

PROFESSIONAL SKILLS (PROSK)

PROSK 940: Writing and Editing for Lawyers

2 Credits

This course is designed to offer an intensive writing experience to improve students' legal analysis, writing, and editing skills. Students will be required to write legal memoranda responsive to legal and factual questions. Students will practice written analysis and organization. Students will learn how to write sentences that are accurate, brief, clear, and precise. Further, the rules of grammar, punctuation, usage, tone, and style will be reinforced. This course is graded on a pass/fail basis, but does not count toward the one pass/fail course a student may take as described in the Pass-Fail Rules.

Prerequisite: PSLFY 912 Applied Legal Analysis and Writing I

PROSK 949: Higher Education Law

3 Credits

This course examines the legal issues applicable to American colleges and universities. Topics include academic freedom and tenure, affirmative action in admissions decisions, intercollegiate athletics, issues of student privacy, sexual harassment, and intellectual property.

PROSK 955: Evidence

3 Credits

This course presents evidence in trials under the Federal Rules of Evidence, at common law and in equity and with reference to administrative bodies. The reasoning from which rules arise in areas including relevancy, competency, privilege, examination of witnesses, writing, the hearsay rule and its exceptions, burden of proof, presumptions, judicial notice, and constitutional evidence problems is also addressed.

PROSK 958: Conflict of Laws

3 Credits

In modern business and personal life, significant events frequently involve more than one state or nation. What law applies to multi-jurisdictional transactions? Which court has the authority to adjudicate any dispute that develops? When can a judgment or a marriage in one state create legal rights in another? Can one state make it illegal to do something like pay bribes in the territory of another? This course examines the legal rules that have developed for resolving these conflict-of-law problems. Specific topics include: domestic jurisdiction, international jurisdiction, domestic choice of law, extraterritorial application of national law, conflicts between state and federal law, and enforcement of judgments. Course time is split roughly equally between domestic and international topics.

Prerequisites: PSLFY 900 Civil Procedure

PROSK 960: Negotiation/Mediation

3 Credits

This course combines the law and ethics of negotiation, mediation and settlement with economic and psychological bargaining theory and regular hands-on practice in representing clients in negotiation and mediation. Bargaining theory (including distributive and integrative bargaining), relevant socio-psychological research, negotiation and mediation ethics, the law of settlement, and the basics of contract drafting are all introduced. Instruction consists of assigned reading, a series of simulations and exercises (including drafting a resulting contract), written negotiation planning and self-evaluation, feedback, and group discussion. The course also may involve participation in a full-day Saturday program, and students should be prepared to experiment with various means to maximize their facility in using videoconferencing and other technologies to negotiate and represent clients in mediation.

PROSK 965: Federal Courts

3 Credits

This course involves elements of constitutional law and civil procedure, addressing the relationship of federal courts to administrative agencies, state courts and private and ad hoc dispute resolution forums (e.g., arbitration, mediation, 9/11 Victims Compensation Fund). Building on the foundational knowledge of federal subject matter jurisdiction addressed in Civil Procedure, this course examines in greater detail advanced problems in standing, mootness, and ripeness. Building on the foundational knowledge of separation of powers and federalism addressed in Constitutional Law, this course examines the power of Congress to allocate judicial power among federal courts, federal agencies, and States. The heart of the course, however, consists of advanced topics including the power of federal courts to create common law, limitations (and complications) in suits against the federal and state governments and their officials, problems arising when administrative agencies or state courts are addressing matters related to the subject of a pending case in federal court, and limitations on federal appellate jurisdiction. This course should prove especially useful to students who anticipate clerking for a federal or state judge, or who plan to litigate before federal or state courts, administrative agencies, arbitral forums or other private or ad hoc dispute resolution entities.

Prerequisites: PSLFY 900 Civil Procedure and PSLFY 903 Constitutional Law I

PROSK 967: Federal Court Practice

2 Credits

This course introduces contemporary issues in several topical areas of particular interest to litigating in federal courts. The course topics are varied, with the unifying theme being that each topic possesses either particular prominence or exclusive jurisdiction within the country's federal court system. These topics include: the history and organization of the federal courts, the courts' relationship with Congress, the arguments for and against diversity jurisdiction, the practical dynamics of federal procedure, strategic considerations involved in a litigant's choice of federal court, ADR proceedings in federal courts, securities, bankruptcy, intellectual property, antitrust, employment discrimination, review of administrative agency decisions, immigration issues, federal criminal matters, sentencing, civil rights cases, and habeas.

Recommended Preparation: PROSK 965 PROSK 955 per instructors request.

PROSK 969: Legal Journalism

2 Credits

Students will learn journalistic writing styles to prepare them to contribute accurate and accessible legal information and analysis to general interest and legal trade media as legal analysts or professional journalists. For legal trade publication work, the emphasis will be on readability and appropriate depth for a professional audience. Students will learn journalistic standards of truth and interviewing techniques for print and broadcast media. Live broadcast techniques, including live interview hosting, will also be covered.

PROSK 973: Spanish and Bilingual Communication in Law Practice

2 Credits

Designed for students who want to improve their ability to understand and communicate with Spanish-speaking clients and colleagues in legal settings. Includes practical reading, speaking, and writing exercises using real documents from Spanish-speaking courts, attorneys, and statutes. Encompasses an introduction to research resources, citation norms, and other tools related to practicing law in Spanish, and includes discussions of regional variations in law, ethics, and language in the Spanish legal world. Guest speakers or other contact with native Spanish-speakers in the profession will also be scheduled.

Prerequisites: Faculty Approval Required

PROSK 986: Remedies

3 Credits

This course addresses the various legal and equitable forms of relief that are available to private parties in various contexts (e.g., contract, tort and property claims) as well as in cases that involve issues of public importance (e.g., injunctive relief for civil rights violations). This course will address remedies from a practical perspective (e.g., strategic decision-making regarding which remedies to pursue in order to achieve a client's goals) and from a theoretical perspective (e.g., the public policies that underlie the various forms of relief). Specific topics that will be covered in the course include: compensatory damages, criminal and civil contempt, injunctions, specific performance, rescission, declaratory judgments, punitive damages, restitution, disgorgement of illgotten gains, constructive trusts, equitable liens, and equitable defenses such as unclean hands, estoppel and laches.

PROSK 997: Special Topics

1-12 Credits/Maximum of 12

Special Topics