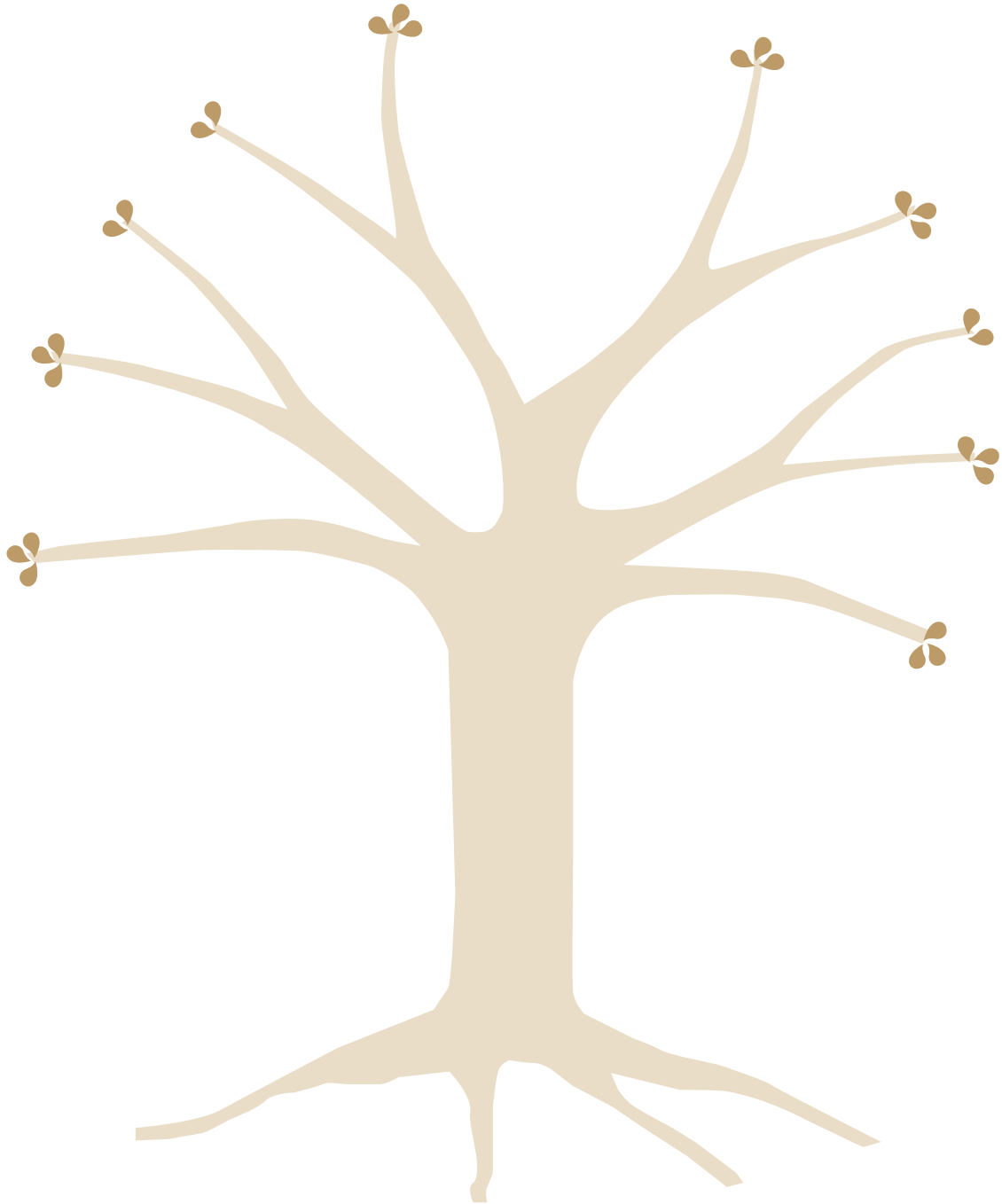


# PRINCIPLES OF COURSE SELECTION



2022-2023

BOSTON  
COLLEGE | LAW

# Principles of Course Selection

Nearly all your courses taken in the 2L and 3L years will be elective. The only required upper level course is Professional Responsibility. You will also need to select courses that satisfy “Perspectives on Law and Justice” and “ABA Upper Level Writing” graduation requirements. Most BC Law students will fulfill the ABA six-credit Experiential Learning requirement by taking Law Practice I and the spring 1L Experiential elective. Students seeking to practice in jurisdictions that require additional Experiential electives (such as New York) will need to take additional qualifying courses or complete “substitute credits” from a summer work experience. Lists of the courses satisfying Perspectives, the Upper Level Writing and Experiential Learning requirements are posted on the [Course Selection webpage](#). Courses taken to satisfy the Professional Responsibility and Upper Level Legal Writing Requirements cannot be taken on a Pass/Fail basis, if offered as an option.

Students must maintain a per semester enrollment of 12-17 credits to maintain their full-time student status during their 2L and 3L years. You will need a minimum of 85 credits to graduate from Boston College Law School. If you started here as a first year student, you should have earned 32-33 credits your first year, which means you have 52-53 credits remaining for your 2L and 3L years. This works out to an average of 13 credits per semester, although you may take more or fewer credits in any given term. Under ABA Standard 311, at least 64 credit hours must be taken in regularly scheduled law classes. This means that during your second and third year, you must take at least 31-32 credits from *in-class courses at the law school* – and these credits cannot include any of the following:

- (1) Semester in practice and other externship credits (other than those for the seminar portion)
- (2) Law review, UCC Digest, and Moot Court credits
- (3) Independent Study credits
- (4) Semester in Practice: Dublin – the practice portion credits
- (5) Credits from dual degree classes not taken at the law school
- (6) Classes taken at other schools within the university or at other [non-law schools or] institutions.

With the consent of the Office of Academic Services, second and third-year students may take a maximum of four law-related courses (up to 12 credits) at the *graduate* level in other departments and programs at Boston College. Grades for courses taken in other BC departments (and through cross-registration at Boston University School of Law) will appear on the student’s transcript, but are not calculated into the law student’s GPA. All courses taken outside of Boston College and Boston University will appear as transfer credits only. Neither the course title nor grades will appear on the BC transcript. All courses taken as part of a BC Law academic exchange program will appear as transfer credits only.

## 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:

1. 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 and Commercial Law)
  - Criminal Law and Criminal Procedure
  - Environmental Law
  - Evidence
  - Family Law
  - International Law
  - Intellectual Property
  - Labor and Employment Law
  - Tax
2. Develop specialized knowledge by taking a reasonable concentration of courses in one or two areas of particular interest.
3. Diversify the perspectives from which you study the law not only to satisfy the perspectives requirement but also by taking courses specifically designed to encourage broad thinking about the law.
4. Continue strengthening your research and writing skills.
5. Sharpen practical skills by taking a clinical course, externship or other experiential course that will teach you specific lawyering skills necessary to prepare for the successful practice of law.
6. Fulfill course requirements for graduation and admission to the bar:
  - Professional Responsibility
  - Perspectives on Law and Justice
  - Upper Level Writing

We encourage you to discuss your course selections with your faculty advisor, your current professors and professors with expertise in particular areas of interest.

### **Preparing for the Bar Exam**

You should select your courses with an eye toward preparing for the bar exam. The Uniform Bar Exam (UBE) is administered in 39 states including Massachusetts, New York, Connecticut, New Jersey, Pennsylvania, Rhode Island, and Washington, DC. The UBE consists of 3 parts: the Multistate Bar Exam (MBE), the Multistate Essay Exam (MEE) and the Multistate Performance Test (MPT).

The MBE, administered in all states (except Louisiana), covers all first year courses, plus Criminal Procedure and Evidence. The MEE, administered in all UBE states, covers all the MBE subjects plus Business Associations (Agency, Partnerships, Corporations, and Limited Liability Companies), Secured Transactions, Trusts and Estates and Family Law.

Most U.S. jurisdictions also require passage of the Multistate Professional Responsibility Examination (MPRE) as a prerequisite for admission to practice law. You should review the National Conference of Bar Examiners website (<http://www.ncbex.org/>) for the most current information on bar admission requirements and the bar exam.

## II. COURSE OFFERINGS BY SUBJECT MATTER

This handbook provides subject-matter arrangement of courses to give you an opportunity for a more organized glance at the curriculum than an alphabetical list of course names permits. The interrelationships among areas of law are complex; however, rarely does an issue touch only on a single subject area. Please consult the subject descriptions 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. More detailed information about specific courses is available online.**

### 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.

#### 1. 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
- Employment Law
- Intellectual Property Survey

Those interested in a corporate law practice (either litigation or transactional) should also take Tax II and Securities Regulation.

## 2. 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.

### a) Commercial Law and Bankruptcy

- Banking Regulation
- Business Bankruptcy
- Consumer Bankruptcy
- Chapter 11 Restructuring
- Insurance Law
- Cross-Border Insolvency

### b) Corporate/Securities

- Antitrust
- Corporations
- Securities Regulation
- Mergers and Acquisitions

Also, Corporate Finance, offered through the Carroll School of Management.

### c) Employment Law

- Employment Discrimination
- Labor Law
- Employee Benefits Law
- Labor Market Regulation

### d) Intellectual Property

- Copyright
- Trademark/Unfair Competition
- Patent Law
- IP Licensing and Technology Transfer
- Patent Litigation

### e) International Business

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

### f) 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
- Trusts & Estates

### 3. Advanced Theoretical and Practical Study in Business Law

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.

- Financial Consumer Protection
- Corporate Governance and Risk Seminar
- Dept. of Revenue Tax Externship
- Fiduciary Obligations and the Law

## B. Criminal Justice

All students should seriously consider taking courses in this area in their second and third year. 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 basic offering in this area in the upper level is Criminal Procedure, which covers the constitutional limitations on criminal investigations. Students interested in criminal law should also take Evidence.

Advanced courses in this area include:

- Cradle to Prison Pipeline
- White Collar Crime
- Prosecutorial Ethics
- Wrongful Convictions
- Law, Justice, and Culture
- Death Penalty
- Criminal Procedure: Adjudication
- Domestic Violence and the Law

## C. Dispute Resolution

### 1. Litigation

All students interested in a litigation practice should take 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.

Examples of “traditional” courses include:

- Evidence

- Federal Courts
- Conflicts of Law
- Advanced Civil Procedure

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.

Examples of “Simulation” courses include:

- Trial Practice
- Advanced Evidence: Trial Objections
- Appellate Advocacy
- Civil Motion Practice

## 2. 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:

- Dispute Negotiation
- International Arbitration
- Mediation

## D. 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:

- Trusts and Estates
- Estate and Gift Tax
- Employee Benefits Law

The student might also consider the Civil Litigation Clinic, which includes a range of domestic and family-related matters.

## E. 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.

- Copyright
- Patent Law

- Trademark/Unfair Competition
- Technology Transactions & Licensing
- Sports Law
- Entertainment Law
- Telecommunications Law
- Cyberlaw

## **F. Health Law**

Students interested in working in the health law field should plan to take Administrative Law and consider the following offerings:

- Food and Drug Law
- Health Law
- Healthcare Law & Compliance
- Business Law & Health Care Enterprises
- Healthcare Reform

## **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 Human Rights
- International Organizations
- Globalization and International Economic Development
- European Union Law
- Semester in Practice: Dublin
- Human Rights & the Problem of Inequality

Students interested in an international law practice should also consider participating in one of the law school's international exchange programs. Presently, the law school has exchange programs with the following institutions:

- Trinity, Dublin, Ireland (English language program)
- Sorbonne, Paris, France (French language program)
- University of Paris, Nanterre, Paris, France (French language program)
- Bucerius, Hamburg, Germany (English language program)
- Renmin University, Beijing, China (Chinese or English language program)

Students interested in one of these programs should contact Susan Simone Kang, Director of International Programs at the law school.



## **H. 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. 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 Heritage
- American Legal Theory
- Foundations of Western Law
- Inequality
- Feminist Legal Theory
- Jurisprudence
- Comparative Constitutional Law
- Constitutional Theory
- Modern Legal Theory

Courses that satisfy the “Perspectives on Law and Justice” requirement are listed on the Academic Services website.

## **I. Property**

### **1. Land Use 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 include Environmental Law, and Real Estate Finance. Administrative Law is also 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. A range of additional electives are available, including commercial leasing, regulation of hazardous material, air and water pollution 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, Employee Benefits Law, and Estate Planning.

## **J. 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
- Environmental Law
- Immigration Law
- Semester in Practice: DC
- Constitutional History: Framing of the Constitution
- Race, Policing and the Constitution
- Constitutional Law: Speech and Religion
- Constitutional Law: Rights and Equality
- Constitutional Law:
- Comparative Constitutional Law
- The Attorney General Program
- Semester in Practice

### **K. Research and Writing**

In addition to being required by the ABA, 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 is available at registration and on the Academic Services website.

### **L. Graduate Level, Law-Related Courses**

A law student may take up to 12 credits of graduate level, law-related courses at Boston College 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, they do not count towards the 64 in-class credits. Only courses carrying an "LAWS" number in front of them will be included in the official law school GPA.

### **M. Experiential Learning: Clinics, Simulation Courses and Field Experiences**

Students who started law school after fall 2016 must earn six credits that fulfill the ABA's Experiential Learning requirement by passing Law Practice I and the Spring 1L Experiential elective with a grade of "C" or better. Students seeking to practice in jurisdictions that require additional experiential electives (such as New York) will need to take additional qualifying courses. A number of courses develop legal skills in the context of clinics, externships, or courses simulating lawyering activities such as interviewing, negotiation, research, drafting transactional documents and courtroom advocacy. A full list of courses meeting this requirement will be made available at registration and on the Academic Services website.

Experiential 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. These programs offer a variety of settings and subject areas, and differing time and credit commitments.

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 (who have completed successfully the 1L year) are limited to civil representation. The student practice rule requires that a student have successfully completed or be currently enrolled in Evidence or Trial Practice. (The faculty has defined “successfully completed” as a grade of “C” or better.) Enrollment in all clinical courses is limited. Information on all of the clinical offerings is available from the Center for Experiential Learning.

Clinical courses are courses in which students perform litigation or transactional activities in the representation of actual clients. Externship courses are courses in which the students assist practicing lawyers in representing clients (such as providing support) or observe judges in litigation.

- Civil Litigation Clinic
- Community Enterprise Clinic
- Entrepreneurship & Innovation Clinic
- Juvenile Rights Advocacy
- Semester in Practice
- Attorney General Program
- BC Defenders Clinic
- Judicial Process
- Immigration Clinic
- BC Innocence Program
- Judge & Community Courts
- Semester in Practice: DC
- Semester in Practice: Dublin
- BC Prosecution Clinic
- Prisoners Compassionate Release Clinic

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. Examples of “Simulation” courses include:

- Trial Practice
- Appellate Advocacy
- Advanced Evidence: Trial Objections
- Civil Motion Practice

The following Advanced Legal Research courses also include a significant simulation component and satisfy the Experiential Learning Requirement:

- Advanced Legal Research
- Bankruptcy Law Research
- Business Law Research for the Transactional Practitioner
- Environmental Legal Research
- Intellectual Property Law Research
- International Legal Research
- Immigration Law Research
- Research for Criminal Law Practitioners
- Tax Law Research

Please note: Beginning with the Academic Year 2019-2020, students will not be allowed to take more than two upper-level research classes including Advanced Legal Research (3 credits) and the various topical research courses (2 credits) during their careers at Boston College Law School. Students who enroll in an upper level research course that exceeds this policy will be removed from the course by Academic Services.

### III. WHEN COURSES ARE OFFERED

While most courses are offered in one section each year, some courses are offered more sporadically, including on an every other year basis.

As legal, social and economic developments warrant, the Law School develops new courses and discontinues others. Students should appreciate that not every course described will be offered in every semester.

Required courses usually are offered in *three or more sections each year*. In addition, while many courses satisfy the upper level writing and/or the experiential learning requirements, a number of courses focus specifically on Advanced Legal Writing or Advanced Legal Research. Multiple sections of these courses are offered each semester.

Some courses such as Corporations and Evidence attract such large numbers of students that they usually are offered in *three sections each year*.

Courses such as Administrative Law, IP Survey, Criminal Procedure, Tax I, Trusts and Estates, Mediation and Dispute Negotiation are offered in *two sections each year*.

Fourth, some specialized or advanced courses are generally offered *once every two years*. Based upon recent history, the courses typically offered on an every other year schedule include:

- Art of Lawyering and the Commercial Lease
- Death Penalty Seminar
- Environmental Law: Clean Water Act
- Food and Drug Law
- International Arbitration
- Patent Litigation
- Prosecutorial Ethics
- Seminar on Law and Higher Education
- Energy Law
- Defamation Law & Litigation
- Business Immigration Law
- Chapter 11 Restructuring
- White Collar Crime