

Course Notes for Spring 2019

Enrollment Caps

Advanced Torts	30
Children's Law Center Clinic	8
Constitutional Litigation Clinic	Must have been enrolled in fall semester
Contract Drafting	20
Death Penalty Seminar	15
Domestic Violence Seminar	40
E-Discovery	20
Education Law	20
Interview, Counsel, & Negotiate	16
Kentucky Innocence Project	Must have been enrolled in fall semester
Law Project Management	24
Mediation	18
National Security Law	20
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	12
Voir Dire Strategies	16
Witness Preparation	8

Lunsford Academy Courses (priority given to LA students; must contact Jeannine to register; then open to all upper-level students until cap is reached)

Information Privacy Law
Law Practice Technology
Law, Technology, and Entrepreneurship

AWR-Research

Advanced Torts
Broadcast, Telecomm & Internet Law
Death Penalty Seminar
Domestic Violence Seminar
Elder Law
Energy and the Environment - Renewables
Regulation of Banks, Financial Inst., and FinTech (possibly)
Sports Law
Supervised Independent Research

AWR – Drafting

Clinics (possibly, see professor)
Contract Drafting
Field Placements (possibly, see professor)
Interviewing, Counseling, and Negotiating
Mediation
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
Law Practice Technology
Mediation
National Security Law
Semester in Practice
Trial Advocacy
Witness Preparation

Experiential Courses (for students who started in fall 2016 and thereafter)

Clinics
Field Placement Clinic; Advanced Field Placement Clinic
Field Placement Seminar; Advanced Field Placement Seminar
Semester in Practice
Interviewing, Counseling, and Negotiating
Law, Business, and Entrepreneurship
Mediation
National Security Law
Trial Advocacy

Prerequisites

Administrative Law	Con Law I
Advanced Torts	Torts I and II
Broadcast, Telecomm. & Internet	Con Law II (concurrently is OK)
Death Penalty Seminar	Criminal Law
E-Discovery	Civil Procedure
Foundations III	Students in their final semester
Children's Law Ctr Clinic	30 hours and PR (pre-req or co-req); see A.D. Halbrook
Contract Drafting	Contracts I and II; Basic Legal Skills – Writing
Interviewing, Counseling	2L/3L full-time; 3L/4L part-time
Mediation	3L/4L students preferred
Small Bus. & Non-profit Law Clinic	30 credit-hours; Recommended – Bus. Orgs. and PR
Taxation of Business Entities	Tax – Federal Income Tax
Trial Advocacy (Thomas)	Evidence and Civil Procedure; not open to Trial Team
Trial Advocacy (Stephens)	Evidence; Crim; Civ Pro; Crim Pro.; not open to Trial Team
UCC Basics	Contracts I and II
Witness Preparation	Trial Ad (or Trial Team); Evidence

Course Notes:

Broadcast, Telecomm. & Internet Law: Students may elect to write a two-draft paper for AWR-Research credit. All students will take a three-hour exam.

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

Contract Drafting: This course will teach the principles of contemporary commercial drafting. It will introduce you to documents typically used in a variety of transactions. Although the course will be of particular interest to students pursuing a corporate law career, the concepts are applicable to any transactional practice, including litigation. On finishing the course, you will know (1) the business purpose of each of the contract concepts; (2) how to translate the business deal into contract concepts; (3) how to draft each of a contract's parts; (4) how to draft with clarity and without ambiguity; (5) how to add value to a deal; (6) how to work through the drafting process; and (7) how to review and comment on a contract. The assessment methods for these will be (i) the drafting of 2 lengthy purchase contracts which will be graded, and (ii) the submission of several graded writing assignments throughout the semester

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

Critical Race Theory: This course is a collection of critical stances against the existing legal order from a race-based point of view. Specifically, it focuses on the various ways in which the received tradition in law adversely affects people of color not as individuals but as a group. This course re-examines the law school curriculum by exploring how the actual significance of race is often ignored in law teaching or how groups are subordinated using seemingly neutral principles. This course attempts to analyze law and legal traditions through the history, contemporary experiences, and racial sensibilities of racial minorities in this country. The question lurking in the background of this class is: What would the legal landscape look like if we were to account for (and eliminate) oppressive power? While the class is centered on a critical understanding of law from a racial perspective, we will examine the law from a variety of critical perspectives including class, sexuality, and gender. We will attempt to discuss topical law and social science issues (e.g., affirmative action, police violence and the Black Lives Matter movement, race and the #MeToo movement)

Death Penalty Seminar: This seminar will explore the statutory and constitutional rules regarding implementation of the death penalty in the United States. The course will begin with a brief discussion of arguments for and against the death penalty. We will then address the development of Eighth and Fourteenth Amendment restrictions on the use of capital punishment, including categorical exemptions from the death penalty for the incompetent, the intellectually disabled, juveniles, certain felony-murderers, and those who do not commit homicide. We will examine the unique hallmarks of a capital trial including the selection of a "death qualified" jury, the use of aggravating and mitigating evidence in

the punishment phase of the trial, and issues created by the use of victim impact evidence. The prominent issue of race and its relation to the death penalty will also be addressed. Traditional class discussion will be supplemented with: guest speakers; in-class exercises in which students take on the roles of prosecutors, defense attorneys, judges, and state legislators; and, if possible, a moot court of a death penalty case currently pending before the U.S. Supreme Court, in which students will role-play the attorneys and the Justices. Students will write a research paper of at least 6000 words, including footnotes, on an instructor-approved topic.

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.

Education Law: This course provides a survey of law and policy in public and private education. A large part of the course will focus on equal educational opportunity across a wide variety of dimensions. The course will examine issues related to race and ethnicity, national origin, language, gender, and disability as they relate to educational equity. The course will also explore school discipline, freedom of speech/expression, and other issues in the context of student rights under federal law.

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.

Elder Law: Elder Law is a new and fast-growing area of practice. It focuses on powers of attorney, advance directives, guardianships, social security, Medicare, inheritance issues, eligibility for Medicaid, housing and long-term care, nursing homes, elder abuse and neglect, death and dying, and many other topics. It also includes study of attorney ethics in the context of elder law. In the course, students write an AWR paper on an elder law topic of their choice. There is no final exam.

Field Placement Clinic/Advanced Field Placement Clinic: Students must submit the field placement information form to Associate Dean Kinsley at kinsleyj1@nku.edu in order to be registered. See link below:

<https://chaselaw.nku.edu/content/dam/chase/docs/clinics/fieldplacement/FieldPlacementInformation2017.pdf>

The student must have earned a minimum of 28 law school credits prior to commencement of any field placement work and must be in good academic standing at the time the field placement is commenced.

The student must have successfully completed both BLS-Research and BLS-Writing.

The student must be accepted at a pre-approved field placement location (these are listed in Simplicity) or obtain the field placement director's approval before beginning a field placement that has not been pre-approved; and

The student must complete all registration enrollment forms required by the field placement director.

Foundations III: This course builds on the 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 subjects tested on both the multiple choice and essay portions of the bar exam. Despite the pass/fail grading, the course is rigorous and requires students to read, think, discuss, write, and answer many questions. This course will be primarily taught online. There will be 2-4 live class sessions that will occur during the Monday evening time slot. **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: Students in this course are expected to engage in class discussions, participate in exercises presented, and respond to other related learning opportunities. Students are expected to be flexible in responding to modifications in class assignments as the class requires.

Law Project Management: This course is designed to build commercial project management principles into legal service providing entities in order to provide the best legal services at the most competitive prices while managing time and expectations effectively. This 2-hour course will be heavily practice-based to create a portfolio of useful, efficient, and effective tools for each student's desired law practice area. Attendance is required and each absence will affect final grades. Genuine and strong interest in providing competitive legal services to projected clients is a must.

National Security Law: This course requires students to work in teams for significant research and presentation. It thus involves both group work and occasional outside-of-class team meetings. Much of the assessment is on the basis of team performance.

Regulation of Banks, Financial Institutions, and FinTech: This course explores the regulation of banks and other financial institutions, such as credit unions, mutual funds, securities firms, and insurance companies. In addition, our course will explore how new financial technologies (“FinTech”) not only serve to improve the efficiency of traditional financial institutions, but also how they disrupt established models of financial services. We will examine the many different supervisory mechanisms that have evolved in the United States to regulate financial firms, including jurisdictional boundaries, consumer financial protection, and the oversight of systemic risks, as well as the challenges of applying those supervisory mechanisms to FinTech.

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). 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. This clinic can readily accommodate evening students. **Registration requires interview with the clinic director (Prof. Furnier).** 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: <http://chaselaw.nku.edu/clinical/sbnlc.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.**

Taxation of Business Entities: This course will cover the tax treatment of the different legal entities in which businesses can operate. The course is essential for anyone interested in a business or transactional law practice.

Course Objectives, Learning Outcomes and Assessment Methods: Students will study the basic structure and overall framework of the taxation of corporations, LLCs and partnerships. Students will learn how to apply that understanding of the overall framework in implementing client objectives dealing with choice of entity, formation, operation, distributions, acquisitions, and exit strategies, including succession planning. Upon completion of the course, the student should be able to walk into the transactional practice world with sufficient substantive tax knowledge, analytical skills and problem-solving abilities to do well in that environment. These learning outcomes will be assessed via three separately administered

take-home tests during the semester. The assessment will include a post-test, in-class review of the test. To solidify the learning, students will be invited to re-write a test on which they have performed poorly.

Course Grade: The grade in this course will be based on the three take-home tests that will be administered during the semester, as noted above. Each test will count toward a third of the final grade in the course.

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

Trial Advocacy: Students who are on the Chase Trial Team are not allowed to register for this course.

Voir Dire Strategies: This course will meet on the following days, from 9:15-12:00:

February 23
March 2
March 23
March 30
April 6

Witness Preparation: This course will meet on the following days, from 9:15-12:00

January 12
January 26
February 2
February 9
February 16