

# EXPERIENTIAL LEARNING (EXPR)

## EXPR 930: Handling Cases in the Real World

2 Credits

Bridging theory to practice—a practical approach to litigating a civil lawsuit from inception to jury trial. The course will explore client interviewing, case investigation, discovery requests, including interrogatories, requests for production and requests for admission, conducting depositions, developing themes for trial, identifying and drafting motions in limine, direct and cross-examining lay and expert witnesses, crafting opening and closing statements and utilizing technology in all aspects of the case. The course will include extensive class participation including in-class depositions, openings and closings, and direct and cross examinations. The instructors are seasoned trial attorneys who will utilize real cases throughout the course. This course satisfies the experiential learning requirement.

## EXPR 933: Winning Written Advocacy

3 Credits

As an overwhelming majority of civil cases in federal courts never go to trial or oral argument, federal courts decide cases primarily on the parties' written motions and briefs. As such, knowing how, in a written document, to persuade courts to take a desired course of action is an essential skill for today's advocates. In this course, students will study the science of persuasion, from classical rhetoric to modern cognitive psychology, and will study the art of persuasion by examining how successful appellate advocates write. Students will practice writing their own compelling motions and briefs in the context of an actual federal civil rights action. Students will receive individualized feedback throughout the course.

**Prerequisites:** PSLFY 912, PSLFY 914

## EXPR 934: Researching Administrative Law

2 Credits

This course explores sources of administrative law, with primary emphasis on federal administrative law, and provides students the opportunity to research regulations, agency decisions, and other administrative legal resources using a variety of sources. The goal of the course is to give students a practical understanding of where administrative authority and law originates and how to find it. Emphasis will be placed on using free, authentic resources to conduct much of this research, but attention to premium online resources will also be included. Students should have taken or plan to take concurrently a course that deals with administrative law.

## EXPR 935: National Security Law II (Leadership in Crisis Simulation)

4 Credits

This is the second of a two-course sequence. National Security Law I (Foundations) is a prerequisite. National Security Law II (Leadership in Crisis Simulation) is an extended simulation course designed to replicate legal practice in the national security environment while developing leadership and communication skills. Legal issues arise against an intense backdrop of competing domestic and international political interests under extreme time constraints with lives often on the line.

Students will represent members of the executive, legislative, and judicial branches as well foreign governments, the media, and non-governmental advocacy groups as they confront a complex national security problem across the semester. Throughout the course, students fill leadership roles enriched by leadership readings and classroom discussion. Students learn to write on short deadlines and communicate extemporaneously with confidence. Students receive extensive individual performance feedback to include multiple one-on-one mentoring sessions; regular written performance evaluations; and detailed writing critiques. Visiting attorneys and journalists with high-level experience enrich the class by providing analysis and perspective. This experience will be particularly valuable for students considering careers in national security specifically, the public sector generally, or within non-governmental advocacy groups; however, skills emphasized in the course will be relevant to any student wishing to think precisely, communicate clearly, and collaborate creatively under deadlines with high stakes. This course satisfies the experiential learning requirement.

**Prerequisites:** LWPER 947 and Faculty approval required

## EXPR 936: Negotiation and Dispute Resolution Design

3 Credits

Identifying opportunities for negotiating and resolving conflicts before they are litigated in the courts is the focus of this course. The course explores both negotiation theory and practice, as well how to design systems and processes for managing disputes. This experiential learning course will address and explore real world issues that may come up for attorneys in practice, including in person and online.

## EXPR 937: Street Law

3 Credits

Street law teaches law students to use and develop interactive methods to teach young people about fundamental principles of the U.S. legal system and practical lessons about the law. Participating law students attend a comprehensive orientation program and participate in weekly class sessions focused on pedagogical practices and community lawyering. Throughout the semester, law students learn how to design small group exercises, role-plays, and simulations of legal proceedings. The program has two focuses: a law course characterized by rich legal content, examining practical law and legal policy; the second, a legal literacy focus designed to further develop law student expressive skills, critical thinking, problem solving, and other professional skills. This second dimension exposes law students to the culture and experiences of their students and helps them see the law through the eyes of others. It also teaches law students many of the skills necessary to be good lawyers, including: researching contemporary legal topics; breaking down complex legal concepts to laypersons; and working with a diverse clientele of a wide range of abilities.

**Prerequisite:** Faculty Approval Required

## EXPR 940: Indigent Criminal Justice Trial Simulation

2 Credits/Maximum of 4

Through simulations, this course provides students the opportunity to practice and develop the Fundamental Lawyering Skills and Professional Responsibilities described above in a controlled, safe, supportive, and instructive environment prior to performing adversarial hearings before a Court in the Indigent Criminal Justice Trial Clinic. Specifically, students will learn client management skills, litigation, negotiation, ethics, criminal

law and procedure, and advocacy skills as they simulate representation of defendants through all stages of a criminal case, including Pre-trial conferences, jury selection, and a full trial. These simulations are designed to provide students with enhanced expertise in all fields of advocacy. The simulations also provide students with the opportunity to play different roles and gain perspectives they would not otherwise have, advocating solely for the defense. The use of simulations dramatically increases the experience and preparedness of the clinic students who are expected to successfully argue and maneuver against prosecutors with years of courtroom experience. The simulations also vary in terms of preparation afforded to each student. Certain simulations permit students hours of preparation time to perfect cross-examination and argument. Other simulations happen with little or no preparation time to give students experience thinking quickly and actively listening in stressful adversarial situations. Students are required to enroll in the simulation course both semesters and earn two credits in Fall and two credits in Spring. Students in this clinic course attend a three-hour class one day a week in addition to the time they spend outside of class preparing for the simulations and doing readings for class. These four credits do not count against the clinic and externship cap at Penn State Law because no client representation is involved in this part of the course. This course satisfies the experiential learning requirement.

**Prerequisite:** PRORP 934 Professional Responsibility and PROSK 955 Evidence. Faculty Approval Required.

#### EXPR 947: The Modern In-House Counsel

2 Credits

This course examines the unique aspects of working as a lawyer within a corporation. The course explores the key roles today's in-house counsel play, including advising the Board of Directors and senior management, selecting and managing outside counsel, meeting corporate compliance and regulatory obligations, conducting internal investigations, drafting and negotiating commercial transaction agreements, managing litigation and balancing the dual roles of trusted business advisor and guardian of the ethical and reputational capital of the enterprise.

#### EXPR 950: Trial Advocacy

4 Credits

This course introduces the fundamental skills of trial advocacy applicable in civil and criminal trials in any jurisdiction. In keeping with the theory that trial advocacy is best learned by "doing," each student will conduct written and oral exercises concerning the various stages of the trial process—pleadings, pretrial motions, discovery, settlement negotiations, trial preparation, jury selection, opening statements, direct and cross examination of lay witnesses, examination of expert witnesses, trial motions, and closing arguments. Students are able to evaluate their own progress through viewing videotapes of their performances. The class meets jointly for lectures, while the oral trial exercises are conducted in small sections. The teams for the national mock trial competitions that are conducted during the spring semester will be selected based upon students' overall performance in Trial Advocacy.

**Prerequisite:** PROSK 955 Evidence may also be taken concurrently. Course is available to J.D. students only.

#### EXPR 951: Contract Drafting

2 Credits

This is a practical, simulation course in negotiating, drafting and construing contracts. The course encompasses basic contract concepts and the development of the analytical skill essential to translate a business deal into a written contract. It involves the drafting of each component of a contract from the preamble to the signature line. Students will participate in classroom discussion, work collaboratively in class, have regular drafting assignments and will individually draft one or more contract(s) during the semester.

#### EXPR 952: Strategic Legal Research

3 Credits

This course is designed to provide students with an advanced understanding of ways lawyers use primary and secondary legal research sources and finding tools to successfully represent their clients. An emphasis is placed on the development of effective legal research strategies that take into account choice of format (e.g., the relative advantages and disadvantages of print and electronic sources), cost/benefit analysis of format choice, evolving approaches by law firms and private practitioners to billable research hours, use of computerized tools to organize research results, and presentation of research results to case supervisors. Course content will be presented in a hybrid format consisting of two hours per week of in-class meetings with the remaining credit to be completed by coursework outside scheduled class time through online and written assignments.

#### EXPR 954: Representing the Professional Athlete

3 Credits

This course will address relationships and responsibilities of representing the professional athlete. Students will also get an introduction and in-depth examination of Representation through group exercises, class discussions and professional contract analysis. There will be time dedicated to the NCAA Rules that affect Agent interaction with potential clients and individual State enacted laws governing the modern Agent.

#### EXPR 964: Real Estate Negotiation and Drafting

3 Credits

The course covers transactional drafting techniques for any commercial matter, and negotiation exercises useful in all legal settings. It then addresses the structure and law of real estate transactions, including agreements of sale, title and survey matters, leasing, financing, easements, and development rights.

#### EXPR 968: Research and Writing for Judicial Clerkships

3 Credits

Students will learn about the role of judicial clerks, including the typical responsibilities of judicial clerks, and they will learn about various forms of judicial writing done by trial and appellate court clerks. Students will recognize the impact of written advocacy on judicial writing as they switch roles from advocating as a lawyer to deciding issues raised by the advocates and writing opinions that implement subtle persuasive writing techniques. Students must critically read judicial files, including parties' briefs; they also will conduct research, analyze the facts and law from a judge's perspective, and apply the correct motion standard or standard of review. Students will develop a deeper understanding of the process

for creation of legal precedent through opinions. With individualized feedback, students will develop precision in self-editing and revision skills and will practice producing concise, clear, and accessible written work.

**Prerequisite:** Enrollment is limited to J.D. students only

#### EXPR 972: Mediation of Environmental and Public Conflicts

3 Credits

Conflicts between parties with different views of "the public good" are often difficult to resolve, especially in the environmental and natural resource arena. The judicial dispute resolution process is often not well-adapted to addressing conflicts among jurisdictions and meeting the interests of the public and private parties affected by the conflict. Mediation and other alternative dispute resolution techniques can be very useful tools in these cases. This experiential course uses case studies and simulations to explore techniques and strategies other than traditional litigation that lawyers can use to represent clients and resolve disputes in these settings.

#### EXPR 974: Appellate Advocacy

3 Credits

Following a U.S. Securities and Exchange Commission (SEC) enforcement action from inception through an appeal in the D.C. Circuit Court of Appeals, and a subsequent appeal to the U.S. Supreme Court, this course will teach students key concepts of appellate procedure, and provide students with practical experience in using persuasive advocacy skills when drafting appellate briefs and making an oral argument to an appellate court. Class discussions will explore the decision making processes of appellate lawyers so that students better understand (1) the thoroughness of the analytical skills that appellate lawyers must employ; (2) the knowledge of litigation and appellate procedure that appellate lawyers must possess; (3) the strategic and tactical decisions that appellate lawyers must make when writing appellate briefs; and (4) the ability to think and react quickly that appellate lawyers must have when arguing before an appellate court. The course will begin with some basic instruction in SEC enforcement actions, the basic substantive securities laws that govern the appellate case that will be studied, and appellate procedural rules. The course will then teach advocacy skills in writing and oral argument by following the SEC enforcement action through its principal phases, from the complaint, the motion to dismiss, and the appellate briefs and arguments before the D.C. Circuit and the U.S. Supreme Court.

#### EXPR 975: Litigation Skills: Cross-Examination, Direct-Examination, and Deposition Preparation Practicum

3 Credits

The practicum nature of this course will allow students to not only learn the fundamental principles of examination and deposition, but to demonstrate these skills in a supervised setting where feedback can be provided, and students can learn from their mistakes in a low-pressure environment. Students will also be taught how to authenticate and introduce evidence through witnesses. This course satisfies the experiential learning requirement.

**Prerequisite:** PROSK 955

#### EXPR 976: Civil Pre-Trial Practice and Advocacy

3 Credits

Disposition before trial occurs in the vast majority of civil lawsuits (e.g., 98% of federal cases), which makes pre-trial advocacy the dominant part of legal practice at most law firms and agencies. This experiential learning course will engage students with a robust client fact pattern, including analysis of client documents and procedural and substantive law. Students will learn how to draft pre-trial advocacy pleadings, discovery, disclosures, and motions, culminating with learning how to draft a motion for summary judgment. Students will learn how to take depositions and negotiate a settlement. By simulating an actual complex civil litigation case, this "in-context" course will provide students with insight into the process of preparing a case for trial through the pretrial conference and improving the client's position for a pre-trial disposition.

#### EXPR 983: Representing the Entrepreneur

3 Credits

This course considers legal issues typically arising in the course of representing an entrepreneurial venture, including choice of appropriate entity, naming and trade names, agreements among initial and early owners, operational management, governance, succession, equity and debt finance, intellectual property issues, employment arrangements and applicable employment statutes, executive compensation, typical operational contracts, risk management and ethical issues. This course will also review customary financial statements, business strategies in terms of long-term development or early exit, and common exit alternatives. The objective is to give participants an introduction to the diverse legal problems that they are likely to encounter in an entrepreneurial setting, either as lawyers for the enterprise or as owners of an equity position in the enterprise.

#### EXPR 997: Special Topics

1-12 Credits/Maximum of 21

Special Topics

#### EXPR 998: Higher Education Law Practice

3 Credits

This course is devoted to developing problem solving skills related to legal issues in higher education. Students will have a chance to confront problems the way university lawyers do, from the very beginning, before the facts are all known, before goals are clarified, before the full range of options is explored, and before a course of conduct is chosen. This course is intended to help prepare students for the actual practice of law by allowing them to actively to engage in the sorts of discussions and activities that occupy lawyers every day, combining their knowledge of law with practical judgment to help clients. Topics include faculty and student rights and responsibilities; constitutional issues involving application of the guarantees of the First, Fourth and Fourteenth Amendments; civil rights issues including diversity and affirmative action, the rights of the disabled, and gender-based issues.