2012-2013
COURSE AND SCHEDULE UPDATES
(as of January 11, 2013)

SPRING SEMESTER

1/11/13
LL46401 Authority and Leadership in Professional Life (Spring: 3), Prof. Evangeline Sarda
Prerequisites: None
Satisfies ABA Upper Level Writing requirement.

Are we drawn to our profession because of our conscious and unconscious notions of power and authority? This seminar is designed to provide students with opportunities to experience and examine systemic processes, both conscious and unconscious, encountered in the exercise of authority, leadership and power in their professional lives. Students study experientially, through classroom exercises, through their interactions with each other, and through participation in a group relations conference, concepts such as authority, leadership, power, followership, identity, stereotyping, scapegoating, role, boundaries, and task. The reading for the course introduces students to the theoretical underpinnings of group relations theory derived from the work of Wilfred R. Bion, A. Kenneth Rice, Melanie Klein and others. Students will link their experiences during the course with the theories explored in the reading materials and apply their learning to a variety of situations which occur in their professional lives and within society as a whole.

For spring 2013, this course will be offered over the course of two weekends (February 22-24 and March 1-3), with two additional 3 hour meetings scheduled on Friday, March 22 and April 19, 2PM to 5PM. During the weekend of February 22-24, course hours are 9:00 AM to 5:30 PM each day. During the weekend of March 1-3, students will participate in the group relations conference scheduled for that weekend and should be available 9AM to 9PM on Friday and Saturday, and 8:30 AM to 5:30 PM on Sunday. A final schedule with times and locations for the weekend modules will be sent to those enrolled in the course. Attendance is required; please do not enroll in the course if you cannot commit to the course times.

The experiential learning model used in this course differs significantly from the traditional law school class. The group relations style of learning involves a willingness to tolerate the ambiguity that arises from exploring, understanding and owning one's own experience in the moment, while considering and giving credit to the experience of others. Group relations theory focuses on groups rather than on individuals, but assumes that studying individual experiences is the window into understanding what is happening at the group, organizational, or systemic level. Those interested in taking this course should note that this model promotes intense interchange. It relies on interdependent learning and utilizes a method of “reflection in action” which is psychodynamic in nature. This course does not seek to provide answers to specific problems, but to provide a social laboratory for exploring the dynamics of power, leadership, authority, and ultimately, the possibility for change and transformation. Students who are experiencing a difficult emotional period in their lives should speak to the professor before taking this course. Grades will be based on a final 20-page paper. Attendance will be considered in the final grade. Limited enrollment. Interested students may contact Professor Sarda (2-0836; sarda@bc.edu) for more information.
1/11/13

**LL81201 Administrative Law Lab (Spring: 1), Prof. Daniel Lyons**
Prerequisites: Students must be enrolled in Administrative Law with Prof. Lyons. 
*Satisfies Lawyering Skills requirement.*

This course is a companion course to Administrative Law, designed to give students more hands-on exposure to the nuts and bolts of administrative law practice. Topics will include researching agency regulations, drafting a motion to intervene, finding a rulemaking notice and records, drafting a petition for review, and seeking guidance from a federal agency. Students will be required to select a proposed regulation of their choice and prepare and file comments with the agency regarding their proposed regulations, in an effort to engage and shape ongoing agency policy

Daniel Lyons

1/11/13

**LL73501 American Jury (Spring: 3), Hon. Raymond Brassard**
This course is offered for 3 credits, not 2/3 credits as previously listed.

1/7/13

**LL48503 Advanced Legal Writing (Spring: 3), Prof. Alison Siravo**
*Course is Cancelled.*

1/7/13

*(Revised course description)*

**LL43101 Foreign Relations Law of U.S., Prof. David Wirth**
Prerequisites: None
*Satisfies ABA Upper Level Writing requirement if 4 credit option is selected.*

This course addresses the conduct of foreign relations by the United States with specific reference to domestic legal constraints, such as statutes and the Constitution. The course treats (1) the separation of powers between the Congress and the Executive in foreign affairs, specifically with respect to the war power; (2) the treaty power and the domestic law of treaties and other international agreements; and (3) the role of the judiciary, including the immunity of foreign states ("sovereign immunity"), the "act of state" doctrine, jurisdiction to prescribe and enforce law outside the borders of the United States, and international law in U.S. courts. The course has a particular emphasis on post-9/11 developments in the law as a result of the war on terror. There are no prerequisites and minimal overlap in subject matter with International Law, together with which this course may, but need not necessarily, be taken to form a year-long sequence. Evaluation will be by examination.  
*This course is offered with a variable credit option, for which one additional credit may be earned for a research paper 20 pages in length prepared under the instructor's supervision. Students who elect the variable credit option will satisfy the upperclass writing requirement.*

11/16/12

*(New course)*

**LL72201 National Security: Anatomy of a Prosecution (Spring: 3), Prof. George Brown**
Prerequisites: None
*Satisfies ABA Upper Level Writing and Lawyering Skills requirements.*
This course will examine how the “war on terror” plays out in a crucial forum: the Article III trial courts. The goals are twofold: to focus on how complex prosecutions actually unfold in an actual case; and, to consider how doctrinal issues are shaped and resolved in the course of a trial. The subject of our study will be the 35 day prosecution of Tarek Mehanna for a range of terrorism offenses, including the provision of material support to terrorists, and conspiracy to kill abroad. Among the key points in the case that we will study will be the following:

The indictment;
Opening statements;
Direct and cross examination of a co-conspirator;
Direct and cross examination of an expert witness;
Closing statements;
The instructions to the jury;
Sentencing issues;
The appeal.

Grade will be based on a paper.

11/15/12

**LL74201 European Labor and Employment Law (Spring: 1), Profs. Thomas Kohler and Frank Bayreuther**

Prerequisites: None

The existence of a "European social model "is sometimes recognized, sometimes challenged. What it means and what inspiration for the American labor law can be drawn from its understanding is the major objective of this course. Using comparisons with the US system and taking into account the challenges of globalization and regional integration, the focus will be on the various aspects of the social dimension of the European Union. The class will start with an explanation of the historical developments (the evolution of EC labour law since 1951, from free movement in a common market to labor law in a European Union, National labor policies and transnational labor regulation, the implications for international business of the evolution of the labor law of the EC and its implementation in individual Member States) and challenges ("social dumping", regulatory competition and the fear of a "race to the bottom", the impact of enlargement?). It will continue with a series of selected topics:

- European Anti-discrimination policy
- The European Employment Strategy, flexibility and the fragmentation of the workforce
- Health and Safety protection, Working Time Regulation
- Reconciling Economic Freedoms and Fundamental Social Rights
- Information, consultation and participation in decision-making of workers' representatives

- 15-hour class (Feb. 14-March 1) (12 sessions)

- A syllabus and teaching materials will be available online from the beginning of February.
- Evaluation on a required short (4-6 page) paper summarizing a judgement of the European Court of Justice (available in English), the topics will be assigned in the first week of the course; presentation and discussion of students' paper in class.

*(Independent Study)*

**Innocence Project Clinical Independent Study (Spring: 2), Profs. Sharon Beckman and Lisa Kavanaugh**

Prerequisites: None

The Boston College Innocence Project is clinical program directed by Professor Sharon Beckman in which students working under the supervision of a faculty members provide pro bono legal assistance to prisoners who maintain their innocence. The program operates in collaboration with the New England Innocence Project and the Committee for Public Counsel Services Innocence Program.

Adjunct Professor Lisa Kavanaugh, Director of the Committee for Public Counsel Services Innocence Program, will supervise a four-student section of this program in the spring of 2013.

Students in Professor Kavanaugh's Innocence Project clinical independent study will meet with her biweekly at the Committee for Public Counsel Services Somerville office. Casework will include analyzing cases of prisoners who maintain their innocence to determine whether scientific testing or other investigative leads could establish a strong likelihood that the inmate is factually innocent and/or post-conviction litigation of wrongful conviction claims. Written work will include a minimum of 30 pages (15 pages per credit).

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

11/12/12

*(Revised course description)*

**LL72601 Labor and Employment Arbitration (Spring: 2), Prof. Sharon Henderson-Ellis**

Satisfies Lawyering Skills requirement

This course will examine arbitration as a dispute-resolution mechanism for disputes arising in the workplace (unionized and non-unionized). First, the course will examine the widely accepted use of arbitration to resolve disputes under public and private sector collective bargaining agreements (Labor Arbitration). Later, it will address the legal principles governing arbitration to resolve disputes arising under employment regulation statutes like Title VII of the Civil Rights Act of 1964. In addition, we’ll look at disputes that arise out of individual contracts of employment in the non-unionized workplace (Employment Arbitration).

The course will both study the substantive law, and, use simulations to teach the practical skills necessary to represent clients in both labor and employment cases and in arbitration generally. These practical skills include case preparation, opening and closing statements, direct- and cross-examination of witnesses, and writing an arbitration award.

Enrollment is limited to 15 students. The course grade is based on performance in a final examination; in participation in two or three simulated arbitrations; and, on class participation generally.
LL48902 Semester in Practice: Public Interest (SiPPI) (Spring:10), Prof. Evangeline Sarda
This course meets the Lawyering Skills requirement.

LL80401 Leadership and Social Justice (Spring:3), Prof. Evangeline Sarda
This course meets the Perspectives on Justice and the Law requirement.

LL316 and 336 Community Enterprise Clinic (Spring: 7)
The course will be co-taught by Profs. Paul Tremblay and Kendra Chenkus.

LL77101 Comparative Health Law, Prof. Mary Ann Chirba (Spring:2/3)
(Revised course description)
Prerequisites: None
Satisfies ABA Upper Level Writing and Perspectives on Justice and the Law requirements
As federal and state legislators struggle to implement the Affordable Care Act (“Obamacare”), it is important to understand the operation of health care law and policy in other countries. Comparative analysis of the U.S. and other nations chosen by class members will evaluate different approaches to: (1) conceptualizing health, the right to health care, and the individual’s right to make informed and autonomous decisions in accepting or rejecting treatment, and (2) financing and delivering health care while balancing the competing objectives of cost control, universal access, and quality assurance. After completing that unit, the class will evaluate (3) the FDA’s efforts to become a global agency, and (4) how different nations address therapeutic innovation, with particular attention to medical drugs and devices. Specific examples might include Brazil’s early efforts to take the lead in developing and marketing generic antiretroviral drugs for HIV prevention and control, the differing approaches to encouraging or inhibiting embryonic and adult stem cell research, and/or the emerging need and growing confusion in regulating the use of human cells, tissues and tissue products in medical treatment. Depending on class interest, coverage may also include (5) allocating scarce resources, including organ donations, (6) controlling global pandemics (e.g. HIV, swine-flu, bird flu, etc.), and (7) various national and global initiatives to reducing a major threat to health worldwide: tobacco consumption. Several classes will be devoted to additional topics chosen by students. Final grading will be based on class participation, a small group assignment and a final paper on a health law topic of the student’s choice. The final memo must assume a “real-world” format such as an objective office memo, an advocacy memo in a litigation context, an advisory memo for a private or public sector employer, or an article in the form of a manuscript of publishable quality. The memo will be drafted, critiqued, peer-edited, and revised before final submission. This course satisfies the upper level writing requirement. Students may earn a third credit by undertaking a more extensive final paper project.

LL34101 Advanced Immigration Law Seminar: Hot Topics at the Cutting-Edge (Spring: 3)
Prof. Laura Murray-Tjan will not teach this course. Instructors are Profs. Daniel Kanstroom and Jessica Chicco.
(Revised course description)
Students must have taken Immigration Law, or must obtain permission of the instructor prior to enrolling.
Satisfies ABA Upper Level Writing and Lawyering Skills requirements.
Students must have taken Immigration Law, or must obtain permission of the instructor prior to enrolling.
This seminar will explore current topics in immigration law, beginning with a discussion of the grounds for seeking asylum and other forms of protection as well as the bars to these types of relief. We will then examine the anatomy of removal proceedings, including the fast-track procedures of expedited removal and reinstatement. We will look at common grounds of removability, with a focus on criminal grounds and the intersection of criminal and immigration law, including the significance of the Supreme Court’s decision in *Padilla v. Kentucky*. We will also explore lesser known grounds of removability such as false claims to U.S. citizenship, and learn about various forms of relief from removal with a focus on relief for long-term permanent residents, victims of crime and trafficking, and special forms of protection for juveniles, including the most recent Deferred Action program. Throughout, we will consider the impact of current and pending policy, including the proposed DREAM Act and recent state immigration legislation. The course will then shift to analyze post-deportation challenges to removal, both in the form of direct appeals and as motions to reopen and reconsider removal orders brought by individuals who have already been physically deported. Students will have an opportunity to explore complex and developing topics in immigration law as well as to develop lawyering skills through a number of in-class exercises and simulations. Students will also complete a 20 page writing assignment. Grading will be based on class preparation and participation, in-class exercises, and the writing assignment. This course will satisfy the upper level writing requirement and the lawyering skills requirement.

11/6/12

**LL38902 Juvenile Rights Advocacy Project II (Spring: 4)**
The Juvenile Rights Advocacy Project II will satisfy the Lawyering Skills and Perspectives on Justice and the Law requirements.

11/1/12

*(New course description)*

**LL82201 Seminar on Law and Justice. Public Reason: Justification and Legitimation, (Spring: 3), Prof. David M. Rasmussen**
Prerequisites: None
Satisfies Perspectives on Justice and the Law requirement.
Cross listed with PL 826 (Collage of Arts & Sciences, Philosophy Dept.)
This course will consider the current debate on public reason and the problem of justification in three sections.

**I. Rawls, Habermas Debate.**
Basic texts: Habermas: *Reconciliation through the Public Use of Reason*. Rawls: *Reply to Habermas*

**II. Public Reason.**

**III. The Problem of Justification.**

This course will be conducted as a seminar in which students will present and discuss the material. The subject matter, public reason, justification and legitimation will be considered first through the
1995 debate between Rawls and Habermas which is the subject of the recently published book on the debate in which the original texts are included. Second, Gerald Gaus, through the publication of the extraordinary book, *The Order of Public Reason*, has brought the debate over public reason and justification to a new level. Third, the problem of justification, taken up by Rainer Forst’s *The Right to Justification*, takes the underlying issue, public reason as a form of justification, back to its Kantian origins.

**Requirements:** Vigorous discussion, occasional class presentations and a final research paper.

**Texts:**

10/22/12

**LL79703 Advanced Legal Research (Spring: 3), Prof. Susan Vaughn**
Grade is based on a series of written assignments.

10/17/12

**LL75801 American Pragmatism (Spring: 3), Prof. Catharine Wells**
Class will meet Wednesday, 3-5:25 on the Chestnut Hill Campus, rm. 227 Devlin.

**LL72601 Labor & Employment Arbitration (Spring: 2), Prof. Sharon Henderson-Ellis**
This course is offered for 2 credits, not 3 credits as previously listed.

7/11/12

*(Revised course description)*

**LL44501 Patent Litigation (Spring: 3), Prof. Joseph Mueller**

Prerequisites: Although not required, it is strongly recommended that students have taken either IP Survey or Patent Law.

*Satisfies ABA Upper Level Writing and Lawyering Skills requirements.*

In this course students will gain practical experience in patent litigation and develop written and oral advocacy skills that have broad applicability (including in non-patent cases). The course will include three practice exercises: (1) an oral argument focused on the meaning of the terms in a particular patent (known as a “Markman” argument); (2) a deposition of a technical expert; and (3) summary judgment briefing and argument. Initial class sessions will provide context for the practice exercises by (a) reviewing the major events of a patent litigation, from filing the complaint through trial, (b) reviewing fundamental concepts of patent law (e.g., infringement, validity, and claim construction), and (c) introducing an actual U.S. Patent and a hypothetical accused product that will be used for the practice exercises. For the practice exercises, each student will be assigned the role of either plaintiff’s attorney or defendant’s attorney. In the initial sessions associated with each practice exercise, the professor will provide legal background, introduce a problem the students will have to address, and provide coaching tips on how to effectively present oral arguments, take depositions, and draft summary judgment briefs. The Markman exercise will culminate with a session in which students present arguments. The deposition exercise will conclude with a session in which students attempt to depose, and defend, an
expert witness. In the summary judgment exercise, plaintiffs' counsel will write a 20-page brief in support of a motion for summary judgment of infringement and defendants' counsel will write a 20-page brief in support of a motion for summary judgment of invalidity. The summary judgment exercise will culminate with a session in which plaintiffs' counsel argue in support of summary judgment for infringement and in opposition to summary judgment for invalidity, and defendants argue the reverse. Student performances, both written and oral, will form for the basis for the final.

5/10/12
(New Course)
LL38501 Executive Compensation (Spring: 2), Profs. Loretta Richard and Renata Ferrari
Pre-requisites: Tax I, securities law and corporations.
Executive compensation is a multi-disciplinary practice, and involves considerations of income taxation, securities law, corporate law and employment law. This course will provide a look at the current state of executive compensation, including tax planning and consequences (both from the employer and employee perspective), securities law issues (including disclosures and shareholder approval issues), corporate governance and employment law issues (such as restrictive covenants). This is a two credit class that will meet once per week, in the late afternoon/early evening.

CANCELLED

LL37701 Law & Lawyers in Literature (Spring: 2), Prof. Evangeline Sarda

LL63001 Federal Criminal Law (Spring: 2), Prof. George Brown

LL35801 Advanced Criminal Law: Federalism, Sentencing & Immigration (Spring: 3), Prof. Kari Hong

LL75401 Selected Topics: National Security Law (Spring: 2), Prof. George Brown

LL45501 Cyberlaw (Spring: 2), Prof. Daniel Lyons

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FALL SEMESTER

10/12/12
LL41202 Intellectual Property Survey (Fall: 4), Prof. David Olson
Examination will be a self-scheduled take-home exam.

8/29/12
LL46001 Prosecutorial Ethics (Fall: 2), Prof. Michael Cassidy
Exam will be an in-class exam.

6/21/12
LL79701 Advanced Legal Research (Fall: 3)
This course will be co-taught by Mary Ann Neary and Susan Vaughn, not Alex Berrio-Matamoros as previously listed.
5/16/12
**LL66901 Philosophy of Law (Fall: 3)**
Instructor will be Jonathan Trejo-Mathys instead of David Rasmussen.

5/9/12
**Prof. David Wirth will teach LL67601 International Environmental Law (Fall: 2 credits)**
Prerequisites: None
This course addresses the nature, content and structure of international environmental law. The course commences with an introduction to international environmental problems, together with basic principles of international law and environmental regulation. Specific topics include global warming, stratospheric ozone depletion, and exports of hazardous substances. Other topics may include marine pollution, transboundary pollution, trade and environment, and development and environment. The course evaluates the role of international and non-governmental organizations; the interrelationship between international legal process and domestic law; and the negotiation, conclusion, and implementation of international environmental agreements. Class meets Tuesday, 5:30-7:30pm at the Fletcher School, Graduate School of International Affairs, Tufts University, Packard Ave., Medford. Evaluation by mid-term and final take-home exercises. Enrollment is limited to 12 students

4/30/12
**LL47501 Climate Law and Policy, Prof. Wirth (Fall: 3)**
This course is offered for 3 credits.

4/24/12
**LL46001 Prosecutorial Ethics Seminar, Prof. Cassidy (Fall: 2)**
There are no prerequisites for this course.

**CANCELLED**

**LL67101 Federal Court Civil Litigation Seminar (Fall), Prof. Steven Berk**

**LL67501 International Legal Research (Fall: 2), Prof. Mark Sullivan**

**LL48001 Legislation, Prof. Rabb**