

ELECTIVE (ELECT)

ELECT 901: Agricultural Law

3 Credits

This course will survey agricultural law issues including labor issues, land and water use, and food animal production and welfare. In addition, the course will focus heavily on the regulation of food production, food safety and food labeling. Finally, the course will review the emerging agriculture of medical cannabis and industrial hemp production.

ELECT 902: Antitrust

3 Credits

This course is principally an examination of antitrust law and policy in the U.S. as evolved through prosecutions by the U.S. Department of Justice and the Federal Trade Commission. There is brief coverage of leading market regulatory schemes such as those affecting marketing of foods, drugs, textiles, toxic substances, securities, and consumer products. In the antitrust area, commercial conduct alleged to violate price fixing, market allocation, tying, exclusive dealing, asset acquisition, and price discrimination norms are considered at length with some attention to state antitrust law.

ELECT 903: Banking Regulation

2 Credits

This course will focus on banks as financial intermediaries and compare them to both the securities and insurance industries. The dual banking system of state and federal regulation will be explored as to bank formation, supervision and regulation. The course will explore the ownership and control issues affecting banks and the supervision and regulation of bank holding companies and their subsidiaries engaged in nontraditional banking activities. The causes of the financial crisis of 2007-2009, together with the reaction of financial institutions, the states, the U.S. Congress and the regulators to the crisis, will also be examined. The course will include an assessment of the deposit insurance system and the problems associated with troubled and failed banks. The course will emphasize the potential administrative enforcement, civil and criminal exposure of both regulated entities and individuals involved within those industries.

ELECT 904: Bankruptcy

3 Credits

The rights, duties, and remedies of both debtor and creditor are examined. The course covers the collection process, enforcement of money judgments, and insolvency proceedings. Federal bankruptcy law is emphasized.

ELECT 906: Comparative International Tax Law

2-3 Credits

This course treats the unique problems of Home country taxation of foreign income and operations of resident persons and enterprises and Host country taxation of foreign persons and enterprises from the perspective of many nation's perspectives.

Prerequisite: BAR 904

ELECT 907: Construction Law

2 Credits

This course examines the peculiar legal problems encountered on construction projects. It covers contract, tort and statutory law as adapted specifically to the construction industry. It analyzes the perspectives of an owner, developer, architect/engineer, contractor, subcontractor and bonding company, both in the context of private and public construction projects, commercial and residential. The principal areas of inquiry are contract structure, public bidding, theories of liability, payment and security mechanisms, claims related to time, disruption and extra work, and claims arising from construction defects.

ELECT 908: Education Law

3 Credits

This course covers the basic premises of compulsory education; issues concerning exclusion of students; school control of student behavior and curriculum; teacher employment problems; and issues of funding, minority rights, and school liability. The course will also examine the law applicable to higher education.

ELECT 909: Elder Law

3 Credits

This course presents a survey of the legal issues associated with aging, including introduction to national and global demographics on population aging; comparative policies on Social Security; quality of health care, including care under Medicare and Medicaid (and alternative forms of payment systems for health care and long term care); age discrimination in employment; housing for older adults, including nursing homes, assisted living and continuing care facilities; advance health care decision making; and fiduciary duties of agents and family members.

ELECT 910: Energy Law and Policy

3 Credits

This course is the introductory course in the regulation of energy in the United States. It also considers some of the international impact of U.S. energy policy. The course examines each significant form of energy (oil, natural gas, nuclear power, electricity, coal and renewables) in terms of the manner in which each form is regulated by various government institutions. To understand the various forms of regulation, we will also consider a substantial amount of economic, political and socio/psychological information.

ELECT 911: Environmental Law

2-3 Credits

This course introduces some of the most important concepts, issues, and statutes in environmental law. After discussing the economic and ethical bases for environmental law and briefly reviewing the relevant principles of constitutional and common law, students examine a representative selection of federal statutes, including the National Environmental Policy Act, the Endangered Species Act, "Superfund," and the Clean Air Act.

2 Elective (ELECT)

ELECT 912: Estate Planning

3 Credits

Studies the concepts and techniques required to develop estate plans. Topics include the initial client interview, drafting of wills and trusts, powers of attorney, living wills, disability planning and income taxation of trusts and estates. The psychological and ethical aspects of estate planning will be covered. The course will also survey the federal gift, estate and generation skipping taxes. The course is intended to be an introduction to estate planning, valuable to both the person intending to specialize in the field and the general practitioner.

Prerequisite: BAR 904

ELECT 913: Gender and Sexuality Law

3 Credits

This course will focus on how the law treats issues concerning gender and sexuality. The doctrinal themes that will be explored include constitutional notions of privacy/liberty, equality and expression as applied to categories based on gender, sexuality and/or sexual orientation. For example, topics might include the right to sexual privacy (including access to birth control and abortion); discrimination on the basis of gender and sexual orientation (including sodomy laws and same sex marriage); evolving theories of sexuality (including the rights of transgender persons and intersexuals; transsexuals, and the gay gene); identity speech and the First Amendment (including the gay prom case and sexual harassment cases); military exclusions; and the privatization of family law and family formation. The course will examine the relationship between gender and sexuality, based on a multi-disciplinary approach informed by history, medicine, science and broader social and political theories.

ELECT 914: Health Care Law and Policy

3 Credits

This is a survey course focused primarily on how the law influences the delivery and financing of health care in the United States. The course will examine an array of legal and policy issues related to our health care system, including: the legal structure of the patient-physician relationship; professional licensure and competence; health care privacy, decision-making, and autonomy; the legal and corporate structure of health care enterprises; regulatory and market-based approaches to improving the quality of health care delivery; payment and financing systems including the Medicare and Medicaid programs, insurance, charitable care, managed care, ERISA, and private payment; and enforcement mechanisms, including federal and state civil and criminal statutes and regulations aimed to combat health care fraud and abuse. The course also will focus on the challenges facing the U.S. health care delivery system and proposals for systemic reform, including an in-depth examination of the Patient Protection and Affordable Care Act (PPACA) and its potential impacts on health care access, delivery, cost, and quality.

ELECT 915: Insurance Law

3 Credits

This course is designed to introduce students to the basic principles governing the creation, sale and enforcement of the most common forms of insurance in the U.S. Students will be introduced to the following insurance lines: personal liability, professional liability, commercial general liability, homeowners, automobile, life and casualty, and health.

The peculiarities of each line will be discussed as well as the problems common to all lines: moral hazard, adverse selection and outright fraud. The social function of insurance as well as historical anomalies are covered in order to give the student the broadest possible exposure to the issues lawyers confront regularly in this area of practice.

ELECT 916: International Law

2-3 Credits

This course introduces students to key concepts and doctrines of international law. It examines the sources of international law such as custom and treaty, the bases of international jurisdiction, issues of statehood, recognition and succession, nationality, international agreements, and U.S. participation in the international legal system. The course provides students with the basics needed for both public and private international law practice.

ELECT 918: Juvenile Law

3 Credits

This course examines the legal position of the child in society and the extent to which the child may be legally controlled by parent(s) or state. Subject matters include the right of the child to control reproductive decision-making, child support and paternity issues, child abuse and neglect, foster care, termination of parental rights, adoption, medical treatment of juveniles, and medical experimentation on juveniles. The course also examines the delinquency jurisdiction of juvenile court, the constitutional protections afforded the child accused of criminal activity, adjudications of delinquency, punishment or placement of the child in the dispositional phase of juvenile proceedings, and treatment of the child as an adult offender.

ELECT 919: Law and Medicine

3 Credits

This course focuses on the law concerning the physician-patient relationship as well as bioethical issues that arise in that relationship. It covers the duty to treat, informed consent, confidentiality, medical malpractice, refusal of life-sustaining medical treatment, physician-assisted suicide, experimental medical treatment, and more.

ELECT 920: Law of Individuals with Disabilities

3 Credits

This course will address legal issues and concepts for people living with disabilities. It will cover issues surrounding civil rights discrimination, and public benefits ranging from employment, housing, income supplements, health, and education. Students will review legislation, case law, and rules, and will focus on the practical and social concerns of individuals living with disabilities.

ELECT 921: Law of the Sea

2 Credits

The course aims to offer thorough instruction on the foundations and sources of the law of the sea, the principle types of maritime jurisdiction, the principles of resource management, and approaches to the settlement of maritime disputes.

ELECT 923: Legal Competencies & Law Practice Management Skills

3 Credits

This course is designed to give students a basic understanding of the management of a legal services organization. Attention is paid to the operation of a law practice as a business, including entity formation, internal organization, quality control, business development and finance. The course also is designed to provide a complement to other parts of the curriculum in which students can continue to develop their professional identities.

COREQUISITE: BAR 906

ELECT 924: Poverty Law

2 Credits

This course is an introduction to law relevant to assisting people in poverty including law addressing public benefits, housing, consumer issues, custody, domestic violence, and private rights of action. It will also address realities of existence for people in poverty and consider historical and policy perspectives. Finally, the course will focus on some practical skills, and students will participate in mock hearings and/or mock interviews.

ELECT 926: Sports and Entertainment Law

3 Credits

This course explores how various areas of the law impact the sports and entertainment industry. The "law" that is used by most sports lawyers is principally the application of settled principles of other legal fields to the sports industry: contract law, labor law, tax law, products liability law, intellectual property law, etc. The course then focuses on important areas that provide the foundational principles that drive the outcome of most legal disputes arising in the sports and entertainment industry. The course also examines aspects of antitrust, labor, and constitutional law, that have specific and unique applications to sports and entertainment.

ELECT 927: State and Local Taxation

2 Credits

Beginning with historical and constitutional aspects, students will analyze in detail recent developments in state and local taxation and their impact on client representation. Attention will be concentrated on corporate, sales and use and other business taxes, death duties, and property taxes and exemptions.

ELECT 928: Veterans Law

2 Credits

This course is intended to ground the student in the history, tradition, and modern practice of the American system of veterans law. Each session will contain specific legal concepts relevant to the subject matter. The student may expect to have a broad appreciation for the importance of the principles of veterans law and the practical application of the veterans benefits system, and how to analyze issues.

ELECT 929: Workers' Compensation Law

2-3 Credits

This course will explore the history and development of, public policy considerations for, and state and federal systems for delivery of medical and wage benefits to injured workers.

ELECT 930: Writing and Editing for Lawyers

2 Credits

The goal of this course is to improve the legal reading, writing, and editing skills of students. The course will reinforce rules of grammar, punctuation, sentence structure, usage, voice, tone, style, and organization. The emphasis will be on the application of these rules in the context of legal writing. Students will learn how to craft sentences that are accurate, brief, clear, precise, and sometimes persuasive.

ELECT 932: Elder Law Financing: LTC Insurance

1 Credits

Long-Term Care Insurance - Why Hasn't It Been More Successful? During the last 25 years, the long-term care insurance (LTCI) industry has gone from being hotly touted as the "best" alternative to Medicaid and thus an answer to the predicted crisis for funding elder care, to just a handful of providers (or state guarantee funds) who are struggling with solvency, while still expected to service more than 7 million policyholders. This unit will allow us to explore traditional insurance and contract law principles, and examine how funding for "private insurance" contrasts with "public benefits." There are several pending cases involving insolvency for LTCI providers, and states are challenged to cover the policyholders with guarantee funds. These cases offer the students with opportunities to write relevant analytical papers from a consumer, business or government perspective.

ELECT 933: Elder Law Capacity: Advance Directives

1 Credits

Advance Directives - Strengths and Weaknesses. There are three basic types of written advance directives traditionally offered by lawyers to older clients the option of designating agents, in anticipation the clients will someday not have capacity to make their own decisions: General Durable Powers of Attorney, Health Care Decision-Making Directives, and End-of-Life Directives (also known as Living Wills). Consumers can purchase inexpensive versions of these documents from Legal Zoom and similar Alt-Law internet sites, or they can obtain customized documents for a higher price from experienced lawyers. I have collected sample documents and key cases we can use to explore use of such tools, while addressing legal principles such as agency law, personal autonomy and fiduciary duty law. This course will provide students with timely opportunities to explore topics faced by lawyers in a wide variety of transactional contexts.

ELECT 934: Elder Law Comparative: Filial Support Laws

1 Credits

Filial Support Laws - Why Are Some Jurisdictions Reviving Enforcement of these Elizabethan-Era Laws? During the last five years, Germany has initiated aggressive efforts to hold family members accountable for the cost of public services to indigent elders. In some instances, U.S. citizens are being asked to contribute to the costs for care of their indigent German-citizen family members, with German authorities threatening

them with international enforcement through "support and maintenance treaties," if they do not pay voluntarily. Other governments that are currently enforcing filial support laws on a domestic level include France and former Soviet countries (including Ukraine) - and Pennsylvania. This unit will allow the students to take a comparative law approach and examine modern examples of domestic and international efforts to enforce filial support laws that are being used by governments in an attempt to cover elder-care costs.

ELECT 935: Race, Racism & American Law

2 Credits

This course explores the role law has played in both the subordination and promotion of the rights of people of color in America. Subjects for discussion will include: how law helped create the social construct of race, race and the American criminal justice system, affirmative action policies, and the quest for effective schools. This course examines critical race theory which posits that we all harbor at least subconscious racial bias, and that due to our racist past as a nation, racial inequality has been locked into American institutions.

ELECT 936: Elder Law Financing: Medicaid

1 Credits

This course focuses on Medicaid planning for long-term care.

ELECT 937: Elder Law Capacity: Guardianship

1 Credits

This course will focus on guardians of the person or estate under state laws.

ELECT 938: Elder Law Comparative: End of Life Decisions

1 Credits

This course will focus on statutory grounds for end-of-life decision making.

ELECT 997: Special Topics

1-3 Credits/Maximum of 9

The course is for special topics that are taught on a one-time basis. Subject matter will vary.