

Course Notes – Fall 2019

Enrollment Caps

Bankruptcy	25
Children’s Law Center Clinic	8
Constitutional Litigation Clinic	8
Crimes Against Justice	25
Digital Commerce and the Law	20
Digital Crimes and Torts	20
Digital Forensics and the Law	20
E-Discovery	20
Estate Planning	14
IP and Other Intangible Rights	15
Interview, Counsel, & Negotiate	16
Kentucky Innocence Project	8
Law Practice Management	20
Legal Drafting – Litigation	20
Mediation	18
Pre-trial Litigation	20
Sixth Circuit Clinic	2
Small Business and Non-Profit Clinic	8
Trial Advocacy	12

AWR-Drafting

Clinics and Externships (possible)
Digital Commerce and the Law
Digital Crimes and Torts
IP and Other Intangible Rights
Interview, Counsel, & Negotiate
Legal Drafting – Litigation
Mediation
Pre-trial Litigation

AWR-Research

Crimes Against Justice
Natural Resources Law
Supervised Independent Research

Experiential Learning

Clinics and Externships
Interview, Counsel, & Negotiate
Mediation
Pre-trial Litigation
Trial Advocacy

Skills

Clinics and Externships
E-Discovery
Interview, Counsel, & Negotiate
Legal Drafting – Litigation
Mediation
Pre-trial Litigation
Trial Advocacy

Prerequisites

Administrative Law	Con Law I (can be taken concurrently)
Clinics and Externships	See Student Handbook and Profs. Kinsley & Halbrook
Crimes Against Justice	Criminal Law (co-requisite)
Estate Planning	Wills and Trusts
Evidence	Civil Procedure I and II
Foundations III	Must be in final year; day students take day section; evening students take evening section
Interview, Counsel, & Negotiate	Must be 2L, 3L, or 4L
Legal Drafting – Litigation	BLS I and II; Civil Procedure I and II
Pre-trial Litigation	Civil Procedure I and II
Trial Advocacy	Evidence (can be taken concurrently)

Notes

BLS-Research: The times and dates for this class are still TBD.

Clinics and externships: Students (1) must have completed a minimum of 28 law school credits prior to the commencement of any field placement work and must be in good academic standing at the time the field placement begins; (2) must have satisfactorily completed BLS-Research and BLS-Writing; (3) must be accepted at a pre-approved field placement location (placements are listed in Simplicity) or obtain field placement director's approval before beginning a field placement that has not been pre-approved; and (4) must complete all registration enrolment forms required by the field placement director.

Crimes Against Justice: See Professor Kazee's advertisement for the course, which is attached as the final page of this document.

E-Discovery: This course is taught entirely on-line. It is not a learn-at-your-own-pace course, but students will be able to complete all course requirements asynchronously within the timelines set for each course element. There is no scheduled meeting time for this course.

Estate Planning: This course will explore the application of the substantive law of wills and trusts to the undertaking of achieving a client's objectives of managing, conserving and disposing of his or her estate in a way that will maximize the client's wishes during life and at death (whether those objectives involve personal, financial, and/or business assets or needs). During the course, students will draft wills, trusts, and other legal documents appropriate for their clients, whether the client is a single individual, a young couple contemplating marriage, a married couple without children, a married couple with children, grandparents, or an elderly client with incapacity concerns. In drafting these instruments, students also will consider drafting issues raised by different types of assets and different family needs. The course will also introduce the student to the process of estate planning from the engagement letter to the client interview, the gathering of information, the identification of client objectives and possible client conflicts, professional standards applicable to the counseling function, the development of the estate plan, including the selection of fiduciaries and guardians, and the disengagement letter.

Upon finishing the course, students should be familiar with the applicable law, know how to apply it to achieve the client's dispositive objectives, and know how to counsel, structure and draft for an outcome that will achieve those client objectives. The students' goal throughout the course, thus, is to learn what it means to be an estate planner and to develop the drafting and counseling skills necessary to achieve that professional goal. The course grade will be based on the 5-6 drafting exercises that will be assigned and completed during the semester. The drafting exercises will include re-drafts of drafted instruments based on individual feedback and in-class review and discussion. The drafting exercises currently contemplated are the following: (i) an outright will for a single individual, (ii) an outright will for a married couple without children, (iii) a premarital agreement, (iv) a contingent trust for a couple with children, and (v) a pour-over will with a revocable trust. This list of drafting exercises may be changed or augmented depending on developments during the course.

Foundations Review III: This course builds on the analytical and writing skills taught across the law school curriculum to enhance a student's ability to prepare for, take, and pass the bar exam. While the most intense preparation for the bar occurs during the weeks immediately prior to the examination, this course will prepare students for that period of study and practice. Therefore, the course is open only to students in their final semester of law school. Foundations I and II are NOT prerequisites. Students will be introduced to the format and components of the Kentucky, Ohio, and Uniform bar exams, to the magnitude of the task of bar study, and to skills necessary for bar passage. Selected substantive topics must be reviewed, mainly the seven subjects tested on both the multiple choice and essay portions of the bar exam. Primarily students will learn study methods, answer practice essay and multiple choice questions, and receive feedback on written answers. Self-assessment techniques and group learning are emphasized and encouraged.

Because so much material must be covered, a great deal of out-of-class preparation is necessary. In addition to out-of-class course work, students will meet weekly to review substantive topics as well as complete simulated exams. Despite the pass/fail grading, the course is rigorous and requires students to read, think, discuss, write, and answer many questions over the course of the semester. **This course is not designed to replace commercial bar preparation courses, which all students are strongly encouraged to take.**

Interviewing Counseling & Negotiating (2L part-time): The dates/times for this class are still TBD.

Poverty Law: This course focuses on how law creates and reinforces social and economic conditions in society, especially those impacting the poor. Questions addressed include: What does it mean to be poor? Why are some people poor? What kinds of problems face the poor? Specific sub-populations of the poor? How does the law impact on these problems, for better or worse? How do courts and legislatures contribute to solutions?

A body of caselaw setting out the legal framework for analysis of poverty and poverty-related policies will be considered, along with the writings of economists, social scientists, and theorists regarding a wide range of public policy issues. We will focus heavily on the social welfare system, but will also review related areas of law including workforce development, education, health care, housing, family, criminalization, economics, and human rights.

The course begins with an overview of poverty from both quantitative and theoretical perspectives. A wide spectrum of philosophical and ideological understandings is considered. Major cases concerning constitutional and statutory issues are reviewed. While the time period covered is from the New Deal to the present, there is heavy emphasis on major Supreme Court cases from the 1960's and 70's, which provide the jurisprudential framework for the juncture of poverty, the Constitution, Congress, and state legislatures.

The "welfare reform" revolution of the 1990's, which along with policy developments over the last 20-25 years have substantially altered the welfare system put into place during the New Deal, will be analyzed. The varieties of work performed by the poor are investigated. Impacts of poverty and anti-poverty policies on women are examined in detail, regarding sexuality, domestic violence, child support, child protection, and early childhood education. Finally, poverty is analyzed in the context of the 21st century global economy, including impacts of automation, immigration, out-sourcing, and tax policy.

Pre-trial Litigation: This class is a hands-on skills course. Students will be making presentations each week. The presentations will include interviewing fact witnesses and clients, conducting discovery depositions as well as perpetuation depositions of experts. Students will argue motions and participate in a mediation and pre-trial conference. Students will also prepare a complaint, an answer, written discovery, and summary judgment motions in a personal injury case. Students taking this class are encouraged to take Judge Thomas and Professor Wirthlin's Trial Advocacy course in the spring semester, as the case that is prepared and readied for trial in this class will actually be tried during the Trial Advocacy course. Students taking this class will be given priority when registering for the Trial Advocacy course.

FALL 2019: CRIMES AGAINST JUSTICE

***SWEARING, LYING, CHEATING, AND HANKY-PANKY
WITH PROFESSOR KAZEE!!!!***

**PERJURY! OBSTRUCTION OF JUSTICE! BRIBERY! EXTORTION!
WIRETAPPING! WITNESS TAMPERING!
EVIDENCE TAMPERING! JURY TAMPERING!
DECEIT! HALF-TRUTHS! PREVARICATIONS! VIDEO TAPES!
CROOKED POLITICIANS! CROOKED JUDGES! CROOKED COPS! CROOKED
CROOKS! CROOKED YOU-KNOW-WHO!!!
EVASION! EMBEZZLEMENT! INNUENDO!
FRIENDS IN HIGH PLACES! FUNDS IN DARK PLACES!
PAYBACKS! PAYOFFS! PAYDIRT!
HOME RUNS AND FOUL BALLS! CURVEBALLS AND CHANGE-UPS!
THE TRUMPS AND THE CLINTONS!!!
SCOOTER LIBBY, MARTHA STEWART, AND BARRY BONDS!
LIARS AND MIKERS AND (RUSSIAN?) BEARS, OH MY!!**

**THE NEXT PILLAR OF SOCIETY IN THE DOCK COULD BE
YOUR CLIENT! WHY?**

TODAY'S HEADLINES ARE NOTHING NEW!! SERIOUS ALLEGATIONS OF PERJURY AND OBSTRUCTION OF CIVIL AND CRIMINAL PROCESS HAVE ALWAYS BEEN PERVASIVE IN PUBLIC INSTITUTIONS IN THE COMMONWEALTH AND IN THE COUNTRY. CRIMES AGAINST JUSTICE UNDERMINE CONFIDENCE IN AND RESPECT FOR THE LAW AT EVERY LEVEL.

JUSTICE IN CIVIL AND CRIMINAL CASES DEPENDS UPON THE HONEST FUNCTIONING OF THE JUDICIARY AND THE LEGISLATIVE BRANCHES AND OF LAW ENFORCEMENT AGENCIES. CORRUPTION BY PARTIES, WITNESSES, JUDGES, LEGISLATORS, THE POLICE, AND LAWYERS THREATENS THE EXISTENCE OF A SOCIETY OF ORDERED LIBERTY. THIS COURSE FOCUSES ON CRIMES THAT ENDANGER THE TRUTH NECESSARY FOR JUSTICE FOR ALL: PERJURY, CONTEMPT, BRIBERY, FORGERY, JURY-, WITNESS-, AND EVIDENCE-TAMPERING, AND MAIL AND WIRE FRAUD IN THE OBSTRUCTION OF JUSTICE. IN THIS COURSE, STUDENTS CONFRONT THE SPECIAL OBLIGATION OF LAWYERS TO PROMOTE AND MAINTAIN HONESTY WITHIN OUR LEGAL PROFESSION. CRIMES OF LAWYERS IN THEIR ROLES AS OFFICERS OF THE COURT ARE OF SPECIAL CONCERN. **THE COURSE IS AN IDEAL COMPANION TO CRIMINAL LAW, CRIMINAL PROCEDURE, AND PR. IT IS A PRIMER ON HOW NOT TO CONDUCT DIRECT AND CROSS-EXAMINATION AT TRIAL.**

AWR: RESEARCH COMPONENT AVAILABLE.

SNEAK PREVIEW: *U.S. V. NIXON*, 816 F.2D 1022 (5TH CIR. 1987); *U.S. V. LESTER*, 363 F.2D 68 (6TH CIR. 1966); *KENTUCKY STATE BAR ASS'N V. LESTER*, 437 S.W.2D 958 (KY. 1968); *U.S. V. GRUBB*, 11 F.3D 426 (4TH CIR. 1993). *BUZZFEED* CAN'T COMPARE WITH US!!!