the required experiential credits*

This course introduces 1L students to the major legal theories and schools of jurisprudence. What is the relation between law and politics? How does law relate to morality? When is law legitimate or just? What are the sources of law's authority? Students will engage with the traditions of legal thought that understand law as primarily a matter of reason, will, morality, politics, history, power, culture, ideology, social order, emotion, language or professional practice. Approaching jurisprudence from this perspective helps to contextualize the map of modern legal theory (formalism, American legal realism, legal positivism, natural law, critical legal studies, among others). This course will invite students to reflect on the deeper forces that shape legal doctrine and influence its development. For their final grade, students can choose to write reaction papers during the semester or, alternatively, to answer a few questions from a list circulated well before the end of the semester.