Course Notes for Spring 2018

**Enrollment Caps**

- Advanced Criminal Law – Habeas: 30
- Advanced Torts: 40
- Children’s Law Center Clinic: 8
- Constitutional Litigation Clinic: Must have been enrolled in fall semester
- Contract Drafting: 20
- E-Discovery: 20
- Estate Planning: 20
- International Criminal Law: 20
- Interview, Counsel, & Negotiate: 16
- Kentucky Innocence Project: Must have been enrolled in fall semester
- Law Practice Technology: 24
- Mediation (day): 24
- Mediation (evening): 18
- Sentencing Law and Policy: 15
- Small Business & Non-profit Law Clinic: 8 (Combined with Advanced Small Business Clinic)
- Supreme Court Seminar: 9 (Need Dean Rosenthal’s permission to register)
- Trial Advocacy (day): 12
- Trial Advocacy (evening): 12
- Workers’ Compensation: 25

**Lunsford Academy Courses** (open to all upper-level students)
- Marketing for Lawyers
- Law Practice Technology
- Law Technology and Entrepreneurship

**AWR-Research**
- Elder Law
- Employment Discrimination Law
- Environmental Aspects of Business Transactions
- International Criminal Law
- Supervised Independent Research

**AWR – Drafting**
- Advanced Criminal Law - Habeas
- Contract Drafting
- Clinics (possibly, see professor)
- Estate Planning
- Interviewing, Counseling, and Negotiating
- Mediation (evening)
- Start-ups and Venture Capital Law
- Supreme Court Seminar
- Trial Advocacy (day)

**Pass/Fail**
Competition Teams
Effective Legal Analysis
Foundations Review III
Kentucky Innocence Project
Law Review

Skills Courses
Clinics (confirm with professor)
Contract Drafting
Field Placement Clinic; Advanced Field Placement Clinic
Interviewing, Counseling, and Negotiating
Mediation
Semester in Practice
Trial Advocacy

Experiential Courses (for students who started in 2016 and thereafter)
Clinics
Field Placement Clinic; Advanced Field Placement Clinic
Interviewing, Counseling, and Negotiating
Mediation
Trial Advocacy

Prerequisites
Administrative Law
Advanced Criminal Law – Habeas
Advanced Torts
Applied Ethics
E-Discovery
Estate Planning
Foundations III
Children’s Law Ctr Clinic
Contract Drafting
Corp. and WC Crime
Field Placement Clinic/SIP
Interviewing, Counseling
Law Practice Management
Mediation
Patent Prosecution
Sentencing Law and Policy
Small Bus. & Non-profit Law Clinic
Start-ups and VC Law
Trial Advocacy (Thomas)
Trial Advocacy (Stephens)
UCC Basics
Workers’ Compensation
Con Law I
Criminal Law
Torts I and II
Professional Responsibility
Civil Procedure
Wills & Trusts strongly encouraged as pre- or co-req
Students in their final semester
28 hours and PR (pre-req or co-req); see Prof. Halbrook
Contracts I and II; Basic Legal Skills – Writing
Criminal Law
28 completed hours; Good Academic Standing; Professional Responsibility; BLS-Research; BLS-Writing; must see Prof.
Kinsley for permission and other requirements
2L/3L full-time; 3L/4L part-time
3L f/t and 4L p/t preferred
3L/4L students preferred
Patent Law or IP Survey
Criminal Law and Criminal Procedure
30 credit-hours; Recommended – Bus. Orgs. and PR
Bus. Orgs.
Evidence and Civil Procedure
Evidence; Civ Pro; Crim Pro.
Contracts I and II
Torts I and II
**Course Notes:**

**Advanced Criminal Law – Habeas:** This course will provide students with an understanding of federal habeas corpus practice, which is often an inmate’s last opportunity to overturn a conviction or avoid execution. The course will do so through real-life experiences from actual cases ongoing at that time and through discussion and analysis of doctrinal law. Federal courts deal with habeas petitions regularly. Yet, law students do not routinely learn federal habeas law. This course will bridge that gap and therefore make students more attractive candidates for prestigious federal judicial clerkships. This course will also provide students with the basic understanding necessary to assist attorneys on federal habeas proceedings and to work toward handling a federal habeas case as an attorney. Students will learn the requirements to proceed in federal habeas and the procedures to follow in filing and litigating a habeas petition from filing to conclusion. They will also learn the doctrines of exhaustion and procedural default, the limitations on granting habeas relief, what to do when habeas relief is denied, and stay of execution litigation in death penalty cases. In a nutshell, students will learn every aspect of federal habeas corpus with the goal that by the conclusion of the course, students will have a basic knowledge of (a) what takes place in the federal courts in a criminal case after it concludes the state court process; (b) how to litigate a federal habeas petition from filing to final appellate review, which results in either the inmate’s conviction/sentence being vacated, the inmate being executed, or the inmate serving the entirety of a prison sentence. This knowledge should enable students to assist federal district and appellate judges in deciding federal habeas petitions and to work on actual federal habeas cases. Depending on the professor’s scheduled court appearances, students may have the opportunity to observe post-conviction proceedings in a death penalty case (in addition to the classroom component of the course). There will be no casebook for the class. Students will work from a packet of materials provided by the professor that will include cases, briefs filed in actual habeas cases, law review articles, and other materials, some of which will be available through Westlaw. Students will also perform a moot oral argument of a capital habeas case. Grading will be a combination of the moot oral argument, class attendance and participation, and a take-home final exam. And, students will have the opportunity to draft federal habeas pleadings that could be used to satisfy the Advanced Research – Drafting requirement.

**Applied Ethics:** This course was created and developed from experiences on the Kentucky Bar Association ethics hotline, on the Board of Governors, and as an officer (President in 2013-14). It became obvious that attorneys involved in the discipline process often made the simplest of mistakes over and over – clients were being harmed, making complaints, and were filing lawsuits against their attorney not necessarily because the attorney lied, stole, or cheated but because the attorney did not communicate, keep confidences, stay diligent, or handle the money correctly. The goal of this class is to get to law students early, before they get caught up in the bar exam and job hunting ritual, so they have a firm grasp of reality, of common problems that are so easily avoided, and of the discipline process. Students will be introduced to the types of situations practicing attorneys confront that require a working knowledge of professional conduct principles for successful resolution. Students will be alerted to the mistakes that most frequently result in formal discipline and to the areas of practice that create malpractice exposure. Students will receive instruction on the need to participate in self-regulation, how to participate and how to protect themselves. Students will be instructed on the unique position attorneys hold in the system of justice in the United States.
**BLS-Research (P/T Evening):**  The classes for this course will meet Jan 13, Feb. 3, and March 3, from 9:00am-12:30pm.

**Clinics and Field Placements:**  Please see the faculty member responsible for the clinic in which you intend to participate. Please see Professor Kinsley for Field Placements (externships).

**Constitutional Litigation Clinic and Kentucky Innocence Project:** Limited to people who enrolled in the fall semester.

**Corporate and White-Collar Crime:** Over the last few decades, the use of the criminal law has become increasingly common in controlling corporate and individual business misconduct. This course is designed to familiarize students with this developing area. There are two primary objectives: first, understanding the general legal principles which underlie the imposition of criminal liability upon both the corporate entity itself as well as the individuals within it; second, discussing the particular criminal statutes most often utilized in these prosecutions. The course will begin with a discussion of the legal basis for imposing criminal liability upon corporations for acts of their employees and directors, as well as personal criminal liability of these individuals for their own conduct as well as conduct of those they supervise. We will then cover some commonly used statutes in white collar prosecutions, primarily federal, such as mail fraud and securities fraud and some lesser known statutes like the Foreign Corrupt Practices Act. Also included will be the use of the Racketeer Influenced and Corrupt Organizations Act (RICO), both civil and criminal, and the controversy this has engendered. We will also cover prosecutions for environmental crimes and work-place crimes, under federal as well as state law. Finally, we will cover the topic of punishment of both the corporate entity itself and individuals within it. This will entail an extensive discussion of a number of issues the Federal Sentencing Guidelines and their continued usefulness given recent Supreme Court opinions limiting their application. There will be an in-class final exam.

**E-Discovery (Corken):**  This course will be 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.

**Effective Legal Analysis I and III:** The purpose of these sessions is to build on critical skills necessary to success in law school, on the bar exam, and in the practice of law. Various hands-on activities will help you master skills such as careful reading, issue spotting, structuring an answer, managing time, balancing the analysis of a close question, and taking both multiple choice and essay tests. Although everyone is welcome to attend, some students are required to attend (they will be notified). **You must register for and attend the section designated to your division and year.** If you are required to participate in ELA, you must arrange your class and work schedules around the scheduled section for your year and division. Effective Legal Analysis I is limited to first-year students, who must sign up in the division—day or evening—in which they take the majority of their doctrinal classes. Effective Legal Analysis III is limited to part-time students in their fourth semester, but one section accommodates students in the day and evening divisions.
**Field Placement Clinic/Advanced Field Placement Clinic:** Students must submit the field placement information form to Professor Kinsley at kinsleyj1@nku.edu in order to be registered. See link below:

https://chaselaw.nku.edu/content/dam/chase/docs/clinics/fieldplacement/FieldPlacementInformation_2017.pdf

**Foundations III (Formerly Advanced Legal Analysis Strategies):** 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. Students will be introduced to the format and components of the Kentucky and Ohio 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 six 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 fair amount of out-of-class preparation is necessary. Despite the pass/fail grading, the course is rigorous and requires students to read, think, discuss, write, and answer many questions. This course is not designed to replace commercial bar preparation courses, which all students are strongly encouraged to take.

**Information/Data Privacy Law:** This class is a survey of information privacy law. The course will provide an introduction to the various legal doctrines involved with this emerging area of law. The course will include examination of common-law privacy, constitutionally protected privacy, and statutory-based privacy. The course will also examine the emerging role of surveillance and its effect on individual privacy. Throughout the semester, and where applicable, classes will include the policy reasons behind privacy law and use of real-life examples through guest speakers.

**Interviewing, Counseling, and Negotiating:** This is a skills course in which students will engage in role-playing. Students are also able to satisfy their AWR-Drafting requirement in this course (students may not, however, satisfy both the skills requirement and the AWR requirement in one course). Attendance and participation in role-playing exercises are essential to successfully completing this course.

**International Criminal Law:** There are no prerequisites for this course. The course will address the origins and growth of international criminal law and its institutions (including the International Military Tribunal, the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone). In the process it will discuss the legal requirements for genocide, crimes against humanity, war crimes and aggression. It will also discuss theories of liability and defenses. The class will be very sensitive to history, discussing mass atrocities, wars and conflicts that have given rise to the use of international criminal law. Those events include but are not limited to the Holocaust, the Rwanda Genocide, the Bosnia Genocide and the civil wars in Sudan and Syria. The course will be interactive, involving student simulations of international court oral arguments and meetings of the United Nations Security Council. It will also include the occasional Skype visit by an international criminal law practitioner.

**Law of Healthcare** This course will be a survey of laws governing the provision of health care in the United States, as well as health care providers and institutions. The course will cover a broad range of issues relating to health care law, such as the following topics: health care reform efforts in the US
including issues associated with health care cost, quality, access, and choice; liability of health care providers and entities; health care payment systems (i.e. public health care financing programs, managed care, and private insurance); fraud, waste, and abuse issues and corporate compliance; tax exemptions for not-for-profit health care institutions; patient privacy and cyber-security in the electronic medical record era; genetics; and human subjects research.

**Law, Technology, and Entrepreneurship** Students will learn the entrepreneurial experience firsthand to better serve tomorrow’s clients by experiencing tech entrepreneurship themselves—conceiving, designing, and building legal apps. Students will design and create a legal app in partnership with computer science students or a local software developer. Through this exercise, students will hone their abilities to educate themselves about a particular area of the law and articulate their legal knowledge to non-experts. Using technology to solve legal problems by applying the same critical thinking skills used in traditional law school courses, students will gain experience working as a team and communicating with team members and technology professionals regarding the legal and technological issues relevant to creating an app. Knowledge of software design or programming is not required for the course.

**Sentencing Law and Policy:** The professor has not yet decided whether this course will have an in-class exam or a take-home exam. If there is an in-class exam, it will be scheduled for 6:30pm on May 1.

**Small Business and Nonprofit Law Clinic:** This clinic involves representing small businesses and nonprofit clients on basic legal matters of a business nature from entity formation to contract drafting or advising on laws and regulations. Most students work with 2-3 clients during a semester, providing exposure to a variety of business and legal issues. Students may sign up for 2 credits or 3 credits; the credits are based on completing client work (50 hours of client work per credit hour). Class meets on most Thursdays from 5:00-6:15. Students must spend 4 hours per week of their required hours in the clinic, which is located on the third floor of Nunn Hall. Preference is given to students who have completed 60 or more credit hours (this makes you eligible for a student practice license). **Strongly recommended:** professional responsibility and business organizations (or either corporations or agency, partnerships and LLC’s). This clinic can readily accommodate evening students. **Registration requires interview with the clinic director (Prof. Furnier furnier1@nku.edu).** Students who have successfully completed one semester of the SBNLC may also sign up for Advanced Small Business and Nonprofit Law Clinic in a subsequent semester on a space-available basis. See the video and further description on the Clinic Website: [https://chaselaw.nku.edu/experiences/clinics.html](https://chaselaw.nku.edu/experiences/clinics.html).

**Advanced Small Business and Nonprofit Law Clinic:** Only students who have successfully completed one semester of the Small Business and Nonprofit Law Clinic may register for this course. Students may sign up for 1 (50 total hours), 2 (100 total hours) or 3 credits (150 total hours), (or more, with permission of the professor and subject to availability). Students complete similar work to the SBNLC; they are not required to attend all SBNLC classes, but must attend at least 5 of the scheduled SBNLC class meetings. In addition, students must spend at least 2 hours per week in the clinic. Space in advanced clinic is offered based on enrollment in the clinic, with priority given to clinic students. **Apply through Symplicity.**

**Trial Advocacy (Thomas):** This course is a hands-on skills course. Students will be making presentations (opening statements, direct examinations, cross examinations, voir dire, and closing arguments) each week. Students will try a bench trial and a jury trial during the course of the semester.