

# Upperclass Curriculum Information

2016-2017

4.15.2016

# Table of Contents

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## General Considerations of the Upperclass Curriculum

[Required Upperclass Courses](#)

[Bar Exam Courses](#)

[Fall 2016 Courses](#)

[Spring 2017 Courses](#)

## Course Offerings in Specific Areas

[Administrative Law](#)

[Agricultural Law](#)

[Alternative Dispute Resolution](#)

[Commercial Law, Banking Law and Bankruptcy](#)

[Constitutional Law](#)

[Corporate and Securities Law](#)

[Criminal Law](#)

[Employment and Labor Law](#)

[Environmental and Natural Resources Law](#)

[Family Law](#)

[Health Care Law](#)

[Intellectual Property Law](#)

[International Law](#)

[Land Use](#)

[Law & Psychology](#)

[Legislation Courses](#)

[Perspectives Courses](#)

[Real Estate](#)

[Space, Cyber and Telecommunications Law](#)

[Tax Courses](#)

## [Clinical Programs](#)

Civil Clinic

Criminal Clinic

Entrepreneurship Clinic

Immigration Clinic

# Table of Contents Continued

---

## **Programs of Concentrated Study**

Business Transactions Program  
Intellectual Property Law  
Litigation Skills Program  
Solo and Small Firm Program

Individualized Program  
Alternative Dispute Resolution  
Health Law Concentration  
Human Resources  
[Psychology](#)  
Real Estate Law

## **Miscellaneous Forms**

Research in Selected Field  
Externships  
Pro Bono Initiative  
Graduate Course Approval

## **Competitions**

Allen Moot Court Competition  
Animal Law Closing Argument Competition  
Arbitration Competition  
Client Interviewing and Counseling Competition  
Grether Moot Court Competition  
National Moot Court Team Competition  
National Trial Team Competition  
Representation in Mediation Competition

# General Considerations

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## Information on the Upperclass Curriculum 2016-2017

### *Required Upperclass Courses*

Four additional courses are required after your first year to obtain your J.D. degree:

1. Constitutional Law I (3 cr hr with Duncan; 4 cr hr with Berger) (must be taken in either the summer 2016 or the fall 2016)
2. Legal Profession (our professional responsibility course; may be taken anytime; offered each semester)
3. Seminar. Typically ten to eleven seminars are offered per academic year. The following seminars will be offered in 2016-17:

American Foreign Relations Law/Policy Seminar  
Constitutional Law Seminar  
Copyright Law Seminar  
Corporate and Securities Law Seminar  
Disaster Law Seminar  
Economic Justice Seminar

International Gender Issues Seminar  
Law and Storytelling Seminar  
Mental Health Law Seminar  
Native American Law Seminar  
Secured Transactions Seminar

Seminars are lottery courses in which 3Ls have priority. There will be some places available in 2016-17 seminars for 2Ls. Lotteries for ALL seminars for 2016-17 will be conducted in April. However, 2Ls will not be given places in seminars until all 3Ls have been placed in a seminar. Some of the seminars offered in 2016-17 will also be offered in 2017-18.

4. Professional Skills Course. A professional skills course is a course that provides students with instruction in professional skills generally regarded as necessary for effective and responsible participation in the legal profession and in which the students engage in skills performance that are assessed by the instructor.

All Professional Skills Courses except Advanced Legal Research, Business Planning, Externship and Immigration Clinic are lottery courses. Professional Skills Courses may be taken during the second or third year unless the course is designated as a third year course.

Below is a list of the professional skills courses 2016-17 and the tentative offerings for 2017-18:

Skills Course	Pre-requisite or co-requisite where indicated	Summer 2016	Fall 2016	Spring 2017	Fall 2017	Spring 2018
Advanced Legal Research			X	X	X	X
Advanced Trial Advocacy	Trial Advocacy		X		X	
Advocacy in Mediation						X
Business Planning	Business Associations & Corporate Tax			X		X
Client Interviewing & Counseling			X		X	
Clinical Practice – Civil (3Ls only)	Pretrial Litigation (pre- or co-requisite)	X	X	X	X	X
Clinical Practice – Criminal (3Ls only)	Trial Advocacy		X	X	X	X
Clinical Practice – Entrepreneurship (3Ls only)	Business Associations & Individual Income Tax	X	X	X	X	X
Clinical Practice – Immigration (Two 3Ls only per special selection process; 12 credit hours)		X	X	X	X	X
Construction Practice				X		
Estate Planning Problems	Estate Planning		X		X	
Externship*						
Family Law Practice	Family Law (pre- or co-requisite)			X		X
Mediation			X	X	X	X
Negotiations			X	X	X	X
Pretrial Litigation			X	X	X	X
Trial Advocacy	Evidence			X		X

\* Externships may qualify as professional skills courses on a case-by-case basis if approved by the Dean or his delegate.

### **Registration and Lotteries**

Registration packets contain course descriptions, course prerequisite information, finals schedule and lottery information.

Lotteries are conducted for limited enrollment classes. 3Ls have priority in all lotteries except for Trial Advocacy. 2Ls have priority in the lottery for Trial Advocacy which will be held in November 2016. Lottery forms are available at the same time as registration packets. There will be space in many of the lottery classes for 2Ls, so if you are interested in one of the classes, you should complete the appropriate lottery form.

Lotteries which will be conducted in April 2016 are listed below. All lotteries are for classes which will be offered in the fall 2016, unless otherwise indicated.

Advanced Trial Advocacy  
 Client Interviewing & Counseling  
 Civil Clinic (3Ls only; summer 2016, fall 2016, spring 2017)  
 Criminal Clinic (3Ls only; fall 2016, spring 2017)

Entrepreneurship Clinic (3Ls only; summer 2016, fall 2016, spring 2017; selected by an application process)

Estate Planning Problems  
Mediation  
Mental Health Law Class  
Negotiations  
Pretrial Litigation  
Wills and Trusts  
Seminars (fall 2016 and spring 2017)

Class registration begins after lotteries are conducted on the date specified in the registration packet. Any attempt to register before the specified date will result in a cancellation of the registration.

Lotteries for the following classes to be offered in the spring semester 2017 will be conducted in November 2016:

Family Law Practice  
Mediation  
Negotiations  
Pretrial Litigation  
Trial Advocacy

### ***How to Choose Courses***

There are many more courses offered than you will be able to take over your next two years. Some general thoughts on how to choose your courses:

1. Take courses which will provide you with a basic, well-rounded legal education. Such courses include:
  - an ADR course ( Advocacy in Mediation, Arbitration or Mediation)
  - Administrative Law
  - Business Associations
  - a commercial law course (Bankruptcy, Commercial Law: Sales, e-Commerce, Payment Systems or Secured Transactions)
  - Criminal Procedure
  - Evidence
  - Individual Income Tax I
  - Wills and Trusts
2. Take a broad range of courses from a variety of faculty.
3. Take courses because you are interested in the subject matter.
4. Be aware of prerequisites and keep your options open by taking prerequisites during your second year of law school. For example Business Associations, Individual Income Tax I and Evidence are prerequisites for other classes. If you take them in your second year, you may have more options to take classes for which they are prerequisites.

5. Take experiential courses to give you a taste of the practice of law, such as courses involving simulations (trial advocacy, business planning, negotiations, client counseling, etc.) or real client interaction (clinics, externship). Many doctrinal courses also include an experiential component. The faculty member teaching a course is always the best source of information as to course content.
6. Decide (during your second year) whether you wish to pursue a Program of Concentrated Study and start taking courses required for your program.
7. Consult with your faculty advisor or any member of the faculty or administration for general advice. Talk to the faculty member who teaches a particular course for information about that course. Many faculty have put together descriptions of courses in particular areas which are included in this information packet.

### ***A Few Words About the Bar Exam***

If you want to practice law, you will need to take the bar exam in the state where you wish to practice. Bar exam requirements for each state are available at the National Conference of Bar Examiners website at [www.ncbex.org](http://www.ncbex.org). Students sometimes select courses based on whether the subject is tested on a bar exam. However, it is not necessary or feasible to take a course for every subject which is tested on the bar exam. You will be able to purchase bar review materials when you study for the bar to learn subjects covered on the bar exam where you have not taken courses in law school.

Charts showing bar exam subjects and corresponding courses at Nebraska Law for the Multistate Bar Exam (given in most states) and the Multistate Essay Exam (given in Nebraska and many other states) are included in this information packet. Some subjects are easier to learn in the context of a course than in self-study, but that depends on the individual. As always, feel free to consult with your advisor, faculty member or an administrator.

**Nebraska requires the Uniform Bar Exam (UBE). The UBE consists of the Multistate Bar Exam, the Multistate Essay Exam, and the Multistate Performance Exam.**

For detailed information on the UBE and the Multistate tests, go to the National Conference of Bar Examiners website: [www.ncbex.org](http://www.ncbex.org).

### ***Multistate Professional Responsibility Exam***

Nebraska and all but three U.S. jurisdictions (Maryland, Wisconsin and Puerto Rico) require the Multistate Professional Responsibility Exam (MPRE). The exam covers the law governing the conduct of lawyers. The exam is administered three times a year: March or April, August and November. Unless the jurisdiction where you plan to take the bar specifies otherwise, you should take the MPRE while you are in law school. Information on the MPRE is also available on the website [www.ncbex.org](http://www.ncbex.org). You may take MPRE either before or after you take Legal Profession, which is our professional responsibility course.

## **Multistate Bar Exam (MBE) Subjects Tested**

<b>MBE SUBJECTS TESTED</b>	<b>LAW COLLEGE COURSE</b>
Constitutional Law	Constitutional Law I and II
Contracts/Sales	Contracts; Commercial Law: Sales
Criminal Law	Criminal Law
Criminal Procedure	Criminal Procedure
Evidence	Evidence
Federal Civil Procedure	Civil Procedure
Real Property	Property; Real Estate Transactions
Torts	Torts

## **Multistate Essay Exam (MEE) Subjects Tested**

<b>MEE SUBJECTS TESTED</b>	<b>LAW COLLEGE COURSE</b>
Business Associations: Agency & Partnership; Corporations & Limited Liability Companies (LLCs)	Agency - minimally covered in Business Associations Partnership – Business Associations; Partnership Tax Corporations & LLCs – Business Associations
Conflict of Laws	Conflict of Laws
Constitutional Law	Constitutional Law I and II
Contracts	Contracts; Commercial Law: Sales
Criminal Law and Procedure	Criminal Law; Criminal Procedure
Evidence	Evidence
Family Law	Family Law
Federal Civil Procedure	Civil Procedure
Real Property	Property; Real Estate Transactions
Torts	Torts; Advanced Torts; Products Liability
Trusts and Estates: Decedents' Estates; Trusts & Future Interests	Decedents' Estates & Trusts - Wills & Trusts Future Interests – Property
Uniform Commercial Code (Negotiable Instruments [Commercial Paper])	Payment Systems; Secured Transactions

# Fall 2016 Courses at a Glance

Course Name	Professor	Pre-Requisite	Co-Requisite	Build Your Character Code	Course Offered in 2017-2018 (professor may vary)
Accounting for Lawyers	Bradford	<i>cannot have had previous accounting courses</i>			Y
Advanced Legal Research	Leiter				Y
Advanced Trial Advocacy	Barry	Trial Advocacy		 	Y
Agricultural Law	Schutz			   	N
Antitrust & Trade Regulation	Lenich				Y
Bankruptcy	Wilson			 	Y
Business Associations [4 cr]	Bradford				Y
Client Counseling & Interviewing	K. Olson/S. Foster			  	Y
Clinic: Civil [4-6 cr]	Ruser/Sullivan	Pretrial Litigation	Pretrial Litigation	      	Y

Course Name	Professor	Pre-Requisite	Co-Requisite	Build Your Character Code	Course Offered in 2017-2018 (professor may vary)
Clinic: Criminal [6 cr]	Schmidt	Trial Advocacy		 research  communications  planning  conflict  client  working  identity	Y
Clinic: Entrepreneurship	Stohs	Business Associations Individual Income Tax		 research  communications  planning  conflict	Y
Clinic: Immigration (3 cr; 12 max)	Ruser			 research  communications  planning  conflict  client  working  identity	Y
Constitutional Law I [3 cr]	Duncan				Y
Constitutional Law I [4 cr]	Berger			 communications  working	Y
Constitutional Problems Seminar	Duncan				Y
Corporate Finance	Thimmesch	Business Associations		 client  conflict	N
Criminal Procedure	Potuto			 identity	Y

Course Name	Professor	Pre-Requisite	Co-Requisite	Build Your Character Code	Course Offered in 2017-2018 (professor may vary)
Domestic Telecommunications	Hurwitz			 	Y
Economic Justice Seminar	Wilson			  	N
Employee Benefits Law	Medill				Y (Sp2018)
Employment Discrimination Law	Willborn				Y
Entertainment Law	Dooling				Y
Estate Planning Problems	Janssen	Estate Planning			Y
Evidence	Moberly			 	Y
Evidence	Wittlin				Y
First Amendment: Freedom of Speech and Press	Dooling				Y
Immigration Law	Shavers			  	Y
Individual Income Tax [4 cr]	Thimmesch			 	Y
International Cyber Security: Mischief, Crime & Warfare	Beard				Y
International Gender Issues Seminar	Shavers			   	Y
International Intellectual Property [2 cr]	Sheppard				Y

Course Name	Professor	Pre-Requisite	Co-Requisite	Build Your Character Code	Course Offered in 2017-2018 (professor may vary)
International Law	Schaefer			  	Y
International Satellite Communications Law [1 cr]	von der Dunk			  	Y
International Trade Law	Schaefer			  	No
Labor Law	Willborn				Y
Law and Economics	Hurwitz				N
Law of Provider and Patient [2]	Lawson			  	No
Legal Profession	Blankley			   	Y
Mediation [4 cr]	Blankley			     	Y
National Security Law	Beard				Y

Course Name	Professor	Pre-Requisite	Co-Requisite	Build Your Character Code	Course Offered in 2017-2018 (professor may vary)
Native American Law Seminar	Snowden			  	Not as a seminar
Negotiations	Landis				Y
Partnership Tax	Moll	Individual Income Tax			Y
Pretrial Litigation	Klaus			  	Y
Real Estate Transactions	Medill			  	Y
Space and Satellite Business Law	Burnett/Schroeder				TBD
Space Law [2 cr]	von der Dunk			  	Y
Style & Composition in Legal Writing [1]	Lawson				No
Topics in Law & Psychology: Juror/Jury Decisionmaking	Bornstein				N
Unfair Competition	Denicola				Y
Wills and Trusts	Janssen				Y

# Spring 2017 Classes (tentative)

Course Name	Professor	Pre-Requisite	Co-Requisite	Course Offered in 2017-2018 (professor may vary)
Administrative Law	Shavers			Y
Advanced Legal Research	Leiter			Y
American Foreign Relations Law and Policy Seminar	Schaefer			N
Arbitration	Blankley			No
Arms Control [2 cr]	Beard			Y
Business Associations [3 cr]	Thimmesch			Y
Business Planning	Lepard	Business Associations Individual Income Tax Corporate Tax		Y
Capital Punishment	Schopp			Y
Clinic: Civil	Ruser/Sullivan	Pretrial Litigation	Pretrial Litigation	Y
Clinic: Criminal	Schmidt	Trial Advocacy		Y
Clinic: Entrepreneurship	Stohs	Business Associations Individual Income Tax		Y
Clinic: Immigration	Ruser			Y
Constitutional Law II	Potuto			Y
Construction Practice	Overcash			N
Copyright Law Seminar	Denicola			As a class
Corporate and Securities Law Seminar	Bradford	Business Associations		No
Corporate Tax	Lepard	Individual Income Tax		Y
Criminal Procedure	Gardner			Y
Cyber Security	Hurwitz			Y
Cyberlaw	Hurwitz			Y
Disaster Law Seminar	Zellmer			N
Domestic Spectrum Law and Policy [1 cr]	Campbell			Y
E-Commerce	Wilson			Y
Elder Law	Brank			N
Employment Law	Fahleson			Y
Environmental Law	Zellmer			N
Estate Planning	Janssen	Individual Income Tax Wills & Trusts	Wills & Trusts	Y
European Regulation of Space & Telecom [1 cr]	von der Dunk	Intro to European Union Law		Y
Export Control: ITAR [1 cr]	Burnett			Y
Family Law	TBD			Y
Family Law Practice [4 cr]	K. Olson	Family Law	Family Law	Y
Federal Courts	Berger			Y
Forced Migration: Refugee and Asylum Law	Shavers			Y
Human Rights and International Criminal Law	Beard			Y
Individual Income Tax [4 cr]	Janssen			Y
Introduction to EU Law [1 cr]	von der Dunk			Y
Juvenile Law	Gardner			Y
Land Use Planning	Schutz			No
Law and Medicine	Lawson			No
Law and Storytelling Seminar	Dooling			Y
Law Office Management [2 cr]	W. Olson			Y
Legal Profession	Dooling			Y
Mediation [4 cr]	Blankley			Y

Course Name	Professor	Pre-Requisite	Co-Requisite	Course Offered in 2017-2018 (professor may vary)
Mental Health Law Class	Schopp			Y
Mental Health Law Seminar	Schopp			Y
National Security Space Law [1 cr]	Beard			Y
National Space Legislation [1 cr]	von der Dunk	Space Law		Y
Negotiations	Landis			Y
Patent Law [2 cr]	Sheppard			No
Pretrial Litigation	Klaus			Y
Public Health Law	Lawson			No
Remedies and Damages	Lenich			Y
Secured Transactions Class	Wilson			Y
Secured Transactions Seminar	Wilson			Y
Securities Regulation	Bradford	Business Associations or Permission of Instructor		Y
State & Local Government Law	Schutz			N
State & Local Tax [2 cr]	Thimmesch			Y
Trial Advocacy	Multiple Sections	Evidence		Y
Wills and Trusts	Shoemaker			Y

# Administrative Law

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(Submitted by Professor Shavers)

The Law College offers several courses that concern the work of government agencies. Some of the courses provide an understanding of the legal systems and procedures that affect government agencies; others focus more specifically on substantive areas that are administered by these agencies. Some of the courses also focus on the interaction between the substance of administrative programs and the processes used to implement those programs.

The basic introductory course is *Administrative Law and Procedure*. This course focuses on federal and state agencies and covers the delegation of power to agencies, the procedures followed by agencies, and judicial and other oversight of agencies. The power of agencies to make and apply law by promulgating rules, deciding individual cases, and conducting investigations is also carefully studied based upon constitutional and statutory principles.

Several of the other Curriculum descriptions include courses that are closely related to Administrative Law. Examples include Agricultural Law, Commercial Law, Corporate and Securities Law, Environmental and Natural Resources Law, Health Care Law, Space, Cyber and Telecommunications Law, and Tax Courses. In addition, we offer courses where, in each case, the goal is to unite the general principles of administrative law with the particular attributes of the subject matter at hand.

## Selected Courses:

*Administrative Law and Procedure*  
*Agricultural Environmental Law*  
*Antitrust and Trade Regulation*  
*Banking Law*  
*Copyright Law*  
*Corporate Tax*  
*Cyberlaw*  
*Domestic Telecommunications*  
*Employee Benefits Law*  
*Employment Discrimination Law*  
*Environmental Law*

*Environmental Law & Water Resource  
Management Seminar*  
*Farm & Ranch Tax*  
*Individual Income Tax*  
*Immigration Law*  
*Labor Law*  
*Patent Law*  
*Principles of Regulation*  
*Securities Regulation*  
*Space Law*  
*State & Local Government Law*

# Agricultural Law

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(Submitted by Professor Schutz)

This part of our curriculum will teach you a great deal about how legal rules operate with regard to a particular subject—production agriculture. In addition, you will gain a deeper sense of how legal institutions operate—a sense informed by the context in which the legal institutions exist. Agricultural issues are also quite common in practice. Small firms in rural areas will of course encounter farmers and their problems. Large firms dealing with clients who produce food or energy will benefit from lawyers familiar with the agricultural industry and its vast array of policies and regulation. From food to energy and from natural resources to commercial transactions, agricultural law has much to offer.

Agricultural law cuts across many disciplines. At its core, it is the study of the ways in which the legal system treats the agricultural industry. Often, the agricultural industry is given special treatment relative to other industries, for a variety of practical and political reasons. In the environmental and natural resources areas, for example, agriculture has often been an excepted industry – one to which general controls do not apply. Similarly, economic regulatory regimes and land use regimes treat agriculture differently than the other industries and activities they reach. Thus, many subjects are germane to the study of agricultural law. A student interested in this subject will find the following helpful:

- Environmental Law
- Public Lands and Natural Resources Law
- Environ Law & Water Resources Mmgt Seminar
- Water Law Planning and Policy
- Land Use
- International Law
- International Trade
- Antitrust & Trade Regulations
- Administrative Law
- Real Estate Transactions
- Rural Law and Policy
- Farm and Ranch Tax

More specific courses are also offered to bring many of these more general subjects to bear on the particular industry. These include the following courses:

**Agricultural Law** (3 credit hours) addresses two general subjects: (1) the business and economic regulation aspects of the industry and (2) environmental regulation. As for the first general subject, the course deals with the Farm Bill and its administration, restrictions on business entities in farming, land leases and purchases, commercial regulation like Articles 2, 7 and 9 of the UCC, and other subjects that are unique to the agricultural industry. As for the second general subject, the course covers the Clean Water Act and the Conservation Title of the Farm Bill. Even if you are not interested in agriculture, this course serves as a good introduction to the more general subjects it implicates. You could also use it as a “capstone” to see how the more general subjects you have covered apply in the agricultural industry. Agricultural Law is generally offered every other year and will be available in the Fall 2016 and is generally available every other year.

**Animals & Agricultural Production – Law & Policy** (2 credit hours) deals with the many regulations and statutes that implement public policy concerning animal production and use in the agricultural sector. This course is offered on a concentrated basis in the summer and will be available during the pre-session in 2016, from May 16 through the 23rd.

**Federal Regulation of Food Safety** (2 credit hours) This course examines the federal laws and regulations that govern food safety, labeling, and marketing. A number of federal agencies administer these laws, including the

Food and Drug Administration, U.S. Department of Agriculture, U.S. Department of Commerce, and U.S. Environmental Protection Agency. Students will have the opportunity to learn the history of federal food laws and enforcement and will discuss case studies highlighting current issues in the news, e.g., salmonella contamination of eggs, tort liability for “defective” foods, regulation of biotechnology use in foods, and the science underlying food regulation and food production. A significant portion of the course will examine the Food Safety Modernization Act (FSMA) signed into law by President Obama on January 4, 2011. Student grade is based on class participation, one mid-term examination (20%), and one final examination (80%).

We have a variety of other activities that can help you cultivate your understanding of agricultural law and policy. Externships within administrative agencies, private-sector groups, or non-profits are good ways to further your education. Additionally, the student-led Environmental and Agricultural Law Society offers a variety of opportunities for you to further your studies and your network of contacts within the field. For instance, the American Agricultural Law Association has a yearly program (generally in September or October) that students may attend for a reduced charge, and we have funding available to help defray travel and lodging expenses. The 2016 program will be in Oklahoma City, Oklahoma, from October 6th through the 8th. Please contact Professor Schutz if you are interested in these activities.

If you are interested in pursuing agricultural law as a Program of Concentrated Study, you should visit with Professor Schutz about selecting the courses that would fulfill the College of Law’s requirements. Agricultural Law is typically required, in conjunction with four of the courses listed above.

# Alternative Dispute Resolution Courses

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(Professors Blankley, Landis)

## *Why Should I Take A Course in ADR?*

Alternative Dispute Resolution is sometimes referred to as the “new litigation.” With less than 1% of civil cases actually resulting in trial, learning how cases settle is an essential part of being a lawyer. The ADR curriculum teaches practical skills and process skills for resolving disputes and meeting clients’ needs.

UNL alumni have highly valued the ADR curriculum. ADR courses have been the “single best investment” made at the College of Law by recent alumni Jeff Kanger, Business Development Officer at First State Bank of Nebraska, because of the skill set taught and put into practice in his career. UNL alum and Director of the Nebraska Office of Dispute Resolution Debora Brownyard noted that training in ADR has “considerably sharpened [her] analytical ability and interpersonal negotiation approaches, enabling [her] to assist others in conflictual relationships to achieve business, family and societal goals.”

Students interested in the field of ADR may also organize their course load to complete an Individualized Program of Concentrated study.

**Advocacy in Mediation** (3 credit hours) Considers the differing roles of the neutral and the advocate in mediation, focusing on representing clients in all aspects of the mediation process. Students consider representing clients in drafting agreements to mediate, preparing for mediation, attending mediation sessions, and drafting mediation settlements. The course also covers issues such as confidentiality and ethics. This course employs roll-play and drafting exercises, in addition to class discussions.

**Alternative Dispute Resolution (ADR)** (3 credit hours) An introduction to ADR by surveying a variety of different dispute resolution mechanisms. It provides a theoretical overview of basic counseling paradigms, negotiation theory and tactics, approaches to mediation and arbitration as well as different hybrid dispute resolution methods. At appropriate junctures, simulations provide an opportunity to put theory into practice. The remainder of the course focuses on choosing and utilizing the appropriate dispute resolution method.

**Arbitration** (3 credit hours) The study of arbitration law, process, and skills. A doctrinal course, but one that focuses on the skills that arbitrators and arbitration advocates need.

**Client Interviewing and Counseling** (3 credit hours) An introduction to the basics of legal interviewing (lawyer interaction with a client for the purpose of identifying the client’s problem and gathering information on which the solution to that problem can be based) and counseling (a process in which lawyers help client reach decisions). Course work includes class discussions of reading materials and demonstrations, the writing of critiques and client letters, and participating in role play exercises.

**Mediation** (4 credit hours) A study of the process in which a trained neutral third party assists others in resolving a dispute or planning a transaction. Students are trained in basic mediation skills through readings, demonstrations, simulations, and the keeping of a mediation journal. Students who attend regularly and fully participate meet the basic training requirement for mediator certification under the Nebraska Dispute Resolution Act.

**Negotiations** (3 credit hours) Examines a variety of negotiation styles and gives students an opportunity to apply these styles in a series of increasingly complex negotiation problems. The purpose of the class is to improve negotiation performance and broaden the repertoire of strategic and stylistic choices available to the negotiator.

### **Possible Schedules Reflecting Sequencing in ADR Courses**

These three possible schedules illustrate how scheduling may affect your decisions about enrolling in ADR classes. Traditionally, none of the ADR courses have required prerequisites, but sequencing still makes sense because some of the courses build off of one another. These possibilities are, of course, not an exhaustive list of possible course configurations. Note that none of the possible schedules, standing alone, satisfy all of the requirements for a “program of concentrated study.”

Note that multiple externships in the area of ADR are available every semester and in the summer. Those externships would fit in well into any one of these focuses at any time.

#### Focus on Mediation

*Fall 2L Year*  
Client Counseling

*Spring 2L Year*  
Mediation

*Fall 3L Year*  
Negotiations

*Spring 3L Year*  
Advocacy in Mediation

#### Focus on Negotiation Skills

*Fall 2L Year*  
Negotiations

*Spring 2L Year*  
ADR

*Fall 3L Year*  
Client Counseling

*Spring 3L Year*  
Advocacy in Mediation

#### General Focus on ADR

*Fall 2L Year*  
Client Counseling or Negotiations

*Spring 2L Year*  
ADR or Negotiations

*Fall 3L Year*  
Arbitration

*Spring 3L Year*  
Mediation or Advocacy in Mediation

# Commercial Law, Banking Law and Bankruptcy Curriculum

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(Submitted by Professor Wilson)

## Why take a Commercial Law Course?

Millions of “deals” occur each day in the United States and around the world. Some of these deals take place between businesses and some of the deals involve consumers and businesses. If one of the parties to the “deal” becomes insolvent, steps must be taken, in some instances, for the orderly liquidation and distribution of assets. Through these courses, students will gain an understanding of the legal rules underlying the sale of personal property, the lease of personal property the transfer of funds in these transactions and to secure future obligations with personal property. The E-Commerce course provides an overview of these transactions and other issues facing businesses operating in an online environment.

An understanding of bankruptcy is important for commercial lawyers because lawyers on both sides of the “deal” must anticipate at the onset what might happen if the other party files for bankruptcy. The bankruptcy course, however, is not limited to business transactions. Consumers are increasingly looking to bankruptcy as a means to a “fresh start.”

Banking law is related to many of these topics because banks are oftentimes a party to the transactions. The course, however, is designed to survey the laws governing the activities of a financial institution.

Questions? Do you want to design an Individualized Program of Concentrated Study? Please contact Professor Catherine Wilson at [cwilson2@unl.edu](mailto:cwilson2@unl.edu) or stop by Room 219.

There are no prerequisites for any course.

## Banking Law Course

**Banking Law** (3 credit hours) This course will provide the student with an overview of a number of basic banking issues. The course begins with an examination of the structure of the financial services industry, including the formation and expansion of banks and financial holding companies. The course will then focus on topical issues, including internet banking, lending (including a close look at a number of consumer fair lending laws (TILA, HELC, ECOA, HMDA and RESPA)), securitization of bank loans, securities and insurance (brokerage and underwriting) by banking institutions, international banking and other current issues in banking law, including the recent Dodd-Frank legislation. The focus of the course is on federal regulation of banking, although students will have an opportunity to compare the state regulation of banking during a conversation with local bankers and a Nebraska banking regulator.

## Bankruptcy Law Course

**Bankruptcy** (3 credit hours) This is a survey course. The course begins with an overview of the relationship between debtors and creditors outside of bankruptcy under state law. This unit includes an examination of the Federal Debt Collection Practices Act. Thereafter, students will participate in an examination of consumer and business bankruptcy law. Specifically, Chapter 7, 11, 12 and 13 proceedings are discussed. Students engage in a client counseling exercise designed to evaluate the client’s eligibility for a Chapter 7 proceeding by completing Form 22 using a combination of facts and the income and expense data available on the U.S.

Trustee's website. Thereafter, students use a software product utilized by a number of practicing attorneys, Best Case Software, to prepare for electronic filing a Chapter 13 petition for bankruptcy. Students also prepare a short, client-counseling memorandum for the unit on business bankruptcies related to a motion for relief from the automatic stay. Current policy issues in bankruptcy will be addressed as time permits.

## **Commercial Law Courses**

**Commercial Law: Sales** (3 credit hours) A study of the law governing the sale and lease of goods with primary emphasis on Article 2 and 2A of the Uniform Commercial Code. Among the topics included are: contract formation and modifications; acceptance and rejection of goods; warranties; risk of loss; and remedies for breach of contract, including breach of warranty remedies and some non-UCC remedies in consumer transactions. On selected issues, the Convention on the International Sale of Goods will be examined. With this course, students will develop their contract drafting skills and enhance their ability to read and analyze a statute.

**E-Commerce** (3 credit hours) This course is structured around the hypothetical representation of a company with an online presence. Early in the course, students will identify a hypothetical client and list issues that might arise in the representation of that client in its ecommerce activities. The issues discussed during the course will draw on these insights. Typically, the topics include: the regulatory scheme for e-commerce and m-commerce, jurisdiction, contractual choice of law and forum provisions, arbitration clauses, web site development, online consumer protection, selected privacy issues, electronic contracting, digital signatures, internet auctions, trafficking in counterfeit products, sales of intangibles, electronic payments and financing the technology company. Student evaluation will be based on class participation, posts on a class blog, a two-hour written examination and a class presentation on a selected topic.

**Payment Systems** (3 credit hours) Payment Systems focuses on the modern payment choices including debit cards, credit cards, prepaid cards, ACH transactions and wire transfers. With new non-bank entrants in this area, including Apple and PayPal, we will examine the role and regulation of non-bank intermediaries. The Spring 2016 course will also include a look at several hot topics in payments, including cryptocurrencies (including Bitcoins), data protection, payment fraud, interchange fees for credit cards and debit cards and the treatment of similar issues under EU payment directives. In addition, given the importance of compliance for organizations, the 2016 course will include a short unit on money laundering compliance for a particular industry. Given the rise of securitization, coverage of the traditional concepts of negotiability and holder-in-due course will be limited. Students will be asked to read and interpret a number of state and federal statutes and federal regulations. The final grade will be based on class participation (including the completion of one short writing assignments and a current event blog entry) and a final, open book written examination.

**Secured Transactions.** After an overview of the rights and obligations of an unsecured creditor under state law, this course focuses on the rights and obligations of a secured creditor under Article 9 of the Uniform Commercial Code. Initially, the relationship between the debtor and the secured creditor is considered by examining the statutory requirements for granting a security interest in personal property and the rights of the secured creditor when the debtor defaults on its obligations. Thereafter, students will learn how this relationship between a debtor and one of its creditors impacts other creditors of the debtor. This requires a study of the filing system used for the perfection of a security interest and the priority rules for resolving conflicts between the various creditors of a debtor. Students will learn the fundamental bankruptcy concepts, but bankruptcy is not a prerequisite for the course. The final grade will be based on class participation, including two written assignments, and a final, open book written examination.

# Constitutional Law and Related Courses

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(Submitted by Professor Berger)

The Law College offers a variety of upper-class electives addressing issues in constitutional law. Some courses, like Constitutional Law II and Criminal Procedure, focus on particular substantive provisions of the U.S. Constitution. (Constitutional Law II, for instance, focuses on the First Amendment, and Criminal Procedure focuses on the Fourth, Fifth, and Sixth Amendments.) Other courses, like Family Law and Native American Law, examine other substantive legal areas that raise constitutional questions. The approaches and content of the classes listed here, then, vary significantly, but they all contain some significant constitutional component.

**Constitutional Law I** (3 credit hours) Provides a general overview of the structure of the federal government, including the history and judicial interpretation of the Constitution, the limited jurisdiction of the federal courts and the impact that has on the cases that they hear, federalism concerns, interstate commerce, and separation of powers. A major issue sought to be resolved is whether there is a principled answer to what questions should be decided at the federal rather than state level and what questions should be decided by the judiciary rather than the politically responsive branches. As time permits in this 3-credit course, we will also briefly consider individual rights under the Fourteenth Amendment including due process and equal protection.

(Duncan)

**Constitutional Law I** (4 credit hours) This course is an introduction to American constitutional law and the structure of American government. The course will focus on the scope of judicial power; the allocation of powers among the legislative, executive, and judicial branches (i.e., federal separation of powers); the balance of power between the federal and state governments (i.e., federalism); and individual rights stemming from the post-Civil War amendments (especially equal protection and due process). (Individual rights guaranteed by the First Amendment will be covered in Constitutional Law II.) The course will examine numerous issues, including (among others) the tension between judicial review and democratic majoritarianism, competing theories of constitutional interpretation, and the processes by which understandings of the U.S. Constitution have changed through history. The course is intended to provide students with an understanding of the foundations of constitutional law so as to provide a solid context and framework through which many moral, political and legal issues of our times may be understood. (Berger)

**Constitutional Law I** (3 credit hours) This course is a study of the basic principles and foundations of American constitutional law and the structure of American government, as articulated by the United States Supreme Court in the seminal constitutional cases over the past 200 years. The course will focus on the function, purposes, and limitations of judicial review; the allocation of powers among the legislative, executive, and judicial branches (federal separation of powers); and the critical balance of power between the federal and state governments (federalism), with the associated limitations on Congressional power. The course will also begin coverage of the Constitution's guarantees of individual rights stemming from the due process, equal protection, and other clauses of the post-Civil War amendments. (First amendment rights are covered in Constitutional Law II while individual rights guaranteed by other provisions of the Constitution and the Bill of Rights are covered in various other upper level courses.) Among the major themes discussed in the course will be the role of the Supreme Court and the federal judiciary in resolving legal problems that arise under our fundamental law, the tension between judicial review and democratic majoritarianism, and competing theories of constitutional interpretation. The course is intended to provide students with a foundational understanding of constitutional law and American government, so as to provide a solid context and framework through which the topical, hot-button moral, political and legal issues of our times may be understood. (Potuto)

**Administrative Law** (3 credit hours) The origin and growth of the administrative process, the development of administrative law and its impact upon traditional legal institutions, analysis of the types of federal and state administrative tribunals, their powers and functions, problems of administrative procedure, and judicial and other controls upon the administrative process. (Shavers)

**American Foreign Affairs Law & Policy Seminar** (3 credit hours) This seminar will explore structural/organizational issues (e.g., separation of powers, federalism) related to U.S. foreign policymaking as well as U.S. foreign policy in a number of substantive areas, such as the war on terror, non-proliferation, trade, space and telecommunications, foreign aid, global warming, relations with the European Union, relations with Latin America, etc. Previous enrollment in an international law course, although not required, will be useful background for students in the seminar. (Enrollment Limit 12) (Schaefer)

**Capital Punishment** (3 credit hours) This course examines legal doctrine and policy regarding capital punishment in the United States. It draws heavily but not exclusively on decisions by the United States Supreme Court. Topics addressed include: various Constitutional challenges and limitations according to Supreme Court decisions; aggravating and mitigating circumstances; jury selection and qualification; discriminatory application; the use of clinical testimony; and the role of counsel. This course differs significantly from the Jurisprudence course that addresses capital punishment. That Jurisprudence course directs primary attention to jurisprudential arguments regarding the justification of criminal punishment generally and of capital punishment specifically in principle and in practice, with central case opinions selected to highlight those questions of justification. This course directs primary attention to the court opinions, as well as to the legal doctrine and policy questions arising out of those court cases. Thus, the two courses are complementary with relatively little overlap, and neither presupposes the other. Those who wish to enroll in both courses are free to do so. (Schopp)

**Constitutional Law II** (3 credit hours): This course is a study of the First Amendment, focusing on the free speech clause and the religion clauses (free exercise and establishment). As time permits, it may also include other related topics in constitutional litigation. *Constitutional Law I* is not a pre-requisite. (Berger)

**Constitutional Law II: Religion and the First Amendment** (3 credit hours) The focus this year, although still on the First Amendment, will be primarily on Religious Liberty and the Constitution. We will focus extensively on the history and jurisprudence of the Establishment Clause, the Free Exercise Clause, and on governmental regulation of religious speech and the impact of the Free Speech Clause. Constitutional Law I is **NOT** a pre-requisite for this course. (Duncan)

**Constitutional History** (3 credit hours): This course examines American constitutional history with a focus on “transformative” moments at which the Constitution and the nature of American politics and government changed. We will give special attention to the American Revolution and the framing of the Constitution and Bill of Rights, the Civil War and Reconstruction, and the New Deal. This course will also explore whether and how courts should rely on history and original understanding when they interpret the Constitution. (Berger)

**Constitutional Problems Seminar** (3 credit hours) An examination of selected constitutional issues. We will focus particularly on the "Right to Bear Arms" under the Second Amendment (including the Supreme Court's recent landmark decision on gun rights), on recent First Amendment issues, and on whichever topics students choose for their seminar papers. (*Enrollment limit 12*) (Duncan)

**Criminal Procedure** (3 credit hours) Survey of the basic issues of criminal procedure with particular emphasis on the fourth, fifth, and sixth amendments to the United States Constitution and their impact on the criminal justice system. (Gardner) (Potuto)

**Family Law** (3 credit hours) Family Law examines how families and intimate relationships are regulated. While the law of marriage and divorce is emphasized, this course also examines other significant matters, including what constitutes a “family” in the eyes of the law and how race, gender, sexuality and socioeconomic factors influence both family structure and regulation. The course borrows from current events in law, politics and culture to illustrate and examine the continuing evolution of family law and policy.

**Federal Courts** (3 credit hours) This course is an advanced study of constitutional law in a litigational context and is focused on the power, history, and development of the federal judicial system and the distribution of power between the federal and state systems. The course also reviews subject areas of civil procedure (Erie; removal; pendant jurisdiction; claim and issue preclusion; etc.) in the context of the power and limitations of the Article III federal courts. A general theme is to provide a guide to forum choice between state and federal courts. (Potuto)

**Federal Courts** (3 credit hours) This course is an advanced study of constitutional law and constitutional litigation. It focuses on the federal judicial system and the distribution of power between the federal and state systems and between the judiciary and the other branches of government. (Berger)

**Immigration Law** (3 credit hours) This course examines the history of immigration to the United States, federal authority to regulate immigration, employment and family visas, immigrant visas, non-immigrant visas, deportation, citizenship, rights of aliens in the United States, and ethical issues for immigration lawyers.

**State and Local Government** (3 credit hours) The law of local government units, including their relationship with state government. Topics include vertical distribution of governmental powers, theories of allocating governmental power, and recent problems in the operation and administration of local government. State constitutional law issues arise throughout our consideration of these topics. (Schutz)

**Native American Law** (3 credit hours) Investigation of the federal statutory, decisional, and constitutional law that shapes the interactions of Indian tribes, the states, and the federal government. The course includes an overview of the history of federal Indian policy and emphasizes the unique legal principles that inform the modern federal trust responsibility, tribal sovereignty, and complex civil and criminal jurisdictional issues that arise in Indian Country. Current topics including tribal water rights, tribal justice systems, reservation economic development, and tribal religious rights will also be addressed. (Shoemaker)

**Native American Law Seminar** (3 credit hours) Legal concepts historically used to fit Native American nations into the legal structure of the United States are examined. The legal power or jurisdiction of the federal government, the states, and the tribes is explored in cases, legislation and practice. Students who have previously taken Native American Law (Law 796) may not enroll in this course. (Snowden)

**National Security Law** (3 credit hours) This course examines international and U.S. law relevant to the handling of national security matters. On the domestic level, we will study the allocation of power under the Constitution between Congress and the President with respect to war powers and will assess the role of the courts as a check on the political branches in this area, particularly as it relates to ongoing efforts to fight terrorism. Domestic statutory authorities, especially the War Powers Resolution, will also be covered. To illustrate and better understand some of the challenges confronting individual liberties in time of war, several contemporary U.S. national security problems will be examined, particularly the military detention of suspected terrorists and their trial by military commissions. Other controversial U.S. national security initiatives, such as covert intelligence operations and the targeted killing of suspected terrorists, will be assessed in the context of both domestic and international law. The second half of the course focuses on international law governing the use of force, conflict management and collective security arrangements. Special attention will be given to the

U.N. Charter, the doctrine of self-defense, arguments set forth as justifications for the unilateral use of force, intervention in internal conflicts, and the institutional framework for collective efforts to maintain international peace and security, including peacekeeping operations and peace enforcement actions. The course concludes by examining national security challenges presented by the proliferation of nuclear weapons. (Beard)

**Tribal Gaming Law Seminar** (3 credit hours) This seminar will examine the history of tribal gaming, the landmark case of *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987) and the resulting Indian Gaming Regulatory Act (IGRA). Tribal gaming is regulated by tribal, federal, and state law and is a complex mix of issues: what constitutes a tribe and tribal lands; how do newly acquired lands become Indian Country; what is the role, structure, and authority of the National Indian Gaming Commission; what defines and distinguishes Class I, Class II and Class III gaming; how are tribal - state compacts formed; who may claim a portion of gaming revenues through fees or taxes; and what institutions and political players are crucial to the public debates on tribal and state revenue sharing, tribal economic development, and off-reservation casinos. (Snowden)

# Corporate and Securities Law Courses

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(Submitted by Professors Bradford and Thimmesch)

There are six courses regularly taught in the corporate and securities law area. We have also listed Business Planning, a course which is a hybrid tax/corporate law/securities law planning course. The courses are described below.

**Business Associations** (3-4 credit hours) Business Associations is a prerequisite for most of the other courses in the corporate/securities area and is also strongly recommended before taking some of the tax courses. If you plan to take any of these other courses, you probably should take Business Associations in your second year. Even if you don't plan to take any of the other courses, Business Associations is essential for any business or business litigation practice.

The Business Associations course deals with the relationships between business investors, managers, and outsiders. The course focuses on corporations, both large and small, but also deals with partnerships, limited partnerships, and limited liability companies, and limited aspects of agency law.

Two sections of Business Associations are offered each year, one in the fall and one in the spring. The fall section is four credit hours; the spring section is three credit hours. Either course is acceptable for any course that requires Business Associations as a prerequisite.

**Securities Regulation** (3 credit hours) Securities Regulation surveys the statutes and regulations governing the sale and resale of securities, and fraud in connection with such sales and resales. The primary focus is on the federal regulation of securities pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934, with limited attention to state securities regulation.

This course is offered every spring. Business Associations is a prerequisite.

**Corporate and Securities Law Seminar** (3 credit hours) An examination of selected issues in corporate and securities law. Topics will include, among other things, theories of the corporation; corporate governance; corporate and securities litigation; and small business financing. Students may write papers on any topic within the broad area of corporate and securities law, whether or not listed above, with "corporate" law defined to include non-corporate entities as well.

Business Associations is a prerequisite. Securities Regulation is not a prerequisite and the instructor will not assume students have any background in securities law.

**Corporate Mergers and Acquisitions** (3 credit hours) This course deals with corporate mergers and acquisitions, including tender offers. It examines the history of corporate acquisitions, their rationales, the legal duties of the officers and directors involved, different ways to structure a corporate acquisition, issues in negotiation and contracting, and securities law issues.

This course is offered every other year. Business Associations is a prerequisite.

**Corporate Finance** (3 credit hours) This course is an introduction to the theories and applications of modern corporate finance. The course will explore a range of topics, including basic finance theories (time value of money, the efficient capital market hypothesis, the capital asset pricing model, standard deviation, etc.) and a detailed look at the various forms of corporate finance (common stock, debt, preferred stock, etc.). The course is

designed to introduce students to the legal doctrines and documentation related to those forms of corporate finance.

Business Associations is a prerequisite.

**Accounting for Lawyers** (3 credit hours) Accounting for Lawyers provides an introduction to basic accounting principles and the interaction of law and accounting. It is designed to help students understand the accounting statements and principles that they are most likely to encounter in law practice. No prior knowledge of accounting is required or assumed. In fact, students who have previously taken an accounting class of any kind may not take the course.

If you plan to practice business law of any type and have no accounting background, you probably should take this course. It is also useful for students practicing in other areas (not to mention that some knowledge of accounting is useful as a practical matter for anyone practicing law).

This course is offered every fall. It is taught online using the My.UNL (Blackboard) system.

**Business Planning** (3 credit hours) Business Planning is a capstone course that requires students to draw on tax, corporate, partnership, and securities law to solve a series of business planning problems. Students are faced with the kinds of problems they might face in a typical office business practice.

Income Taxation, and Corporate Taxation are prerequisites, so if you want to take Business Planning, you need to plan ahead. Business Associations is not a prerequisite, but it is strongly recommended that you take Business Associations if you are going to take Corporate Taxation or Business Planning. Securities Regulation is not a prerequisite and many students who have not had Securities Regulation take this course.

This course is offered every spring.

### **Other Courses You Should Take**

The best attorneys are those who, in addition to understanding their specialties, have a good general knowledge of the law. A broad general legal education is essential – broad both in the sense of taking courses in a number of different areas and in the sense of taking courses from professors with different approaches and different philosophies. This offers several benefits. First, you may be wrong about your chosen specialty. You may find that you like something else better. Second, you may not be able to find a job in your chosen specialty. Third, and most important, the best specialists are those who are able to draw on general knowledge from other areas when needed.

If you have any questions about any of these courses, the best resource is the professor teaching the course. In addition, Professors Bradford and Thimmesch are available to discuss any questions you may have about preparation for a corporate or securities law practice.

# Criminal Law Courses

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(Submitted by Professor Schopp)

**Capital Punishment** (3 credit hours) This course examines legal doctrine and policy regarding capital punishment in the United States. It draws heavily but not exclusively on decisions by the United States Supreme Court. Topics addressed include: various Constitutional challenges and limitations according to Supreme Court decisions; aggravating and mitigating circumstances; jury selection and qualification; discriminatory application; the use of clinical testimony; and the role of counsel. This course differs significantly from the Jurisprudence course that addresses capital punishment. That Jurisprudence course directs primary attention to jurisprudential arguments regarding the justification of capital punishment in principle and in practice, with only secondary attention to a few of the central court cases. This course directs primary attention to the court cases and legal doctrine and policy issues arising out of those court cases. Thus, the two courses are complimentary with relatively little overlap, and neither presupposes the other. Those who wish to enroll in both courses are free to do so. Being taught: Spring 2017

*(This course should be of particular interest to those who are interested in capital punishment specifically or criminal punishment generally and to those who wish to examine in depth the development of a specific line of constitutional doctrine.)*

**Clinical Practice-Criminal** (6 credit hours) Students prosecute a variety of misdemeanor offenses under the close supervision of a member of the faculty. The cases are prosecuted through the Lancaster County Attorney's Office and the practice component of the course is conducted out of that office. Participation in a seminar concentrating on the development of skills necessary to the prosecution of criminal cases is required. Open only to students with senior standing. ***Students MUST reserve at least one full morning and one full afternoon for Criminal Clinic each week.*** Prerequisite: Trial Advocacy. Being Taught: Fall 2016 and Spring 2017 (Schmidt)

*(This course should be of special interest to students who are interested in trial work or in practicing criminal law.)*

**Criminal Law II** (3 credit hours) **Federal Criminal Law:** In depth focus on scope and content of federal crimes. Topics include fraud and political corruption, drug trafficking, money laundering, organized crime, false statement, obstruction of justice and federal sentencing guidelines. Not scheduled for 2016-2017 school year.

*(This course should be of special interest to those who plan to practice criminal law and to those who intend to focus on corporate, business, or organizational law.)*

**Criminal Law II** (3 credit hours) **White Collar Crime:** This course is designed both for students who want to become familiar with the types of potential criminal liability of particular concern to business and corporate clients, and students who have specific interests in the criminal law. Lawyers in civil practice with corporate, commercial or business clients should be able to anticipate and prevent client conduct that would expose the client to criminal liability or increase the degree of liability to which clients have already exposed themselves. The course addresses corporate and white collar crime including issues such as individual, corporate and conspiracy liability in the organizational context, bribery of public officials, mail or securities fraud, tax crimes, environmental crimes, RICO and criminal liability for death or injury in the workplace. Not scheduled for 2016-2017 school year.

**Criminal Procedure** (3 credit hours) Survey of the basic problems of criminal procedure with particular emphasis on the fourth, fifth, and sixth amendments to the United States Constitution and their impact on the criminal justice system. Being Taught: Fall 2016 (Potuto) and Spring 2017 (Gardner)

*(This course should be of special interest to those who plan to practice criminal law. It is required in many law schools. It is widely considered a foundational course that addresses material that should be familiar to all lawyers.)*

**Criminal Sanction Seminar** (3 credit hours) An examination of the criminal sanction with attention to conceptual and justificatory problems. The seminar considers issues relating to the definition of punishment and its just administration, including the death penalty, as well as legal doctrines and defenses negating or mitigating criminal responsibility. The sentencing process will also be considered and attention paid to the legal rights of offenders from conviction to final release. Being Taught: Fall 2017 (Gardner)

*(This seminar should be of special interest to those who wish to focus concentrated attention on a research project that falls within the described content area.)*

**Human Rights and International Criminal Law** (3 credit hours) This course examines the nature and scope of transnational and international criminal law and explores the relationship between human rights law and state sovereignty. Specific topics include: state sovereignty and extraterritorial criminal jurisdiction; immunity from jurisdiction; nationality; extradition; international criminal law, including genocide, crimes against humanity, and war crimes; the International Criminal Court; the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda, and; international or hybrid criminal tribunals and special courts for other countries, including Sierra Leone, Lebanon and Kosovo. Being Taught: Spring 2017 (Beard)

**Jurisprudence** (3 credit hours) The course will examine central jurisprudential questions that arise in the criminal law. Many of these are briefly introduced in the first year criminal law course, but time precludes careful consideration in that context. The course will consider, for example, the topics such as the following: (1) the purposed and justification of punishment, especially the legitimate role, if any, for retribution and the expressive function of punishment; (2) the relationship between retribution and revenge; (3) the justification of capital punishment; (4) the relationship among the state, defendants, and victims in the criminal process, including the proper role, if any, of victim impact statements. Jurisprudence is the study of central conceptual and justificatory questions raised by law. We will read and discuss cases that illustrate these questions, but the majority of our time will be spent on the jurisprudential arguments, rather than on covering a broad range of cases. This course will include some overlap with other criminal law courses, but it will not do so to such an extent as to render it redundant with any of them. Being Taught: Spring 2018

*(This course should be of interest to those who are interested in examining the justification for central practices in the criminal law and to those who wish to examine more generally the relationship between law and the underlying justification.)*

Criminal Law Sequence:

First year: Criminal Law

Second year foundation: Criminal Procedure

Second and third year courses: Capital Punishment, Criminal Law II (not recently taught, but appropriate when available)

Second and third year seminars: Criminal Sanctions Seminar, Mental Health Law Seminar

Clinic: Criminal Clinic (Evidence and Trial Advocacy are prerequisites)

Related Courses: Evidence, Jurisprudence, Juvenile Law, Mental Health Law

Consider combining this sequence with the Litigation Skills Track.

# Employment and Labor Law Curriculum

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(Submitted by Professors Moberly, Willborn)

We recommend that students interested in labor and employment law consider taking the four core courses offered by the College of Law in this area: Employment Law, Employment Discrimination, Employee Benefits Law, and Labor Law. In 2016-17, all of these courses except Labor Law will be offered. All four courses will be offered in 2017-2018.

Two other employment-related courses will be offered in the spring 2017. Professor Willborn will offer an Employment Law Seminar, and Professor Moberly will teach a Capstone Course in Labor and Employment Law. A student must take Employment Law, Employment Discrimination, or Labor Law as a prerequisite for this Capstone Course, unless the student receives special permission from Professor Moberly. Although approval for this course is pending the Capstone Course will likely satisfy the professional skills graduation requirement and count as a “specialized litigation skills course” for the Litigation Skills Program of Concentrated Study.

Other courses would be helpful for students interested in practicing in this area. We list those below as well.

## Core Labor and Employment Law Courses

**Employment Law** (3 credit hours) An analysis of the employment relationship as it has developed outside of the collective bargaining context. The course will cover the history and current status of the employment relationship, including topics such as discharge-at-will, occupational safety and health, minimum wage/maximum hour legislation, unemployment compensation and non-competition agreements.

**Employment Discrimination Law** (3 credit hours) This course examines the law of employment discrimination including discrimination on the basis of race, gender, age, religion, national origin, and disability. It will consider the major theories of discrimination (individual disparate treatment, systemic disparate treatment disparate impact and reasonable accommodation); special problems raised by issues such as harassment and pregnancy discrimination; and the complex set of federal and state procedures for enforcing the laws.

**Employee Benefits Law** (3 credit hours) A study of the federal laws that govern retirement, health care, and other benefit plans sponsored by private employers for their employees. Topics include: employer compliance requirements under the Internal Revenue Code, the Employee Retirement Income Security Act of 1974, and the Affordable Care Act; the responsibilities of plan fiduciaries; federal claims and remedies available to plan participants; and federal preemption of state laws. This course uses an applied problem method of learning and is designed for students who plan to practice in the areas of corporate law, employment litigation, insurance litigation, family law, or estate planning.

**Labor Law** (3 credit hours) Legislative and judicial patterns of the modern labor movement; the objectives of labor combinations; the forms of pressure employed for their realization and prevention; strikes, boycotts, picketing and lockouts; the legal devices utilized in carving out the permissible bounds of damage suits involving labor activity; the labor injunction; the National Labor Relations Board; the nature of collective bargaining agreements; and extralegal procedure for settling labor disputes-the techniques of mediation, conciliation and arbitration.

## Other Suggested Courses

**Administrative Law** (3 credit hours) A survey of the legal problems of governance by administrative agencies, the constitutional limits on agencies' powers and judicial review of their actions. The course includes an examination of the origin and growth of the administrative process, the development of administrative law and its impact upon traditional legal institutions, analysis of the types of federal and state administrative tribunals, their powers and functions, problems of administrative procedure and judicial and other controls upon the administrative process.

**Arbitration** (3 credit hours) This course offers an in-depth look at the legal and practical issues involved in domestic arbitration, as well as an examination of the skills necessary to be a successful advocate in the arbitral forum. The course examines the use of arbitration in a number of different areas, including commercial, consumer, labor, employment, securities, construction, and international disputes.

**Capstone Course in Labor and Employment Law** (3 credit hours) This course is largely simulation-based. It will provide students with direct experience integrating diverse areas of workplace law with practice skills and professional ethics. Students will play the role of an attorney and will be assigned to work with a team of other students representing a particular client, either a hospital, a doctor, or representing both a nurse and the nurse's union. The roles of clients and witnesses will be played by a combination of actors and volunteers. Real arbitrators and mediators will play those roles and claims may be brought to certain actual federal administrative agencies. Students will work collaboratively with their team to represent their client and to make all appropriate legal decisions and to take all appropriate legal actions. For example, the client's student attorney team will decide what and how to pursue potential claims or how to defend claims brought against the client. Claims may include unfair labor practice proceedings before the National Labor Relations Board, employment discrimination and sexual harassment charges before the Equal Employment Opportunity Commission and in litigation, arbitration of employee discipline under a collective bargaining agreement, arbitration under non-union employment contracts, defamation, and claims under the Family and Medical Leave Act and ERISA.

**Immigration Law** (3 credit hours) This course examines the history of immigration to the United States, federal authority to regulate immigration, employment and family visas, immigrant visas, non-immigrant visas, deportation, citizenship, rights of aliens in the United States, and ethical issues for immigration lawyers.

**Mediation** (4 credit hours) A study of the process in which a trained neutral third party assists others in resolving a dispute or planning a transaction. Students will be trained in basic mediation skills through readings, demonstrations, simulations and the keeping of a mediation notebook. Topics covered include the nature of mediation and its relationship to other forms of dispute resolution, the nature of conflict, model and styles of mediation, negotiation theory, communication skills, the interest-based mediation process, the representation of clients in mediation, special issues relating to attorney mediators and mediators standards and ethics.

**Negotiations** (3 credit hours) This class will examine a variety of negotiation styles and give students an opportunity to apply these styles in a series of increasingly complex negotiation problems. Students will be expected to complete a journal which relates class discussions, lectures, readings and personal experiences into a guide book for future negotiation practice. Negotiation problems will include plea bargains, personal injury cases, commercial negotiations and labor management disputes. Strategic and psychological factors present in negotiation styles will be examined. The purpose of the class is to improve negotiation performance and broaden the repertoire of strategic and stylistic choices available to the student negotiator.

**Statutory Interpretation: Practice and Policy** (3 credit hours) This course focuses on the tools lawyers utilize when they interpret statutes. We will begin with a statutory case study, tracking the consideration, adoption,

and subsequent judicial interpretations of one particular statute. We will then examine various theories and canons of statutory interpretation. We will also examine the administrative state with particular attention to issues of statutory interpretation involving administrative agencies. This course aspires to be simultaneously highly practical and jurisprudential. It will be practical in that lawyers work with statutes all the time, and this course will provide a comprehensive approach to wrestling with the problems that arise during statutory interpretation. Students should be able to apply the skills they learn in this course to help interpret statutes they encounter throughout their careers. The course will also be jurisprudential in that it asks students to explore how judges should interpret legislative enactments in light of the legislature's public policy goals and courts' own institutional limitations.

**Seminars** (taught irregularly)

Employment Discrimination Law Seminar

Employment Law Seminar

Labor Relations Seminar

# Environmental and Natural Resources Law

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(Submitted by Professor Zellmer)

## **What is Environmental & Natural Resources Law?**

The law governing environmental protection and natural resources management strives to balance the environmental concerns of the public with the rights of landowners and regulated entities to develop, use and conserve common and/or private property. Environmental law, sometimes called pollution control law, is reflected in federal and state environmental statutes and regulations, such as the Clean Water Act and Superfund, as well as local building codes, zoning ordinances, condemnation policies and land use restrictions. By contrast, natural resources law concerns the use, allocation and preservation of scarce resources, such as water, wildlife, grasslands, timber and parklands. Institutional tensions are common, as state and local laws typically reflect local priorities, which vary from place to place, while federal and international laws reflect national and global concerns.

## **What do environmental & natural resource law attorneys do?**

- Advise clients on compliance issues arising under state and federal environmental laws and help assess environmental risks and liabilities arising during the course of their activities.
- Help clients navigate complex regulatory requirements and obtain requisite environmental permits.
- Bring environmental enforcement actions against individuals or entities on behalf of the government or non-governmental organizations.
- Defend actions brought against clients by governmental authorities, non-governmental organizations, or private plaintiffs.
- Litigate “toxic torts,” Superfund recovery actions, and hazardous waste disposal.
- Assist clients in handling the purchase, sale, and development of contaminated properties.
- Write comments on proposed regulations and participate in public rulemaking processes.

## **Where do these attorneys work?**

- Corporations
- Government Agencies
- Law Firms
- Non-profit Organizations
- Trade Associations

**What related courses can University of Nebraska College of Law students take?**

- Administrative Law
- Agricultural Environmental Law
- Agricultural Law
- Disaster Law Seminar
- Environmental Law
- Environmental Law & Water Resource Management Seminar
- Land Use Planning
- Principles of Regulation
- Public Lands & Natural Resources Law
- Rural Development and Energy Law
- Water Law Planning & Policy

**Does Nebraska offer a specialty concentration?**

Students who wish to focus on a particular area of environmental or natural resources law may work with a faculty member who teaches in the area to develop an individualized Program of Concentrated Study. The Program of Concentrated Study must consist of at least fifteen credit hours in no fewer than five upper level courses that have been identified by a faculty member as central to the identified area. A student who successfully completes a Program of Concentrated Study will receive a certificate of recognition upon graduation and a notation on the student's College of Law transcript.

The College of Law offers an interdisciplinary approach that enables students to interact with faculty and other professionals involved in a variety of disciplines related to environmental policy. Students also have opportunities to clerk or extern with government agencies, like the Department of Natural Resources and the Attorney General's Office, or public interest groups as second or third year students. Students may also become involved in student organizations, including the Environmental-Agricultural Law Society and the Student Animal Legal Defense Fund.

# Family Law Course Offerings

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Family law deals with the most current and controversial issues of today: divorce, adoption, reproductive health and marriage, to name a few. All of these issues are related to one question: what role should the government play in regulating intimate relationships? As part of this inquiry, family law examines how race, socioeconomic status, sex/gender and sexuality inform both the government's motivation to regulate and our comfort with such regulation.

Family law course offerings are appropriate for those considering a career in family law as well as for those planning to practice in other areas. Many, if not most people, come into contact with the legal system because of a family-related problem. For this reason, a basic knowledge of family law is necessary for any lawyer to be well-rounded in her or his legal knowledge. Family law is also tested on the Bar.

The following family law courses are offered:

**Family Law** (3 credit hours) Family Law examines how families and intimate relationships are regulated. While the law of marriage and divorce is emphasized, this course also examines other significant matters, including what constitutes a "family" in the eyes of the law and how other factors, including race, gender, sexuality and socioeconomic factors influence both family structure and regulation. The course borrows from current events in law, politics and culture to illustrate and examine the continuing evolution of family law and policy.

**Family Law Practice** (4 credit hours) Family Law Practice is a limited-enrollment class that emphasizes family law practice skills such as interviewing, counseling, negotiation, mediation, drafting, discovery, valuing property, taxation and ethical considerations. Students prepare a negotiation plan for a simulated upper-middle class divorce set in Nebraska and draft pleadings, motions, and a property settlement agreement and parenting plan. Working through the Civil Clinic in teams of two, students also handle one or more real, low-income divorce cases. Prerequisite: Family Law.

**Juvenile Law** (3 credit hours) Juvenile Law is an investigation of the relationship between children, the family and the state. Topics include educational rights, medical decision-making, free speech rights, reproductive decision-making, determining parenthood, adoption, child abuse and neglect, juvenile courts and delinquency.

**Other courses of applicable to Family Law:**

Accounting & the Law

Alternative Dispute Resolution

Bankruptcy

Bioethics and the Law

Client Interviewing & Counseling

Clinic Practice - Civil

Elder Law

Employee Benefits Law

Employment Discrimination

Estate Planning

Evidence

Gender, Race and Class in the Law

Law & Behavioral Science

Law & Medicine

Mediation

Mental Health Law

Negotiations

Pretrial Litigation

Taxation-Individual Income Tax

Trial Advocacy

Wills & Trusts

*For more information on family law course offerings, please contact the course instructor.*

# Health Care Law

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(Submitted by Professor Craig Lawson)

Health-care law is a large and growing field. Over the last three decades, the health-care sector of our economy has grown tremendously. This has been unfortunate for Americans but terrific for American lawyers. The unfortunate part is that American health-care expenditures are heading out of sight. The Centers for Medicare and Medicaid Services reports that in 2013, the last year for which figures are available, we spent \$2.9 trillion, or 17.4% of our Gross Domestic Product, on health-care delivery. That amounts to \$9,255 per person. (In 2004, by comparison, we spent \$1.9 trillion on health care. That was 16.1% of our gdp for the year, or \$6,280 per person.<sup>1</sup>) Thirty years ago we spent about 8 or 9% of our gdp on health care. In 1975 our spending level was about \$600 per person. As you can see, health expenditures have grown dramatically for several decades. CMS (the Centers for Medicare and Medicaid services) project that for the decade 2011-2021, national health expenditures will grow by an average of 5.7% per year, which means at least another decade of very high growth in health-care spending; by 2021, we'll be spending an estimated 19.6% of our gross domestic product on health care. What has been unfortunate for the American budget, however, has been very fortunate for American lawyers. For the field of health-care law practice has grown dramatically, too, tracking the growth in the health-care sector of our economy.

As a field, health-care law is too large to call it a single specialty; it really comprises many different specialties. Specialized corporate lawyers handle most of the capital financing for the business institutions that deliver health-care—hospitals, nursing homes, clinics, and more. Many of those lawyers have to know the law of nonprofit organizations, for there are many nonprofits engaged in delivering health care, or in serving those who deliver it. Other business specialists handle the personnel work of those institutions, which is mostly employment law, but which has legal doctrines unique to the employment problems of health-care professionals. Specialized public interest lawyers handle much of the legal work arising out of our states' Medicaid programs. Practitioners of elderlaw draft advance directives to implement clients' wishes about their end-of-life care; the same elderlaw practitioners also often handle their clients' legal problems with the Medicare program. Plaintiffs' personal-injury lawyers prosecute malpractice claims against health care providers; personal-injury defense lawyers defend health-care professionals and institutions against those claims. In mentioning those specialties, I've only just scratched the surface of health-care law. I've left out the government lawyers who work in the various administrative agencies that oversee state and federal health-care programs. I've also left out the civil rights lawyers who handle many of the country's more interesting cases in biomedical ethics. And I've left out many others.

At the Law College, we now offer five specialized courses in the field of health-care law. I (Professor Lawson) teach four of them; Eve Brank, one of our Law-Psychology faculty members, teaches the fifth. I'll simply quote their descriptions from the College website below.

Please note that I teach my four specialized courses on a 24-month rotation, so if these courses interest you, please play careful attention to your registration materials. You will probably have only one opportunity during your second and third years to take any of these courses. Here are my courses in health-care law:

**Bioethics & Law** (2 credit hours) Some medical advances are troubling—they divide us deeply, and raise vexing moral questions. Bioethics is the study of these moral questions, questions that follow progress in

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<sup>1</sup> Centers for Medicare & Medicaid Services, "Healthcare Spending Growth Rate Continues to Decline in 2004," Press Release of June 10, 2006, <http://www.cms.hhs.gov/apps/media/press/release.asp?Counter=1750>.

medicine and the life sciences, questions that are vital to scientist and to nonscientist alike. Often these questions are brought before courts and legislatures, where they become legally controversial, too. This course particularly concerns the role of law and legal institutions in controlling, shaping and answering these hard questions. The topical coverage of the course emphasizes issues in scientific research, especially research on human subjects, since research lies behind most scientific and medical advances; it also emphasizes issues in death and dying (the right to refuse life-sustaining treatment, and euthanasia) and issues in human reproduction (contraception, abortion, artificial conception and genetic engineering). It has sometimes also covered the treatment of medically compromised newborns and organ transplantation.

**Law & Medicine** (3 credit hours) A survey of the major topics at the intersection of law and medicine in America today. Most of these topics will relate to the legal implications of health care quality and cost, to the legal implications of access to health care or to issues in the area of bioethics. In particular, the class will devote time to rights of access to health care; to the financing of health; to the legal implications of the quality of health care; to the laws relating to medical personnel and institutions; to the individual rights of patients; and to the medicolegal issues surrounding morally controversial developments in medicine and the life sciences, such as organ transplantation, the new reproductive technologies, the right to die and active euthanasia.

**The Law of Provider & Patient** (2 credit hours) This course covers a limited but central topic in the larger field of health-care law - the law bearing on the relationship between a health-care provider and a patient. We will therefore survey the legal rights and obligations of patients and their health care providers, individual and institutional. As part of our survey, we will cover qualification as a health care provider (institutional and individual licensure); the legal doctrines relating to the formation of provider-patient relationship; the locus of decisional authority in the relationship; the provider's fiduciary duties to the patient (to deliver care of professionally acceptable quality [including traditional malpractice law], to avoid conflicts of interest, to respect the patient's privacy and to protect the confidentiality of medical information about the patient); the reciprocal obligation of the patient to take reasonable steps to assure payment and to comply with medical directives; and the legal doctrines relating to the termination of provider-patient relationships. As an important contrast to the law and ethics or therapeutic relationships, we will also explore the way provider-patient obligations are affected when the patient also becomes the subject of medical or scientific research.

**Public Health Law** (2 credit hours) Public Health is the term generally used to describe initiatives that focus on the health of entire populations. Public health generally is contrasted with health care, which most often focuses on the health needs of individuals. Public health initiatives can arise in the private sector, but because they focus on the health of entire populations, they very often originate in government, and are a part of public rather than private law. Classic examples of public health at work at the control of epidemic diseases, the assurance of sanitation in food and water and of safety in workplaces, and the regulation of tobacco and alcohol. In all these areas and many more, the law is involved in protecting the public's health. Government initiatives aimed at protecting the public's health, however, may infringe on individual liberty. In this course, students will study public health as an independent field, but the course will emphasize the law's involvement in implementing public health initiatives, and in setting limits on them.

These four elective courses are devoted almost exclusively to topics in health-care law. Professor Brank's Elder Law class also treats non-health-care problems of our aging population, but has a heavy health-care component to it:

**Elder Law** (3 credit hours) This course will address the legal concerns and issues facing the rapidly growing sub-population of older adults. Topics covered in the course will include the legal and social science aspects of: ethical issues related to client legal capacity, health care decision making, Medicare,

Medicaid, Social Security, long-term informal and formal care (including guardianship), financial aspects of aging, ageism, and elder maltreatment.

The College offers several other courses that have a broader focus, but that are still very useful in health-care law. Insurance companies and public insurance programs pay for a large share of all health care, and so Professor Works' course on insurance law is a valuable introduction to basic insurance concepts, and to the law that regulates insurance. As he has taught the course recently, about one-quarter of the course covers general insurance law germane to medical expense insurance law, and another quarter is a focused examination of private medical expense insurance.

**Insurance Law** (3 credit hours) The law of the insurance contract. The course will focus on the features of common insurance contracts, legislative and administrative restrictions on insurance contracts and judicial techniques for interpreting, construing and regulating insurance contracts.

Much of our health insurance is supplied by employers to their employees, as an employee benefit. Professor Medill's class on employee benefits is therefore also a useful addition to your study of health-care law:

**Employee Benefits Law** (3 credit hours) A study of the federal laws that govern retirement, health care, and other benefit plans sponsored by private employers for their employees. Topics include: employer compliance requirements under the Internal Revenue Code, the Employee Retirement Income Security Act of 1974, and the Affordable Care Act; the responsibilities of plan fiduciaries; federal claims and remedies available to plan participants; and federal preemption of state laws. This course uses an applied problem method of learning and is designed for students who plan to practice in the areas of corporate law, employment litigation, insurance litigation, family law, or estate planning.

Administrative law is very helpful for the lawyer who will deal with Medicaid or Medicare problems, since both the Medicaid Program and the Medicare Program are run by state and federal administrative agencies. These agencies are massive, and important. In 2009, they spent more than \$1 trillion (out of the \$2.5 trillion we spent in 2009 on national health expenditures). Many lawyers therefore have to advise health professionals about Medicare and Medicaid reimbursement, and administrative law is at the center of that advice:

**Administrative Law.** (3 credit hours) A survey of the legal problems of governance by administrative agencies, the constitutional limits on agencies' powers and judicial review of their actions. The course includes an examination of the origin and growth of the administrative process, the development of administrative law and its impact upon traditional legal institutions, analysis of the types of federal and state administrative tribunals, their powers and functions, problems of administrative procedure and judicial and other controls upon the administrative process.

In the vein of Administrative Law, we periodically offer a specialized course in the law relating to federal administrative oversight of food safety through a number of the federal agencies. Although our course focuses on the regulation of food safety, students will be introduced to many of the concepts that are also in our drug laws, too:

**Federal Regulation of Food Safety** (2 credit hours) This course examines the federal laws and regulations that govern food safety and food labeling shared by federal agencies, including the Food and Drug Administration, U.S. Department of Agriculture, U.S. Department of Commerce, and U.S. Environmental Protection Agency. Students will have the opportunity to learn the history of federal food safety laws and enforcement and will discuss case studies highlighting current issues in the news, e.g., salmonella contamination of eggs, tort liability for "defective" foods, regulation of biotechnology use in foods, and the science underlying food safety regulation and food production. The course will conclude

with analysis of the policy goals and implementation of the FDA Food Safety Modernization Act signed into law by President Obama on January 4, 2011, which provides for a new system of federal oversight of domestically produced and imported foods.

There is a surprising amount of constitutional law in health-care law, and I'd advise that you take both semesters of Constitutional Law, too:

**Constitutional Law I** (3 credit hours) Provides a general overview of the structure of the federal government, including the history and judicial interpretation of the Constitution, the limited jurisdiction of the federal courts and the impact that has on the cases that they hear, federalism concerns, interstate commerce, due process, equal protection and separation of powers. A major issue sought to be resolved is whether there is a principled answer to what questions should be decided at the federal rather than state level and what questions should be decided by the judiciary rather than the politically responsive branches. Other major issues concern the substantive meaning of equality under the law, reproductive autonomy, the right to life, the right to marry and sexual autonomy.

**Constitutional Law II** (3 credit hours) This course emphasizes protected individual civil liberties created by the First Amendment. These are freedom of speech, association and press (and first amendment privacy concerns) as well as the constitutional principles underlying the first amendment's command that the "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The course also includes analysis of the origin and modern applicability of the state action concept in constitutional litigation.

If you're interested in malpractice law, I'd advise you to take as many litigation-skills courses as you're able to fit into your schedule, courses such as evidence, remedies, and the various trial skills courses:

**Evidence** (3 credit hours) The concepts of relevancy and admission of evidence will be studied, including hearsay, opinions, privileges, other exclusionary rules, examination of witnesses, judicial notice and physical evidence.

**Remedies & Damages** (3 credit hours) An examination of the basic remedies available to redress legal wrongs: injunctions, damages and restitution. Among the topics covered are permanent injunctions (including specific performance), provisional injunctions, contempt, contract damages, tort damages (primarily personal injury and property damages), proof requirements, present value adjustments, legal restitution, equitable restitution, equitable defenses, election of remedies and declaratory relief.

**Trial Advocacy** (3 credit hours) The fundamentals of trial practice. The emphasis is on questioning witnesses, selecting and addressing the jury and admitting items into evidence. Students will perform weekly exercises which are videotaped and critiqued and will also try a case to a jury. Prerequisite: Evidence.

**Advanced Trial Advocacy** (3 credit hours) Students will perform simulation exercises concerning advanced trial advocacy topics including, among others, jury selection, expert witnesses, problem witnesses, development of a trial theme and multi-party litigation. Students will perform simulated bench and jury trials and will represent clients in mock cases selected to provide the students with a courtroom experience. Enrollment limited to 12 students per semester. Prerequisite: Trial Advocacy.

**Pretrial Litigation** (3 credit hours) Concentrates on the application of procedural rules to the bringing and defending of civil law suits and on considering the tactical and strategic aspects of litigation. Students will perform weekly exercises on pleading, motion practice and discovery.

**Alternative Dispute Resolution** (3 credit hours) An introduction to ADR by surveying a variety of different dispute resolution mechanisms. It provides a theoretical overview of basic counseling paradigms, negotiation theory and tactics, approaches to mediation and arbitration as well as different hybrid dispute resolution methods. At appropriate junctures, simulations provide an opportunity to put theory into practice. The remainder of the course focuses on choosing and utilizing the appropriate dispute resolution method.

**Mediation** (4 credit hours) A study of the process in which a trained neutral third party assists others in resolving a dispute or planning a transaction. Students will be trained in basic mediation skills through readings, demonstrations, simulations and the keeping of a mediation notebook. Topics covered include the nature of mediation and its relationship to other forms of dispute resolution, the nature of conflict, model and styles of mediation, negotiation theory, communication skills, the interest-based mediation process, the representation of clients in mediation, special issues relating to attorney mediators and mediators standards and ethics.

In fact, most of the courses that relate to litigation and to alternative dispute resolution would be useful for the lawyer involved in health-care litigation. The courses that I've listed are simply among the most basic, and come to mind first. For a valuable experience in litigation, you might also consider the criminal clinic, even if you're not interested in criminal law. Students in the criminal clinic see the prosecution side of criminal law, and it's the prosecution that shapes criminal litigation; the defense is more reactive. Here's our description of the criminal clinic:

**The Criminal Clinic** operates out of the Lancaster County Attorney's Office in the Justice and Law Enforcement Center. Students enrolled in the Criminal Clinic prosecute misdemeanor and occasionally felony criminal cases, including marijuana and cocaine possession, intimidation by telephone, physical and sexual assault, public indecency, trespass, theft, forgery, fraud, receiving stolen property, escape, arson and extortion. Each team of students handles a large number of cases during the semester and learns valuable skills while conducting factual investigations, negotiating, preparing for trial and trying cases. In addition, the students participate in a weekly seminar which focuses on the development of skills necessary to prosecute criminal cases.

Several students have created their own Individualized Programs of Concentration in health-care law under my supervision. I encourage you to discuss that with me, if it interests you.

# Intellectual Property Law

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(Submitted by Professor Denicola)

Here's the schedule of Intellectual Property and IP-related courses for 2016-2017. For whatever it's worth, the *National Jurist* magazine last year named Intellectual Property Law as one of four "SUPER HOT" practice areas. General information on IP law and on the Law College's Program of Concentrated Study in IP Law appears in the section on Programs of Concentrated Study. You don't have to be in the Program of Concentrated Study to take any of these courses.

## FALL 2016

**Entertainment Law – Professor Dooling** (3 credits) This course surveys the laws governing the entertainment industry, artists (aka "the Talent"), and their representatives (agents, managers, entertainment lawyers). Students learn about legal restraints on entertainment, including censorship of sex and violence, defamation, and privacy and publicity rights. This course also makes for a gentle introduction to intellectual property laws as they apply to entertainment assets: copyright, trademark, artistic credits, and "moral rights." Students acquire a working vocabulary of important entertainment transactions, such as publishing agreements, film and television option agreements, and agent and personal management contracts. The course includes hands-on analysis of entertainment contracts, especially in the publishing, movie, and television industries. The lectures also feature examples of real-life, practical knowledge from Professor Dooling's misadventures in Hollywood doing screenwriting and television production, and his publishing industry experiences as an author, novelist, and journalist.

**International Intellectual Property Law – Professor Sheppard** (2 credits) Overview of the United States laws of copyright, patent, trade secret and trademark for students of all backgrounds and discussions of the laws and mechanisms to protect intellectual property rights abroad including analysis of all major international treaties and conventions. This course will cover not only the legal and regulatory schemes but also the policy implications. No prior course in intellectual property or science background is requisite.

**Unfair Competition – Professor Denicola** (3 credits) A study of the federal and state statutes and common law doctrines restricting unfair methods of competition in business. Topics include trademark law, false advertising, misappropriation, trade secret law, and the right of publicity.

## SPRING 2017

**Copyright Law Seminar – Professor Denicola** (3 credits) A seminar on the protection of literary, musical, artistic, and audiovisual works under the laws of Copyright and Unfair Competition. Topics include the standards for copyright protection; procedural issues including copyright notice, registration, and duration; rules governing copyright infringement and fair use; and issues arising from digital technologies, including the distribution of copyrighted works over the Internet and the use of technological measures to protect copyrighted works.

**Cyberlaw – Professor Hurwitz** (3 credits) This course will explore a range of legal issues in cyber domain, including cyber security, privacy, network ownership and access, private versus public regulation of cyberspace, speech in cyberspace, content as property and intellectual property in

cyberspace, jurisdiction over cyberspace activities, liability of intermediaries, state and local regulation of cyberspace, and the interrelationship between technology and law as mechanisms of regulation.

**Patent Law – Professor Sheppard** (2 credits) This course will provide an introduction to the basic principles of the law of patents in the United States including the history, utility and function of the patent system; statutory and procedural requirements for patentability; recent case law; and patent enforcement mechanisms, remedies and defenses. This class will provide a foundation in patent law for general legal practice that crosscuts all potential business client interests from individual inventors to small and large companies.

# International Law

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(Submitted by Professor Schaefer)

**2016-2017**

## **Why Should I Take An International Law Course?**

Professor Schaefer: My Name is [ ] & I'm a 3<sup>rd</sup> year law student with a research project on an international trade issue that has me (nearly so) completely confused! I have a couple of questions if you could help me on this I would greatly appreciate it!

*Actual note left underneath my office door by a student who chose not to take any international law courses during law school. The student was clerking for a law firm in Nebraska and was assigned a project on the so-called Helms-Burton Act that sanctions companies doing business with Cuba. The Helms-Burton Act is covered in the international law course.*

## **I am one of those sorry souls that only takes courses that are on the bar exam because I am so worried about the bar exam. It controls my life. Is international law a topic on the bar exam?**

International law is not officially on any states bar examination (although there are proposals in several states to include questions on this topic). However, every year I hear back from former students that material covered in my international law and international trade law courses are very useful for questions on the bar exam. (Material in these courses builds upon and reviews the coverage of the relationship between international law and the U.S. domestic legal system in the 1<sup>st</sup> year International Perspectives course and in this context includes coverage of U.S. constitutional law issues).

## **I am not going to practice in an area in which international law is relevant. You see I am going to practice family law, so why should I care about international law?**

Nearly all lawyers will encounter an international legal problem in their practice. This is true even if they try as hard as they can to avoid such problems or practice in an area in which one might not expect to encounter such problems. For instance, a UNL law graduate practicing family law came to my office several years ago and she had a client whose former spouse stole their children and brought them back to Germany. How could she help her client? The Hague Convention on International Child abduction provided an avenue the kids are back with her client (and this was the first case upon which she worked in which the opinion was published). Plan on clerking for a state judge after law school? You are not immune from international law either. The Nebraska Supreme Court recently faced a case involving a Canadian lawyer seeking admission to the Nebraska bar based on a provision of the North American Free Trade Agreement (NAFTA). Plan on working for the public defender? You are not immune from international law either. In the last decade, there have been many big controversies over local police not reading foreign nationals their Vienna Convention on Consular Relations rights (of which many defense attorneys were not aware). In short, regardless of practice area, it is an increasingly risky proposition to graduate from law school with no background in international law. All 1Ls are a required to take the two-credit International Perspectives in the U.S. Legal System course for this reason.

## **Alright I am ready to build upon my understanding gained in the 1L International Perspectives Course, so what Particular Course or Courses Should I Take?**

If you have decided to take an upper-level international law course, it is not nearly as important which one you take. There are a range of courses taught by several different faculty members in the international law arena. You might consider linking up your (initial) international law course with your domestic law subject matter

interest (e.g. commercial transactions, international business transactions or international trade law; equal protection clause/bill of rights, international human rights). However, if you plan on taking more than one international law course, it may be useful to begin with the international law course (or, in event of a schedule conflict, the international trade law course as an alternative) because several weeks of these two courses cover the basics of international law and its relationship to the U.S. domestic legal system, continuing to refine your understanding of this relationship.

**What faculty teach in the areas of international law, either general or specialized courses?**

Professors Beard, Lepard, Schaefer, Shavers, von der Dunk and Sheppard all teach international law courses.

**GENERAL INTERNATIONAL LAW**

**International Law** (Schaefer) (Fall 2016)

Note: If you are certain you will take more than one international law course this is an excellent starting point since it covers the U.S. constitutional and international law issues surrounding treaties (matters that might help you in additional international law courses you take). Alternatively, if you know you will only enroll in one international law course, this is a good choice since it has a heavy emphasis on the relationship between the international law and the US legal system early in the semester.

**NATIONAL SECURITY/FOREIGN RELATIONS**

National Security Law (Beard) (Fall 2016)

American Foreign Affairs Law & Policy Seminar (Schaefer) (Spring 2017)

**BUSINESS/CORPORATE**

International Business Transactions (Schaefer) (Fall 2017)

International Trade Law (Schaefer) (Fall 2016)

International Intellectual Property Law (Sheppard) (Fall 2016)

**HUMAN RIGHTS/IMMIGRATION**

International Human Rights Seminar (Lepard) (Fall 2017)

Immigration Law (Shavers) (Fall 2016)

International Gender Issues Seminar (Shavers) (Fall 2016)

**COMPARATIVE/FOREIGN LAW**

Comparative Law (Lepard) (Fall 2017)

Intro to EU Law (von der Dunk) (Spring 2017)

**SPACE, CYBER AND TELECOM LAW**

Please see separate handout

**AMAZING WASHINGTON, DC EXTERNSHIP OPPORTUNITY IN INTERNATIONAL LAW**

The Law College faculty approved a semester long DC externship program with the Department of Defense (General Counsel's Office), specifically the Office of the Deputy General Counsel for International Affairs – ODGC (IA). The Office of General Counsel is headed by the chief legal officer for the Department of Defense. ODGC (IA) deals with matters as diverse as foreign base negotiations, law of armed conflict, security and

humanitarian assistance, arms control and disarmament, and technology transfer. The office is headed by a Deputy General Counsel, who has the rank of a Deputy Assistant Secretary of Defense. The extern will be involved in significant work, and every effort will be made to integrate the intern fully into the professional life of the office. Duties will include legal research, drafting memoranda, attending departmental and inter-agency meetings, and dealing with senior national security officials of the U.S. Government, as required. A security clearance is necessary. Please contact Professor Jack Beard for more details. ***Externs must be U.S. citizens.***

- *Please be aware that a student undertaking a semester long DC externship cannot receive credit towards graduation for other independent study, externships, courses outside the Law College, and study abroad without specific Law College Faculty approval.*
- *Students will receive 9 credits of externship credit and 3 credit of independent study for the DC semester long externship and pay full tuition.*
- *Please consult the final proposal approved by the Law College faculty for further details.*
- *DC semester long externships can only be undertaken in the fourth and fifth semesters of study.*

# Land Use

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(Submitted by Professor Schutz)

To own property is one thing. To use it is quite another. The regulation of how land may be used is a central focus of many courses in our curriculum. The following courses illuminate this intriguing subject.

- Environmental Law
- Agricultural Environmental Law
- Public Lands & Natural Resources Law
- Environmental Law & Water Resource Management Seminar
- Water Law Planning & Policy
- Administrative Law
- Real Estate Transactions
- Land Use
- State and Local Government Law

As you can see, there is a close relationship between the general subjects of land use and environmental and natural resources law. And you will find a great explanation of the environmental law curriculum in this packet. The advice there is relevant here.

Land Use, as a course, is primarily concerned with the public and private law ways of restricting use. From zoning ordinances to covenants, there are a variety of legal tools in that toolkit. The area is, however, frequently dominated public law. With that in mind, State and Local Government Law would be a good course to take at some point in your study of the law governing land use. Land Use and State and Local Government Law typically rotate with one another in the spring semester. Land Use is scheduled for spring 2017, while State and Local Government Law is scheduled to be offered in spring 2018.

# Law & Psychology

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(Submitted by Professor Schopp)

## 2016 - 2017

**Empirical Legal Studies** (3 credit hours) This course introduces students to one of the fastest growing areas of legal scholarship and practice — the use of empirical techniques in research and litigation. The emphasis of the course is on learning how to be sophisticated and critical consumers of empirical research that lawyers and experts often use to resolve legal cases and controversies, to shape legislation, and to use as argument in public policy debates. The course introduces students to survey research methodology, designing and conducting experiments, data gathering and analysis through descriptive and inferential statistics. In addition to discussing how to perform these techniques, students read cases and articles in which each of the techniques has played an important role. The course introduces law students to the social sciences through a “hands on” approach. Students will collect and analyze their own data by completing small research projects related to their areas of interest. Class sessions include discussion of social science and legal materials, lectures on the basics of empirical analysis, assistance with analyzing statistical data with computer packages, assistance with interpreting data, and student presentations. Students fulfill the course requirements through writing a paper, participating in class, presenting their research to the class, and completing several exercises. Students will learn to use computer statistical software packages (SPSS) for these exercises.

**Law & Behavioral Science** (3 credit hours) This course examines the actual and potential uses of science in the law. The course primarily focuses on social science but considers general principles that apply to all types of science in the law. Specifically, we will look at the use of social science as fact in litigation (e.g., consumer confusion and civil damages) and as context in litigation (e.g., syndromes and criminal defenses). A secondary objective is to look at how social science can be used to understand the more general function and purpose of the courts and more specifically the application of various legal practices and policies to social problems. Third, the course examines the concept of junk science in the law including the misuse of science in litigation and legislation. Throughout the course, we will consider how empirical research can shed light on matters of importance to the legal system. (Wiener)

**Topics in Law and Psychology: Eyewitness Testimony** (3 credit hours) – This class will examine recent empirical research and case law on Eyewitness Testimony, with the readings emphasizing experimental psychological research. The focus will be on identifying the various factors that influence eyewitness reliability, techniques for improving eyewitness performance, and the case law relevant to conducting eyewitness lineups and the admissibility of eyewitness testimony and expert testimony on eyewitness issues. Students will be required to participate actively in class (i.e., lead class discussion), write a number of short “reaction” papers, and prepare a substantial position paper or research proposal on relevant issues. (Bornstein)

**Topics in Law and Psychology: Juror/Jury Decision Making** (3 credit hours) This class will examine recent empirical research and case law on **Juror/Jury Decision Making**, with the readings emphasizing experimental psychological research. The focus will be on identifying the various social, cognitive, and individual factors that influence the judgments/perceptions of individual jurors and juries’ group decisions; and the case law relevant to jury procedures and reform efforts. The class will cover both civil and criminal juries. Students will be required to participate actively in class (i.e., lead class discussion),

write a number of short reaction papers, and write a paper in which they apply relevant psychological issues to an actual jury trial that they observe. (Bornstein)

**Topics in Law and Psychology: Legal Decision Making** (3 credit hours) – This course will examine some basic tenets of the psychology of judgment and decision-making and apply them to problems in law and legal process. The course will begin with an overview of some basic theory and empirical findings in the sub-discipline of judgment and decision-making, an area at the intersection of social and cognitive psychology. The course will pursue some areas of law that “invite” judgment and decision-making analyses. These include but are not limited to jury decision-making in criminal cases, jury decision-making in civil cases, sexual harassment, hate crimes, affirmative action decisions, and investigative profiling. The ultimate goal of the course is to learn the ways in which theory and research in judgment and decision-making offer methodologies for empirical analyses of legal problems. (Wiener)

**Topics in Law & Psychology: Psychology and Family Law** (3 credit hours) One reason the area of Family Law is so dynamic is because it is intertwined with psychological issues such as human behavior, attitudes, and social norms. The aim of this course will be to encourage an appreciation for psychological research and methods of psychology as a way to inform and understand Family Law. To do this, the class will address a number of different components of Family Law focusing on those areas where psychology practice and research already have been or could be useful in molding legal doctrine and policy. The course will not be an exhaustive treatment of either Family Law or the relevant psychology, but will address the most central elements of Family Law where psychology has or could provide insights. (Brank).

*Law & Behavioral Science and Topics in Law & Psychology should be of primary interest to those who are interested in learning about the application of scientific method and psychological expertise to a variety of legal issues. Because the general principles of scientific method apply across specific scientific fields, these courses introduce students to the relationship between legal analysis and scientific method generally. The specific issues addressed in Topics will vary from semester to semester.*

**Mental Health Law** (3 credit hours) The course is taught concurrently with Mental Health Law Seminar. It addresses the major areas of law in which people with psychological disorder are treated differently than people who do not suffer such impairment. The law treats disordered people differently, for example, in the areas of: civil commitment; civil competence for a variety of purposes, including health care and property; competence to stand trial; and the insanity defense. This course covers both civil and criminal issues, with the primary emphasis devoted to civil concerns, especially those most likely to arise for attorneys who pursue independent or small firm practice. These include civil competence, guardianship and conservatorship, civil commitment, confidentiality and privilege, and health care provider liability, especially as it applies to mental health care. The course does not presuppose or require any prior training in psychology. Each student chooses whether to take an exam or write a paper. Students who have previously taken, or are currently enrolled in, Mental Health Law Seminar may not enroll in this course. (Schopp)

**Mental Health Law Seminar.** (3 credit hours) The seminar is taught concurrently with Mental Health Law Class. It addresses the major areas of law in which people with psychological disorder are treated differently than people who do not suffer such impairment. The law treats disordered people differently, for example, in the areas of: civil commitment; civil competence for a variety of purposes, including health care and property; competence to stand trial; and the insanity defense. This seminar covers both civil and criminal issues, with somewhat more time devoted to civil concerns, especially those most

likely to arise for attorneys who pursue independent or small firm practice. These include civil competence, guardianship and conservatorship, civil commitment, confidentiality and privilege, and health care provider liability, especially as it applies to mental health care. The seminar does not presuppose or require any prior training in psychology. Each student must write a legal research paper that fulfills the seminar requirement. Students who have previously taken, or are currently enrolled in Mental Health Law Class may not enroll in this course. (Schopp)

***Mental Health Law 763 and 772** should be of primary interest to those who expect to practice criminal law, public law related to health or social services, or general civil practice. It would also be of interest to those who are interested in considering the problems that arise when legal professions must practice in close interaction with members of different professions.)*

**Psycholegal Research** (3 credit hours) A substantial research and writing project on a psycholegal topic. The research is supervised and approved by a faculty member in the Law/Psychology program. Absent the prior approval of the Dean, only those students enrolled in the Law/Psychology Joint Degree Program may register for this course. Absent the prior approval of the Dean, no student may take more than 6 hours of Research in a Selected Field and/or Psycholegal Research.

***Psycholegal Research** should be of primary interest to those who have a specific interdisciplinary research project they would like to pursue under the supervision of a Law/Psychology faculty member.)*

# Legislation Course Offerings

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(Submitted by Professor Berger)

Lawyers in the 21st century need to be able to read and understand statutes. As Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit once remarked, whereas the common law once was supreme, American law has since become “statutorified.”

Understanding the legislative process and the statutes resulting from that process is, therefore, very important to lawyers. Many upper-class courses explore particular statutory schemes, and these courses are, of course, extremely valuable. There is, however, also great value in considering legislation and the legislative process more generally. Indeed, as most lawyers during their careers will encounter statutes with which they have had no prior experience, lawyers should learn skills to approach such statutes. Legislation classes help provide those skills. Furthermore, to the extent that some lawyers work in state and federal legislatures, these courses can help them appreciate the various facets of the legislative process.

## **Statutory Interpretation: Practice and Policy** (3 credit hours) (Professor Berger)

This course focuses on the tools lawyers utilize when they interpret statutes. We will begin with a statutory case study, tracking the consideration, adoption, and subsequent judicial interpretations of one particular statute. We will then examine various theories and canons of statutory interpretation. We will also examine the administrative state with particular attention to issues of statutory interpretation involving administrative agencies.

This course aspires to be simultaneously highly practical and jurisprudential. It will be practical in that lawyers work with statutes all the time, and this course will provide a comprehensive approach to wrestling with the problems that arise during statutory interpretation. Students should be able to apply the skills they learn in this course to help interpret statutes they encounter throughout their careers. The course will also be jurisprudential in that it asks students to explore how judges should interpret legislative enactments in light of the legislature’s public policy goals, separation of powers and principles, and courts’ own institutional limitations. (*This course is not scheduled for 2016-2017*)

## **Principles of Regulation** (3 credit hours) (Professor Hurwitz)

We live in a regulatory state – all lawyers address regulatory issues throughout their professional and personal lives. Day-to-day personal and business activities are governed by rules created by lawyers working for local, state, and federal entities. Private-sector lawyers work with these public entities on behalf of their clients. Private parties self-regulate (e.g., ABA regulation of lawyers; corporate governance; industry self-regulation). Beyond the practice of law, modern political discourse is dominated by discussion about regulation. As members of the legal profession, lawyers play a vital role in this discourse, informing and shaping the opinions of colleagues, friends, and families – in addition to those of policymakers – about whether and how regulatory intervention is beneficial to society. This course examines the principles of regulation that run through all of these contexts, considering what it means to regulate, why we regulate, and how we regulate. It focuses on the myriad tensions and contradictions often inherent in regulation, to equip students with critical analytical tools needed in today’s legal, political, and business environment.

# Perspectives Courses

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(Submitted by Professor Shavers)

Studying law and legal institutions can be enriched and enhanced by the inclusion of a transdisciplinary perspective. These courses examine the normative ideal of justice from a theoretical, historical, or comparative perspective. This can include a comparison of legal thinking with the thinking in other disciplines as well as a focus on the political, historical and cultural context in which laws are created and affect various groups. These courses can also include comparative global perspectives by considering law from the perspectives of other countries.

## Courses:

Advocacy in Mediation	Immigration and Nationality Law
Arbitration	Insurance Law
Bioethics and Law	Jurisprudence
Capital Punishment	Juvenile Law
Civil Rights	Land Use Planning
Comparative Law	Law and Behavioral Sciences
Conflicts of Law	Law and Economics
Constitutional History	Law and Medicine
Construction Law	Law and Storytelling
Domestic Telecommunications	Law and Psychology
Economic Justice	Law and Religion
Education Law	Legal Profession
Elder Law	Mediation
Election Law	Native American Law
Empirical Legal Studies	Negotiation
Employee Benefits Law	Partnership Taxation
Entertainment Law	Space Law
First Amendment: Freedom of Speech & Press	Sports Law
Gender Issues in the Law	Topics in Law and Psychology
Gender, Race, Class Issues in the Law	Tribal Gaming Laws
Jurisprudence	Unfair Competition
Health Care Law	

## Seminars:

American Foreign Relations Law & Policy	International Gender Issues
Constitutional Problems Seminar	International Human Rights Seminar
Criminal Sanctions Seminar	Legislation Seminar
Education Law Seminar	Forced Migration: Refugee & Asylum Law Seminar

## Independent Study: Research and Writing

Students may also consider taking courses outside of the law college.

# Real Estate Curriculum

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(Submitted by Professor Medill)

Real Estate Law is an important and growing legal practice area. The lawyer who aspires to practice in the real estate field needs a broad background in many different areas of substantive law that often intersect with real estate. Listed below are the core courses in real estate law offered by the College of Law, along with a list of recommended doctrinal courses for various subspecialties within the field of real estate law. For students who are interested, the College of Law also offers a 15 credit hour Individualized Program of Concentrated Study in Real Estate Law.

## Core Real Estate Transactions Courses

**Real Estate Transactions.** An examination of the typical provisions found in the legal documents that govern the transfer and financing of real estate and related legal issues with an emphasis on transactional drafting. This course covers listing agreements, real estate sales contracts, deeds and deed covenants, title examination and title insurance, mortgage substitutes such as installment sale contracts, and mortgage agreements and deeds of trust. The course concludes with an examination of the foreclosure process and alternatives to foreclosure. In addition to a final exam, students are assigned to represent either the buyer or the seller and required to negotiate and draft a real estate sales contract and related transactional documents are part of a realistic real estate transaction simulation exercise.

**Land Use Planning.** Analysis of the legal and administrative aspects of the regulation of land use and development, the problems and techniques of urban planning at the various levels of government and the relationship of private owners and builders to the government policies involved in shaping the physical environment.

## Recommended Courses for Areas of Subspecialization

### Real Estate Development

**Construction Law.** This course deals with the legal principles which have developed in the construction area. It includes the study of legal and equitable issues which result from the construction relationship and disputes relating to that relationship.

**Construction Law Practice.** An in-depth study of the construction process as an example of the initiation, administration and handling of disputes in a relational contract. The course will be based on an actual construction project, this year the Arena Project in the Haymarket area of Lincoln. Topic will include practice in the art of drafting contracts, analysis of the performance of the contracting parties, and the resolution of disputes between the parties. This is a skills course.

**Taxation – Partnership (prerequisite: Individual Income Tax).** An introduction to the fundamental federal income tax rules for general and limited partnerships, limited liability partnerships and limited liability companies. The professor may also choose to include some materials on the substantive (state)

law of general and limited partnerships, limited liability partnerships and limited liability companies. The professor may also choose to include some materials on the state law of general and limited partnerships, limited liability partnerships and limited liability companies. *Prerequisite: Individual Income Tax*

## **Banking and Finance**

**Banking Law.** This course will provide the student with an overview of a number of basic banking issues. The course begins with an examination of the structure of the financial services industry, including the formation and expansion of banks and financial holding companies. The course will then focus on topical issues, including internet banking, lending (including a close look at a number of consumer fair lending laws (TILA, HELC, ECOA, HMDA and RESPA)), securitization of bank loans, securities and insurance (brokerage and underwriting) by banking institutions, international banking and other current issues in banking law, including the recent Dodd-Frank legislation. The focus of the course is on federal regulation of banking, although students will have an opportunity to compare the state regulation of banking during a conversation with local bankers and a Nebraska banking regulator.

**Bankruptcy Law.** This is a survey course. The course begins with an overview of the relationship between debtors and creditors outside of bankruptcy under state law. This unit includes an examination of the Federal Debt Collection Practices Act. Thereafter, students will participate in an examination of consumer and business bankruptcy law. Specifically, Chapter 7, 11, 12 and 13 proceedings are discussed. Students engage in a client counseling exercise designed to evaluate the client's eligibility for a Chapter 7 proceeding by completing Form 22 using a combination of facts and the income and expense data available on the U.S. Trustee's website. Thereafter, students use a software product utilized by a number of practicing attorneys, Best Case Software, to prepare for electronic filing a Chapter 13 petition for bankruptcy. Students also prepare a short, client-counseling memorandum for the unit on business bankruptcies related to a motion for relief from the automatic stay. Current policy issues in bankruptcy will be addressed as time permits.

**Secured Transactions.** After an overview of the rights and obligations of an unsecured creditor under state law, this course focuses on the rights and obligations of a secured creditor under Article 9 of the Uniform Commercial Code. Initially, the relationship between the debtor and the secured creditor is considered by examining the statutory requirements for granting a security interest in personal property and the rights of the secured creditor when the debtor defaults on its obligations. Thereafter, students will learn how this relationship between a debtor and one of its creditors impacts other creditors of the debtor. This requires a study of the filing system used for the perfection of a security interest and the priority rules for resolving conflicts between the various creditors of a debtor. Students will learn the fundamental bankruptcy concepts, but bankruptcy is not a prerequisite for the course. The final grade will be based on class participation, including two written assignments, and a final, open book written examination.

## **Environmental Compliance & Agriculture**

**Environmental Law.** An introduction to Environmental Law. The course will examine the theoretical and scientific underpinnings of environmental policy as well as specific federal laws designed to control water and air pollution or assign liability for toxic cleanups. Issues are viewed from several

perspectives, including those of regulated businesses, environmental activists, and government agencies. No prior experience with environmental issues is required. All scientific and regulatory concepts will be presented in a straightforward, understandable manner. The course will be valuable not only to students with a specific interest in environmental law but also to those wanting to gain knowledge and skills essential to the successful representation of clients in any regulatory setting.

**Water Law.** Water law covers judicial, legislative, and administrative issues in water resources development, allocation, control, and conservation. Representative topics include: the acquisition, maintenance, and transfer of private rights to use surface water and groundwater; interstate allocation; public access rights; environmental protection; tribal water rights; and federal rights and powers.

**Environmental & Water Law Seminar.** An interdisciplinary seminar with the Department of Civil Engineering and School of Natural Resources. Emphasis is placed on contemporary environmental issues and water resource management. No technical background is required, but coursework in environmental or administrative law is helpful. Students will be required to prepare and present a paper on an environmental or water-related topic of their choice, and participate in a two day field trip, scheduled in mid-September. Preference will be given to students who have applied for the Environmental Certificate and/or have taken Agricultural Environmental Law, Environmental Law, Land Use Planning, Water Law or Natural Resource Law.

**Taxation – Farm and Ranch (prerequisite: Individual Income Tax).** A selection of substantial income tax and other tax-related problems and issues affecting farmers and ranchers. Prerequisite: Taxation – Individual Income Tax.

### **Small/Solo/General Practice**

**Insurance Law.** The law of the insurance contract. The course will focus on the features of common insurance contracts, legislative and administrative restrictions on insurance contracts and judicial techniques for interpreting, construing and regulating insurance contracts.

**Wills and Trusts.** Intestate succession and related matters, execution of wills, revocation of wills, limitations on the power to devise, construction of wills (mistake and ambiguity), will substitutes, planning for disability, the elements of a trust, formalities in the creation of a trust, the interest of the beneficiary, charitable trusts, and selected issues relating to estate and trust administration.

**Estate Planning.** Federal estate and gift taxation, related income tax rules, estate planning concepts, and state inheritance taxation.

# Space, Cyber and Telecommunications Law

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(Submitted by Professor Schaefer)

## MEMORANDUM

TO: All First Year UNL College of Law J.D. Students

FR: Matt Schaefer, Professor of Law, Director, Space and Telecommunications Law Program, University of Nebraska College of Law

RE: Space, Cyber and Telecommunications Law Courses and Faculty – Academic Year 2016-2017

DT: March 31, 2016

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I write to inform you of the developments in our Space and Telecommunications Law Program at the University of Nebraska College of Law. The program is the first of its kind in the United States and the first such program in the world to be taught in English.

Telecommunications is a \$1.5 trillion global industry and space industries are a \$280 billion global industry. U.S. companies are the predominant players in both industries.

- The space and cyber domains are critical to US national security and economic wellbeing and are increasingly contested domains.
- University of Nebraska has J.D. alumni that have served in the following capacities:
- Chief of the Wireless Bureau at the FCC Senior Attorney in the General Counsel's Office of NASA Chief of Cyber and Space Law at US Strategic Command
- The University of Nebraska has LL.M. Alumni that work or have worked at US State Dept., US Cyber Command, Air Force Cyber Command, SpaceX, NASA Jet Propulsion Lab, US Strategic Command, Google, McKinsey Consulting, New America Foundation, FCC, Space Operations Vandenberg AFB.
- Professor *Gus Hurwitz* teaches Cyber Law, Domestic Telecom Law, Principles of Regulation, and Law & Economics. Professor Hurwitz is a graduate of the University of Chicago Law School and a former Fellow at the University of Pennsylvania Law School's Center for Technology, Innovations and Competition. After graduation, he worked in the US Department of Justice's honor's program as a trial attorney in the Antitrust Division (Telecom and Media Section) and he also has been a visiting assistant professor at George Mason University Law School. He has published numerous articles on technology and the law, including "Trust and Online Interaction as Verifiable but Non-Observable Conduct," which will be published in the University of Pennsylvania Law Review this year.
- Professor *Jack Beard* is former Assoc. Deputy General Counsel (International Affairs) at the Department of Defense. He taught at UCLA Law School for five years prior to joining the Nebraska faculty and has two leading articles in one of the most prestigious international law journals, the American Journal of International Law, as well as forthcoming articles in Georgetown, UPenn, and Vanderbilt international law journals. Professor Beard teaches National Security Law, International Cyber Security: Mischief, Crime and Warfare, Human Rights and International Criminal Law, Arms Control: Problems in Law and Technology, and National Security Space Law.
- Professor *Frans von der Dunk* is the former director of space law research at Leiden University's Air and Space Law program and has taught at Nebraska for the past six years after two-decades at Leiden.

Frans is widely considered the leading or one of the leading space law academics in the world, and board member of the International Institute of Space Law, and very well connected in the international space community, including foreign academic institutions/think tanks and international organizations. Professor von der Dunk teaches courses in Space Law, International Satellite Communications Law, EU Law, European Regulation of Space and Telecommunications, and National Space Legislation.

- Professor *Matthew Schaefer* is the founding Director of the Space, Cyber and Telecom LL.M and co-chair of the ABILA Space Law Committee. Professor Schaefer has taught international law and international trade related courses at Nebraska since 1995. He served as a director in the International Economic Affairs Office of the National Security Council (White House) in 1999 and was a consultant for the National Governor's Association, Western Governors' Association and several states in connection with the WTO agreements and NAFTA's Congressional approval and implementation prior to joining the faculty. His recommendation in his Berkeley Journal of International Law article on liability issues connected with commercial space activities were adopted by the Congress in new space legislation in 2015. He teaches International Law, International Trade Law, International Business Transactions, American Foreign Relations Law and Policy Seminar, and Introduction to American Law. He co-teaches the 1L International Perspectives course.
- We have three adjunct faculty members who are leaders in their areas of teaching. Each Spring semester *Dennis Burnett*, retired Vice-President for Trade and Export Controls at EADS North America and current Vice-President at Kymeta, teaches a one- credit mini-course in Export Control: International Traffic in Arms Regulation. *Fred Campbell*, former Wireless Bureau Chief of the FCC and President of the Wireless Communication Association teaches the one-credit mini-course in Spectrum Management Law and Policy each Spring. Franceska Schroeder, Principal at Fish & Richardson (D.C.) and leading commercial space lawyer, will co-teach a two-credit Space and Satellite Business Law course with adjunct professor Burnett the week before class in August, 2016.
- All J.D. students can earn a certificate in an area of concentrated study in space, cyber, and telecommunications law by taking 15 credit hours in the area.
- Some J.D. students may also consider earning an LL.M. in space and telecommunications law following their J.D. degree.

For more information on the program and our conferences, please visit <http://spaceandtelecomlaw.unl.edu>.

### **Degrees:**

- 1) LL.M. (Master of Laws) in Space and Telecommunications Law (24 credit hours; requires prior J.D. degree from US law school or foreign law degree)
- 2) J.D. (Juris Doctorate) with specialization (certificate in area of concentrated study) in Space and Telecommunications Law
- 3) J.S.D. (Doctorate of Juridical Sciences) in Space Law (Dissertation Book Project).
- 4) M.L.S. (Master of Legal Studies) with specialization in Space and Telecommunications Law (33 credit hours) (for those students not interested in practicing law)

## **SPACE LAW COURSES**

**National Security Space Law** (1 credit hour) Course will address the national security and military aspects of space law and policy, including arms control, intelligence gathering, weaponization, rules on use of force as applied to space activities, and security and risk of space assets. (Beard)

**Space Law** (2 credit hours) Course will provide a basic overview of space law with primary emphasis on the civilian and commercial dimensions of space law and policy (including civilian government space, satellite launch, insurance, space tourism, remote sensing, and space traffic management). Course coverage will include the five major international treaties dealing directly with space (the Outer Space Treaty, Liability Convention, Registration Convention, Rescue and Return Agreement, and Moon Treaty) and the application of these Cold-War era treaties to modern space activities, “soft law” instruments attempting to regulate space, U.S. national legislation addressing space issues, as well as the mechanisms for the creation and negotiation of international space law, including the United Nations Committee on the Peaceful Uses of Outer Space, to address new or growing problems such as orbital debris. The course will include guest lecturers from the military and private sector. (von der Dunk)

**International Satellite Communications Law** (1 credit hour) The branch of space law which is focused most on practical and commercial applications without a doubt is the satellite communications sector. The present class will address the specific legal regimes dealing with satellite communications law in particular at the international level. Thus, it will address the role of the International Telecommunication Union (ITU) in allocating, allotting and assigning frequency spectrum and orbital slots/orbits, and the role of the World Trade Organization (WTO) in regulating the international trade in satellite communication services. Also, the unique roles of the international satellite organizations INTELSAT and INMARSAT, especially since their transition to privatized companies kicked off, will be addressed. Finally, other, more regional developments in the USA, Europe and elsewhere will be briefly touched upon. (von der Dunk)

**National Space Legislation** (1 credit hour) In view especially of the increasing commercialization and privatization of space activities and their applications there is an increasing need at the national level to implement the international space treaties and some other international space law, notably by means of the establishment of national space legislation, including licensing regimes dealing for example with liability issues, or other control mechanisms. Thus, the course will discuss the various ways in which countries across the world have chosen, or are choosing, to implement relevant international requirements as well as to assert national space policies by means of such national law. A prominent place in this context will be taken by discussion of national US law on such activities as satellite communications, satellite remote sensing and space tourism. This course is only open to those that have followed the Space law class of the first semester. (von der Dunk)

**European Regulation of Space and Telecommunications** (1 credit hour) This course deals with two inter-related topics. The first relates to the interaction between the EC/EU and the European Space Agency in particular in the development of European space activities and policies, with due attention to such other players as EUTELSAT and EUMETSAT, up to and including the discussions on their institutional integration. Also the development of such trans-European space projects as Galileo and the Global Monitoring for Environment and Security (GOES) project will pass scrutiny. The second deals with the way in which the EC has, since roughly 20 years, started to apply its general legislative and regulatory competencies in the area of the most prominent sector of commercial space which is satellite communications, as a key area within the larger area of telecommunications. Here, the gradual development of an Internal Market for satcom services will provide the focal point. This course is only open to those that have taken the Introduction into EC law. (von der Dunk)

**Export Control Law: International Traffic in Arms (ITAR) Regulations** (1 credit hour) Commercial space, telecommunications and cyber industries are global industries involving large amounts of international trade. Accordingly, export control regimes, both domestic and international, have a large impact on these industries. The US export control regime, particularly the International Traffic in Arms Regulations (ITAR), is of particular significance given the leading role of the United States in space, telecommunications and cyber industries. This course will provide an extensive examination of ITAR, the Export Administration Act and related Executive Orders, as well as some discussion of international export control regimes influencing US laws and regulations, and the ongoing efforts to reform the US system. (Burnett)

**Space and Satellite Business Law** (2 credit hour) U.S. Space policy has favored increasing commercialization for three decades. Over 200 commercial space launches have occurred since the first one in 1989. New commercial activities, including ferrying cargo to and from the International Space Station and performing research and experiments for the private sector on the ISS, are becoming routine. Soon human transportation and asteroid mining will be part of the commercial space landscape. This course will review and examine the history of Presidential space policies regarding space commercialization. It also will explore the work of all key federal agencies charged with licensing and regulating the commercial space transportation and satellite industries. The course will address the statutes that give these agencies this authority and the rules that the agencies administer and enforce. The role of NASA also will be explored as the nonregulatory agency that could have a significant impact on the success of private sector-led commercial space ventures. The largest portion of the course will focus on agreements that form relationships in the commercial space industry. These include Launch Service Agreements, Satellite Purchase Agreements, Transponder Sale/Lease Agreements, Non-Disclosure Agreements, Satellite Launch and In-Orbit Insurance contracts, and Hosted Payload Agreements. The course also will look at new contract forms being used by NASA in its growing role as a consumer of commercial space services, and at the agreements that set forth the relationship between the launch site operator and launch vehicle operator. The course concludes with students engaging in a simulation of a condensed commercial space business transaction – from business plan to launch. (Burnett & Schroeder, each August week before classes begin)

## **TELECOMMUNICATIONS & CYBER LAW**

**Cyber Law** (3 credit hours) This course will explore a range of legal issues in cyber domain, including cyber security, privacy, network ownership and access, private versus public regulation of cyberspace, speech in cyberspace, content as property and intellectual property in cyberspace, jurisdiction over cyberspace activities, liability of intermediaries, state and local regulation of cyberspace, and the interrelationship between technology, law, and the market as mechanisms of regulation. Students see the heightened role of metaphor and analogy in cyber law cases and are able to draw on principles and concepts learned in first-year courses and other courses to seek solutions to cyber problems. With virtually every business entity and individual in the US having a cyber presence, familiarity with cyber law is becoming a near necessity. (Hurwitz)

**Domestic Telecommunications Law** (3 credit hours) This course addresses the legal framework applied in the United States to most wireline and wireless communications (other than the internet, which is addressed in the Cyberlaw Course). The covered media include cable television, landline telephone, broadcast and satellite radio and television, and mobile technologies. The course will explore the economic, technological, national security, and statutory and constitutional issues that have shaped these media, as well as how these “persistent” issues have evolved over time. We will explore the current policy and academic debates, including spectrum policy

and frameworks for regulating similar services offered by different media platforms. We will place particular emphasis on the pervasive role of law, and how the media we use have been fundamentally shaped by legal decisions. More broadly, we explore how law affects the distribution of political and economic power in the U.S. by determining who can speak to whom, for what purpose. (Hurwitz)

**International Cyber Security: Mischief, Crime and Warfare** (3 credit hours) This course examines international legal issues related to emerging conflicts, security problems and crimes in cyberspace, as well as legal challenges presented by related new technologies. Fundamental questions presented by private and governmental roles in cyberspace and the nature of cyber technologies are addressed, as well as increasingly diverse military information operations in cyberspace (including various forms of data exploitation, espionage and sabotage). With respect to cyberwarfare, the course examines computer network attacks (efforts to disrupt, deny, degrade or destroy information in computer networks or usurp or destroy the networks themselves), the identification of legitimate targets in cyber attacks, and the application of key principles of the law of armed conflict. These principles are further applied to a growing array of new advanced military technologies which depend on satellites and telecommunications, particularly remote-controlled weapons such as unmanned aerial vehicles. The course also provides an introduction to international efforts to battle cybercrime and cyber terrorism and concludes by examining key legal aspects of intelligence operations in cyberspace, including the U.S. domestic legal framework governing foreign intelligence surveillance activities. (Beard)

**Domestic Spectrum Management Law and Policy** (1 credit hour) This course will cover the basic governing law and the policy behind the primary spectrum management debates. It will include coverage of the Federal Communications Commission (FCC)/NTIA split jurisdiction over spectrum, Title III of the Communications Act, licensing issues including auctions, licensed v. unlicensed activities, cognitive radion and special spectrum considerations behind broadcast and satellite. (Campbell)

## **OTHER RELATED COURSES**

**International Law** (3 credit hours) This course is intended to build upon and expand students understanding of international law garnered in the mandatory 1L course. The first third of the course delves in great depth into the relationship between international agreements and the US legal system as well as international law governing treaties, thus building on what all students learned in the 1L mandatory course. Mock exercises have students involved in international negotiations, litigation, and interagency meetings. The course also spends a week critically examining recent international law cases within the US Supreme Court and federal courts of appeal. (Schaefer).

**National Security Law** (3 credit hours) This course examines international and U.S. law relevant to the handling of national security matters. On the domestic level, we will study the allocation of power under the Constitution between Congress and the President with respect to war powers and will assess the role of the courts as a check on the political branches in this area, particularly as it relates to ongoing efforts to fight terrorism. Domestic statutory authorities, especially the War Powers Resolution, will also be covered. To illustrate and better understand some of the challenges confronting individual liberties in time of war, several contemporary U.S. national security problems will be examined, particularly the military detention of suspected terrorists and their trial by military commissions. Other controversial U.S. national security initiatives, such as covert intelligence operations and the targeted killing of suspected terrorists, will be assessed in the context of both domestic and international law. The second half of the course focuses on international law governing the

use of force, conflict management and collective security arrangements. Special attention will be given to the U.N. Charter, the doctrine of self-defense, arguments set forth as justifications for the unilateral use of force, intervention in internal conflicts, and the institutional framework for collective efforts to maintain international peace and security, including peacekeeping operations and peace enforcement actions. The course concludes by examining national security challenges presented by the proliferation of nuclear weapons. (Beard)

**Arms Control: Problems in Law and Technology** (2 credit hours) This course will examine the historical, political and strategic foundations of contemporary arms control and disarmament regimes and will evaluate the nature and effectiveness of supporting legal frameworks. Specific topics will include: prohibited weapons under international law; agreements banning various conventional weapons; the successes and failures of the Chemical Weapons Convention and the Biological Weapons Convention; nuclear arms limitation agreements and underlying nuclear deterrence doctrines; the Nuclear Non- Proliferation Agreement, and; future arms control initiatives related to cyber warfare, space and emerging new military technologies. (Beard)

**Introduction into European U Law** (1 credit hour) This course will provide an overview of the development of European Community law from the origins of the EEC, right through the latest developments such as the establishment of the European Union and the current transition from the failed Constitutional Treaty to the new Reform Treaty. In doing so, the unique character of the EU as a half-way house between a classical intergovernmental organization and a federal state will be explained, as well as the respective roles of the Council, the European Commission, the European Parliament and the European Court of Justice in the process of law-making - Regulations, Directives and Decisions - at the European level. Major substantive elements of EC law, such as the freedom of movement of goods, services, person and capital and the competition regime will also be briefly discussed. The course is open to anyone interested in a fundamental understanding of EU law, whether with a view to space activities or more broadly speaking. (von der Dunk)

**Administrative Law** (3 credit hours) The origin and growth of the administrative process, the development of administrative law and its impact upon traditional legal institutions, analysis of the types of federal and state administrative tribunals, their powers and functions, problems of administrative procedure, judicial and other controls upon the administrative process, special vertical studies of selected state and federal agencies. (Shavers)

**Electronic Commerce** (3 credit hours) This course will study a variety of issues arising in electronic commerce. The issues in the course fall within three broad areas. First, we will examine some of the basic practices for setting up a business in cyberspace and consider issues related to protecting commercial identity online. Second, we will consider privacy issues associated with the online environment. Finally, we will examine the application of various legal in the online environment including, the laws governing the sale of goods, payments, secured transactions, licensing, taxation and jurisdiction. A variety of state, federal and international legislation and directives will be considered including: the Communications Decency Act, the Digital Millennium Copyright Act, the Fair Credit Reporting Act, the Electronic Communications Privacy Act, the USA Patriot Act of 2001, the Gramm-Leach-Bliley Act, digital signature statutes and the Children's Online Privacy Protection Act. There are no prerequisites for the course. Participation on UNL's Blackboard will be required. (Wilson)

**International Trade Law** (3 credit hours) This course explores government regulation of international trade and the interaction between national and international rules governing trade. Specific topics covered include U.S. constitutional issues regarding the regulation of trade by the U.S. federal and state governments,

regulations regarding the importation of goods into the United States (e.g. classifying, valuing, and determining the origin of imported goods), barriers to U.S. exports, rules of the GATT and NAFTA that seek to eliminate or limit such barriers, U.S. unfair trade laws (i.e. laws designed to protect U.S. businesses from imports that have an “unfair” advantage), and the institutional and dispute settlement rules of the World Trade Organization (WTO). A visitor from the Washington D.C. trade policy community may be invited to speak. Past speakers include: U.S. Senators Chuck Hagel and Ben Nelson, Congressman Doug Bereuter and the Honorable Abner Mikva. (Schaefer)

**American Foreign Affairs Law & Policy Seminar** (3 credit hours) This seminar will explore structural/organizational issues (e.g., separation of powers, federalism) related to U.S. foreign policymaking as well as U.S. foreign policy in a number of substantive areas, such as the war on terror, non-proliferation, trade, space and telecommunications, foreign aid, global warming, relations with the European Union, relations with Latin America, etc. Previous enrollment in an international law course, although not required, will be useful background for students in the seminar. (Schaefer) (Enrollment Limit – 12; Professor Often Increases Limit at His Discretion to 18)

**International Business Transactions** (3 credit hours) This course primarily covers the private contractual aspects of international trade and some public (government regulation) aspects as well. Specific topics covered include the role of counsel in international business, international sales contracts and the Convention on the International Sale of Goods, use of distributors and agents, investing overseas, private international dispute resolution, choice of forum and choice of law clauses, international commercial arbitration, enforcement of foreign arbitral awards, extraterritorial legislation, responses to fairly and unfairly traded imports, and the Foreign Corrupt Practices Act. (Schaefer)

**Principles of Regulation** (3 credit hours) We live in a regulatory state – all lawyers address regulatory issues throughout their professional and personal lives. Day-to-day personal and business activities are governed by rules created by lawyers working for local, state, and federal entities. Private-sector lawyers work with these public entities on behalf of their clients. Private parties self-regulate (e.g., ABA regulation of lawyers; corporate governance; industry self-regulation). Beyond the practice of law, modern political discourse is dominated by discussion about regulation. As members of the legal profession, lawyers play a vital role in this discourse, informing and shaping the opinions of colleagues, friends, and families – in addition to those of policymakers – about whether and how regulatory intervention is beneficial to society. This course examines the principles of regulation that run through all of these contexts, considering what it means to regulate, why we regulate, and how we regulate. It focuses on the myriad tensions and contradictions often inherent in regulation, to equip students with critical analytical tools needed in today’s legal, political, and business environment. (Hurwitz)

# Tax Courses

(Submitted by Professors Lepard and Thimmesch)

## Academic Year 2016-2017

For more specific information – see below

	<i>Course #</i>	<i>Prerequisite</i>	<i>Fall 2016</i>	<i>Spring 2017</i>	<i>Fall 2017</i>	<i>Spring 2018</i>	<i>Comments</i>
Individual Income Tax	Law 637 4 credits		X	X	X	X	
Farm & Ranch Tax	Law 618 3 credits	Individual Income Tax				X	Offered every other academic year
International Taxation	Law 650 3 credits	Individual Income Tax				X	Offered every other academic year
Corporate Tax	Law 638 3 credits	Individual Income Tax		X		X	Spring only
Partnership Tax	Law 745 3 credits	Individual Income Tax	X		X		Fall only
State and Local Tax	Law 692 2 credits			X		TBD	
Business Planning	Law 648 3 credits	Individual Income Tax Corporate Tax Business Associations		X		X	Spring only
Estate Planning	Law 767 3 credits	Individual Income Tax pre- or co-requisite: Wills & Trusts		X		X	Spring only
Estate Planning Problems	Law 768 3 credits	Estate Planning	X		X		Fall only
Wills & Trusts	Law 639 3 credits		X	X	X	X	

### Individual Income Tax (Law 637) 4 Credit Hours

Individual Income Tax is generally offered each fall and spring semester. Professor Thimmesch will teach the course in the fall 2016 semester. Adjunct professor Don Janssen plans to teach it in the spring 2017 semester. *In light of the prerequisites for upper-level tax courses, we strongly advise students who are considering taking additional tax courses to take Individual Income Tax during the fall 2016 semester.*

### Individual Income Tax II (Law 663)

[Prerequisite - Individual Income Tax]

We will **NOT** offer Individual Income Tax II during the 2016-2017 academic year because much of the material covered in that course is now covered in the 4 credit hour Individual Income Tax course.

### Farm and Ranch Taxation (Law 618)

[Prerequisite - Individual Income Tax]

Farm and Ranch Taxation is offered **every other** academic year, usually during the spring semester. Because we offered Farm and Ranch Taxation during the spring 2016 semester, we will not offer Farm and Ranch Taxation during the 2016-2017 academic year.

**International Taxation** (Law 650)

[Prerequisite - Individual Income Tax]

We will **NOT** offer International Taxation during the spring 2017 semester. We are now planning *to offer this course every other academic year. Thus, we plan to next offer this course in the spring 2018 semester.*

**Corporate Taxation** (Law 638)

[Prerequisite - Individual Income Tax]

Corporate Taxation is generally each year during the spring semester. Corporate Tax will be offered in spring 2017 by Professor Lepard.

**Partnership Taxation** (Law 745)

[Prerequisite - Individual Income Tax]

Partnership Taxation is generally offered each year, usually during the fall semester. Partnership Tax will be offered in the fall 2016 semester by adjunct professor Tim Moll.

**State & Local Taxation** (Law 692)

[Prerequisite - None]

State & Local Taxation will be offered in spring 2017 as a two-credit hour course with Professor Thimmesch.

**Business Planning** (Law 648)

[Prerequisites - Individual Income Tax; Corporate Taxation; Business Associations]

Business Planning is usually offered each year during the spring semester. We **will** offer Business planning during the spring 2017 semester, taught by Professor Lepard.

**Tax Policy Seminar** (Law 769)

[Prerequisite - None, but Individual Income Tax is strongly recommended]

We will **NOT** offer Tax Policy Seminar in the 2016-2017 academic year.

**Estate Planning** (Law 767)

[Prerequisite - Individual Income Tax; pre- or co-requisite Wills & Trusts]

Estate Planning is generally offered each year, usually during the spring semester. In spring 2017 the course will be taught by adjunct professor Janssen. If you wish to take this course during your second year, you **must** take Individual Income Tax during the fall 2016 semester **and** Wills & Trusts during the fall 2016 semester. *Note that we will NOT offer Wills & Trusts during the summer of 2016.*

**Estate Planning Problems** (Law 768)

[Prerequisite - Estate Planning]

Estate Planning Problems is generally offered during the fall semesters. In fall 2016, the course will be taught by adjunct professor Janssen.

**Wills and Trusts** (Law 639)

[Prerequisite - None]

Adjunct professor Janssen will teach Wills & Trusts in the fall 2016 semester. Professor Shoemaker will teach the course in spring 2017.

# Clinics

(Submitted by Professor Ruser)

## Questions about Clinics Summer 2016, Fall 2016 and Spring 2017

### WHAT ARE THE CLINICAL PROGRAMS?

The Law College currently offers three clinical courses in which a selection process is conducted to determine enrollment – the Civil Clinic, the Criminal Clinic, and the Entrepreneurship Clinic. All of these Clinics are one-semester courses and are limited only to students who have attained senior standing. Enrollment limits are:

	<i>Civil Clinic</i>	<i>Criminal Clinic</i>	<i>Entrepreneurship Clinic</i>
Summer 2016	12 students	not offered	8 students
Fall 2016	14 students	8 students	8 students
Spring 2017	14 students	8 students	8 students

In addition to these semester-long clinical courses, the Law College offers an Immigration Clinic, which is a year-long clinical course in which two students can earn up to 12 hours of academic credit. Students in the Immigration Clinic are selected by an application process that takes place in February of each year.

### Civil Clinic

The caseload covers a wide range of civil problems. Typical cases include family law, veterans' matters, bankruptcy, guardianships/conservatorships, collection, landlord-tenant, housing, administrative appeals, conversion and replevin, name changes, and negligence. An effort is made to provide each student with as wide a variety of cases as possible. Students may register for either 4 or 6 hours' credit in the Civil Clinic. In addition, each semester at least five Clinic students participate in an Advance Directive Clinic held at various senior centers around Nebraska, during which students draft simple wills, durable power of attorney instruments, health care power of attorney instruments, and living wills for eligible senior clients.

The Civil Clinic has a classroom component that meets each week during the semester. The focus of the first few classes is Clinic office orientation and office management systems, client interviewing, litigation planning and negotiating, motion practice, and negotiation. After these initial classes, "case rounds" will take place each week, at which a team of students will present on one or more topics of their choosing to their Clinic colleagues. The first three classroom hours are frontloaded during the Friday before classes begin. The additional classes last two hours each during the semester at a time that is mutually convenient for students and faculty.

## **Criminal Clinic**

The Criminal Clinic is a 6 credit hour course where students spend much of the semester in the courtroom representing the State on criminal cases. Students are assigned a variety of misdemeanor and low-grade felony cases, such as theft, assault, trespassing, controlled substances, false reporting, weapons charges, etc. The Criminal Clinic has a classroom component consisting of approximately thirty (30) hours of training, practical application exercises and court observations that is frontloaded into the first few weeks of Clinic. The seminars provide the students with the necessary background to perform successfully in the Criminal Clinic. Special attention is placed on the ethics, process, and logistics of charging and trying criminal cases. Additionally, there may be follow-up classes later in the semester at a time mutually convenient for students and faculty. The Criminal Clinic classroom component does not fulfill the Law College's seminar requirement.

Following the classroom component, the class heads downtown to the Lancaster County Attorney's Office to begin working on their cases. Office hours are held from 8:30 a.m. to 11:30 a.m. and 1:30 p.m. to 4:30 p.m. and students are required to have at least one in the morning (8:30 a.m. – 11:30 a.m.) and one in the afternoon (1:30 p.m. – 4:30 p.m.). This is necessary to accommodate the court schedule and allow each student the opportunity to conduct a variety of hearings. During the spring and fall semesters, students will have three 3-hour office hours sessions per week. During the summer semester, students will have four 3-hour office hours sessions per week.

While at the County Attorney's Office, students are involved in virtually every step of the criminal justice system: determining appropriate charges after reviewing law enforcement investigations, meeting with witnesses, preparing for and conducting court hearings, negotiating pleas and presenting sentencing arguments. The insight and experience is valuable to any individual interested in criminal trial work, prosecution or defense. The Criminal Clinic is taught by Steve Schmidt.

## **Entrepreneurship Clinic**

The Entrepreneurship Clinic is a 6 credit hour course (it may be taken for 4 credit hours during the summer semester) in which students, under close faculty supervision, advise and represent startup business clients in a variety of early-stage legal matters. Typical matters include entity formation, contract drafting, intellectual property protection (particularly trademark), and advising on other transactional issues (such as employment, financing and regulatory). The Clinic includes a required classroom component (which does not fulfill the Law College's seminar requirement). The first 2 weeks of the semester consist of a series of 6 "boot camp" training sessions of 2 to 3 hours. For the remainder of the semester, 2-hour weekly sessions will be held. There is also a required outreach component consisting of at least one presentation to a University or community organization relevant to startup companies regarding timely legal topics. The Entrepreneurship Clinic is taught by Assistant Clinical Professor Brett Stohs, the Cline Williams Director of the Entrepreneurship Legal Clinic.

## **Immigration Clinic**

The Immigration Clinic is a course in which two students per year are permitted to enroll by faculty invitation only. Students enrolling in the Immigration Clinic, under close faculty supervision, represent low-income clients with immigration problems. Most of the work is in the areas of deportation defense, family-based immigrant visas, VAWA (Violence Against Women Act) self-petitions and asylum applications, although other types of immigration cases may be assigned to students from time to time at the discretion of the supervising faculty member. Students taking Immigration Clinic may not take another Clinic. Students in Immigration Clinic can expect to engage in the following types of activities: factual development and analysis, frequent client interviewing and counseling, preparation of immigration applications and supporting documentation, attendance with clients at immigration interviews, appearing in Immigration Court on behalf of clients, state and federal court appearances (as dictated by clients' legal needs), legal analysis and planning, frequent creation of written work product (including but not limited to legal memoranda, briefs, letters, and so forth), analysis and resolution of professional ethics issues, and other skills necessary to function effectively as lead counsel on a variety of immigration cases.

### **WHAT WILL I LEARN IN CLINIC?**

The primary goal of the Clinics is to expose you to the practice skills that give you a head start when you enter the practice of law. Toward that end, you have all of the rights and responsibilities of a practicing lawyer, which means that you will learn several specific skills during your work on cases. Because Clinic cases are real cases, Clinic students' experiences will not be uniform. However, students will have an opportunity to develop a number of legal skills during their time in the Clinic. For example, in the Civil and Criminal Clinics you almost certainly will analyze factual and legal issues, draft pleadings, interview clients and witnesses, conduct informal and formal discovery, engage in negotiations with opposing parties, and prepare and argue pretrial motions. Depending on the posture of your cases, you will also conduct trials (both bench and jury trials), write briefs, and argue appeals. Similarly, in the Entrepreneurship Clinic you will likely draft agreements, form a legal entity, and advise clients on complex legal and business issues. In the Immigration Clinic, you will have close contact with clients and with administrative agencies and courts involved in administering U.S. immigration laws. In all Clinics, you will also be exposed to law office management techniques that include time-keeping and time-management skills.

### **WHERE ARE THE CLINICS LOCATED?**

Through the fall semester of 2016, the Civil Clinic and Immigration Clinic are located in Room 172 of the Welpton Courtroom. The Entrepreneurship Clinic is located in Room 7 (Lower Level) of McCollum Hall. The Criminal Clinic operates out of the Lancaster County Attorney's Office located on the fourth floor of the Justice and Law Enforcement Center at 575 So. 10<sup>th</sup> Street in Lincoln. As of the spring semester of 2017, the Civil, Immigration and Entrepreneurship Clinics will operate out of the Law College's new clinical wing. Although Criminal Clinic students will continue to operate out of the Lancaster County Attorney's Office for the bulk of their time, they will be using facilities in the new clinical wing for non-case-related activities, such as classroom work and other activities as determined by Professor Schmidt.

### **WHICH CLINIC SHOULD I TAKE?**

What depends on your interests. The most obvious differences among the Clinics are whether you wish to handle litigation matters, administrative matters, or business and transactional matters. Between the two litigation Clinics, you should also consider the type of cases handled – criminal versus civil. Another important difference between the litigation Clinics is the area of concentration. The Civil Clinic, because of its civil caseload, primarily deals with procedure prior to trial, such as pleadings, motions, discovery, etc. Although a number of cases do go to trial, most cases are settled prior to trial, as is typical in a civil practice setting. Another experience that Civil Clinic students have with some frequency is arguing appeals.

The Criminal Clinic, on the other hand, tries many more cases than the Civil Clinic despite the fact that many cases are plea bargained, resulting in no trial. Students taking the Criminal Clinic will be in the courtroom nearly every day they are present in the Clinic. One basis, therefore, in selecting between the litigation Clinics is whether you are interested in trial experience or experience with procedure prior to trial and appellate argument.

## **ARE THERE ANY PREREQUISITES TO TAKING THE CLINICS?**

The major prerequisite for all Clinics is that you must be of senior standing. **You are responsible for determining whether or not you will be of senior standing during the semester or year you plan on taking Clinic.** If you are unsure, you should check with the Registrar in the dean's office.

**Civil Clinic** - Pretrial Litigation is a pre- or co-requisite for Civil Clinic. Trial Advocacy is strongly preferred, and as a result, students who have taken Trial Advocacy will be given a preference in the Civil Clinic lottery.

**Criminal Clinic** - Trial Advocacy is a prerequisite for Criminal Clinic.

**Entrepreneurship Clinic** - Business Associations and Individual Income Tax are prerequisites for the Entrepreneurship Clinic. Legal Profession is recommended but not required.

**Immigration Clinic** - There are no prerequisites as such for Immigration Clinic, but emphasis is placed on selecting students who have a demonstrated commitment to and involvement in immigration matters. It is helpful, although not essential, for students to take one or more of the immigration-related classes taught at the Law College. Administrative Law is also a helpful course.

## **HOW MANY HOURS A WEEK WILL I BE WORKING?**

For the fall and spring semesters, students in the Criminal Clinic have scheduled office hours for nine hours a week. For the summer semester, students in the Criminal Clinic have scheduled office hours for 12 hours a week. In addition to the scheduled hours, the students must spend whatever additional time is necessary to attend their court hearings (which are often not scheduled during their office hours) and complete their case work.

Students taking Civil Clinic for six credit hours are required to be present in the Clinic offices for three hours on each of three different days during the week. Students taking Civil Clinic for four credit hours are required to be present in the Clinic offices for two hours on each of three different days.

The total time required for either litigation Clinic generally runs between 15 to 20 hours per week, (10 to 13 hours per week if you are taking Civil Clinic for 4 credit hours), but this total can vary from week-to-week depending on the demands of the cases.

The Entrepreneurship Clinic requires at least 240 hours of total work (modified slightly for students taking 4-credit hours during the summer session). During a 14-week semester, this averages out to 17-18 hours per week. This includes all client work and related meetings, all classroom meetings, class preparation and written reflections, outreach presentations, networking events, and other supplemental activities assigned by the director in furtherance of the Clinic's pedagogical goals. Students are also required to spend at least six hours per week of "face time" in the Clinic office during regularly scheduled office hours spanning at least 3 weekdays that are not all consecutive.

Students taking the Immigration Clinic are required to be present in the Clinic for three hours on each of three different days during the week.

## **HOW ARE STUDENTS SELECTED FOR THE CLINICS?**

Beginning with registration conducted during the spring semester 2016, all students except those interested in the Immigration Clinic will be selected by an application and lottery held during the pre-registration period in the spring. In other words, students interested in taking any Clinic other than Immigration Clinic during the upcoming summer, fall or spring must apply and register during the registration period held in the spring. The application deadline is announced in the Sounding Block and by email to student listservs. To apply for a Clinic, students complete an application form and other required documents on line. Further information and the on-line forms are found on the Clinics' web sites. The dean's office emails the selection results to students selected. Students in the Immigration Clinic are selected through an application process conducted in February of each year.

Students may only take one Clinic in any one semester; however, students wishing to be considered for more than one Clinic during the course of a year should sign up to be considered for multiple Clinics (in which case, students must rank their Clinic preferences). The preference given is taken account of to the extent possible. *This is not the case for students taking the Immigration Clinic. Students taking the Immigration Clinic are not eligible to take any other Clinics.*

**NOTE: If you have submitted an application and such application has not been revoked prior to the date the lottery is held and determinations are made, it is considered an irrevocable commitment on your part to register in the course upon being selected.** The reason for this rule is the administrative difficulties of switching students after the lottery period.

## **I AM PARTICIPATING IN A PROGRAM OF CONCENTRATED STUDY – DOES THAT MATTER?**

Yes. If you are participating in the Litigation Skills Program of Concentrated Study, you have priority over non-Program students to get into the Civil or Criminal Clinic. In order to prevent manipulation of the Clinic application and lottery process, the dean's office will verify that all Program students signing up for a Clinic have a realistic chance of completing Program requirements before such students are given priority over non-Program students in the lottery.

If you wish to participate in the Entrepreneurship Legal Clinic, your participation in the Business Transactions Program of Concentrated Study demonstrates an interest in transactional law that will be relevant to the selection process.

## **I AM ALREADY A CLERK – WHY SHOULD I TAKE CLINIC?**

In Clinic, **you** will be lead counsel on all the cases. For example, in Civil Clinic, you meet with and interview clients and witnesses, you take the depositions, you draft, sign and file the pleadings, you conduct the trials, you argue the appeals. In Criminal Clinic, you review police reports to determine if charges should be filed, you draft the charges, you direct further follow-up investigation, you interview witnesses, you negotiate with pro se and represented defendants, you conduct hearings, bench trials, and possibly even jury trials. In Entrepreneurship Clinic, you conduct client interviews, draft agreements, and advise on complicated issues of corporate formation, governance, and other issues relevant to each client. In short, in Clinic **you** are primarily responsible for the cases, which gives you direct experience that you will not get in most clerking jobs.

Another reason to take Clinic even if you are clerking is that the primary purpose of the Clinics is to develop your legal skills. As a result, the main factor in selecting Clinic cases is the educational value they present for the Clinic students. Clinic faculty carefully monitor the number of cases and the type of cases selected in order to maximize students' learning opportunities. The Clinic faculty also make every effort to work closely with students on each case so that the students will have an opportunity to discuss strategy, think through legal options, and understand why a course of action is best. By contrast, firms for which you clerk are mainly concerned with completing work on the cases -- that is how they remain financially viable. That goal often means that clerks' education about or participation in the cases takes a back seat to the business of representing clients and making money. This is not to say that the firms' approach is wrong -- it is simply a different focus than you will find in the Clinics.

As a former student put it, "I didn't realize it at the time, but Clinic was the last time -- heck, the only time -- I had a chance actually to think about why I was doing certain things. In retrospect, I really appreciate the fact that I could reflect on what I was doing and why."

## CAN I TAKE CLINIC AND ALSO CLERK?

You can do both as long as you realize that Clinic responsibilities take priority; that is, when a conflict over time or scheduling arises, the Clinic wins. However, we recommend that students do not clerk and take Clinic at the same time. If you decide to do both, you should be mindful to not overcommit your time. Our experience suggests that students who take a Clinic while clerking are not able to commit the same level of time and energy in Clinic as students who are not clerking.

Although the bright line rule has been altered by the Nebraska Supreme Court, there are still some conflict considerations that apply. You therefore will be asked to complete a Clinic Questionnaire. **You must turn in the completed Clinic Questionnaire as part of the on-line application process by the deadline specified.** If the Clinic faculty members see any problem with conflicts, you will be notified as soon as possible so that you and the faculty can discuss your options.

**If you are selected for a Clinic, it is your responsibility to inform the appropriate Clinical faculty member of any anticipated or actual changes in your situation. This responsibility continues from the time you are selected for Clinic through the end of your Clinic semester.** This is necessary because of the potential for conflicts of interest developing as a result of different employment.

## CAN I TAKE MULTIPLE CLINICS?

Yes, you may apply to take multiple Clinics. However, we will work to ensure that all students who apply are able to participate in at least one Clinic before making spaces available to students for an additional

Clinic. This is not true of students who are selected to participate in the Immigration Clinic – those students are not eligible to take any other Clinic.

### **WHAT IF I HAVE QUESTIONS NOT ANSWERED HERE?**

Call us or come see us. Until the spring of 2017, the Civil Clinic and Immigration Clinic are located at Room 172 in the Welpton Courtroom Building. The phone number is 472-3271. You may contact Kevin Ruser at [kruser1@unl.edu](mailto:kruser1@unl.edu) or Ryan Sullivan at [sullivan@unl.edu](mailto:sullivan@unl.edu) regarding questions about the Civil Clinic, and Professor Ruser for questions about the Immigration Clinic.

The Criminal Clinic is located in the Lancaster County Attorney's Office on the fourth floor of the Justice and Law Enforcement Center at 575 So. 10<sup>th</sup> Street in Lincoln. You may contact Steve Schmidt at [sschmidt@lancaster.ne.gov](mailto:sschmidt@lancaster.ne.gov) or [steven.j.schmidt@unl.edu](mailto:steven.j.schmidt@unl.edu) or phone him at 441-8162.

The Entrepreneurship Clinic is located in Room 7 (lower level) of McCollum Hall. You may contact Brett Stohs at [bstohs@unl.edu](mailto:bstohs@unl.edu) or 472-7383.

# Business Transactions Program Concentration

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The Business Transactions Program of Concentrated Study at the College of Law [<http://law.unl.edu/business-transactions/>] is designed for students who seek a focus on the legal aspects of business transactions during their time at the Law College. The Business Transactions Program of Concentrated Study has three purposes:

- (1) to recommend those courses the faculty believes are important for the student and to encourage students to develop the skills and knowledge of doctrines necessary to be an effective and competent attorney advising clients on business transactions;
- (2) to sequence those courses in such a way that students will gain maximum benefit from the skills and doctrines the courses teach; and
- (3) to recognize the achievements of those students completing the Business Transactions Program of Concentrated Study.

The faculty recognizes that, among other skills, effective and competent business lawyers must have the ability to analyze and work with substantive doctrines in a variety of areas and the ability to bring to their practices the perspectives of different schools of thought and different disciplines. Therefore, the faculty also encourages students participating in the Business Transactions Program of Concentrated Study to take a broad sampling of courses that emphasize different areas of the law and the perspectives of different disciplines.

***Students are encouraged to declare their intention to participate in the Business Transactions Program of Concentrated Study as early as possible, so they can plan their course of studies appropriately.***

The College of Law will recognize a student who successfully completes the Business Transactions Program of Concentrated Study by making a notation on the student's transcript and by awarding the student with a certificate of recognition at the time of the student's graduation. Completion of the Business Transactions Program of Concentrated Study does not certify one as an expert in business law, but merely recognizes that one has completed courses in certain basic areas essential to lawyers advising clients on business transactions.

The Dean's Office shall designate a Program Coordinator to administer the requirements of the Business Transactions Program of Concentrated Study. The responsibilities of the Program Coordinator include:

- (1) assisting students in completing all Program requirements;
- (2) considering and approving requests from individual students to take non-Program courses in fulfillment of Program requirements due to a required or recommended Program course being unavailable; and
- (3) carrying out any other responsibilities necessary to administer the Business Transactions Program of Concentrated Study.

## **Business Transactions Program of Concentrated Study**

The Business Transactions Program of Concentrated Study is designed for students who seek to develop their understanding of business law doctrine and transactional skills during their time at the College of Law.

### **Required Courses**

In addition to successfully completing the usual requirements for graduation from the College of Law, all students in the Business Transactions Program of Concentrated Study shall successfully complete the following courses:

1. **Accounting for Lawyers** (3 credit hours) (requirement waived if the student successfully completed at least three semester hours of basic accounting as an undergraduate or graduate student)
2. **Taxation – Individual Income Tax** (4 credit hours)
3. **Business Associations** (3 or 4 credit hours)
4. **Taxation – Corporate** (3 credit hours) [Prerequisite: Taxation-Individual Income Tax]
5. **Securities Regulation** (3 credit hours) [Prerequisite: Business Associations]
6. **Business Planning** (3 credit hours) [Prerequisites: Taxation-Individual Income Tax; Business Associations; Taxation-Corporate\*]

The Business Planning course is the culmination of the Business Transactions Program of Concentrated Study. It draws on tax law, corporate law, partnership law, securities law, and other related subject areas and provides students with the opportunity to plan hypothetical but realistic business transactions. We also strongly recommend that students take Entrepreneurship Clinic even though it is not required for the program.

Two additional courses are also very important for students advising small business clients: **Taxation-Partnership** and **Estate Planning**. They are not required, but they are also strongly recommended.

\* Students in the Business Transactions Program of Concentrated Study must complete Securities Regulation prior to taking Business Planning. Securities Regulation is not ordinarily a prerequisite to Business Planning, but students who take the courses concurrently will not meet the requirements of the Business Transactions Program of Concentrated Study. Therefore, students should take Securities Regulation in their second year of law school.

## Other Recommended Courses

*The best business lawyers are those with a broad background in the law. No single required program can anticipate the many areas a particular lawyer might need to draw upon. We strongly encourage you to take a broad variety of courses, not just those in the business transactions area.*

Students participating in the Business Transactions Program of Concentrated Study are encouraged to take:

- Evidence
- At least one course with an international component
- At least one Uniform Commercial Code course

We also recommend

- Arbitration
- Corporate Finance
- Employment Law
- Estate Planning
- Estate Planning Problems
- Wills & Trusts

One or more of the following courses might also be of particular interest to those participating in the Business Transactions Program of Concentrated Study:

- Antitrust and Trade Regulation
- Banking Law
- Criminal Law II
- Insurance Law
- International Business Transactions
- Investment Companies and Investment Advisors
- Labor Law
- Pension and Employee Benefits
- Real Estate Transactions
- Tax Policy Seminar
- Taxation-Farm & Ranch
- Taxation-International
- Taxation-Partnership
- Unfair Competition

## Business Transactions Program of Concentrated Study

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Year in School: \_\_\_ 1L \_\_\_ 2L \_\_\_ 3L \_\_\_ Other: \_\_\_\_\_

I had 3 or more hours of Accounting as an undergraduate student: \_\_\_ Yes \_\_\_ No

*You can register for this program online at <http://law.unl.edu/business-transactions/> or by returning this form to the Registrar's Office when completed.*

# Intellectual Property Law Program of Concentration

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The University of Nebraska College of Law offers a Program of Concentrated Study in Intellectual Property Law [<http://law.unl.edu/intellectual-property/>] for students who wish to focus on this dynamic and expanding area of the law. Intellectual Property Law is increasingly important to business and commerce in our global economy. Included within the scope of Intellectual Property (IP) are industrial products like machines, processes, plants, and technical know-how; high tech products such as computer software and biotechnology; entertainment products such as movies, music, and literature; information products such as databases; and the names, marks, and symbols used to identify businesses and their products and services. The Program of Concentrated Study in Intellectual Property Law is open to students who wish to focus on patent law as well as to students who may choose to focus on entertainment, art, communications or related areas of law.

## *Intellectual Property Law*

Intellectual Property Law consists primarily of three interrelated substantive areas: Patent Law, Copyright Law, and Trademark Law. A single innovation can raise issues that cut across all three of these legal regimes. In addition, IP attorneys are frequently called upon to give advice on related areas of law such as Trade Secret Law, which governs the protection of confidential commercial information, and the Right of Publicity, which governs the commercial exploitation of a person's identity.

*Patent Law.* The Constitution of the United States authorizes Congress to grant inventors a limited exclusive right to their discoveries. Congress first exercised this authority in 1790. Patents may be granted to anyone who invents or discovers any new, useful, and "non-obvious" process, machine, manufacture, or composition of matter. The inventor must file a patent application with the United States Patent and Trademark Office (USPTO), which then determines whether the invention meets the strict statutory criteria that Congress has established for the grant of a patent. If a patent is issued, the owner has the authority to exclude others from making, using, offering for sale, selling, or importing the patented invention. At one time patented inventions consisted primarily of machines, manufacturing processes, and chemical compounds such as pharmaceuticals. Today, innovations in biotechnology, computer and internet-related inventions, and even methods of doing business are regularly submitted to the USPTO.

*Copyright Law.* The U.S. Constitution also authorizes Congress to grant authors the exclusive right to their writings. "Writings" eligible for protection under the Copyright Act include literary, musical, pictorial, and sculptural works, along with motion pictures, sound recordings, and architectural works. These broad categories include works like computer software, databases, and even some aspects of utilitarian works like consumer goods. The owner of a copyright has the exclusive right to reproduce and distribute copies of the work, as well as the exclusive right to perform and display it. All of these rights, however, are subject to the public's right to make "fair use" of the work without the permission of the copyright owner. Unlike a patent, copyright protection does not require an application to a government agency, although the Copyright Office maintains a registration system that offers significant benefits to copyright owners. In the past two decades, the rapid development of computer technology, especially the internet, has created new opportunities for the use and dissemination of copyrighted works—and also raised questions about the scope of fair use and whether the "old" ways of thinking about copyright are adequate in a digital world.

*Trademark Law.* Trademarks are words or symbols used by a business on its goods or services to distinguish them from the goods or services sold by others. The protection of trademarks enables businesses to

benefit from the good will they have established with their customers and also protects the customers from confusion about the source of the goods or services that they buy. Trademark protection does not require a government application, but significant advantages are available to a trademark owner who is successful in obtaining a trademark registration from the USPTO. The use of trademarks as part of internet domain names, and on web pages, and in internet advertising has generated a multitude of new issues in trademark law.

### ***Intellectual Property Law Attorneys***

Intellectual property is a vital component of the United States economy. Local, national, and international companies in nearly every industry rely on intellectual property for the success of their business, and thus also rely on attorneys well-versed in intellectual property protection, management, and enforcement. Intellectual property has become increasingly global as U.S. companies seek to expand into international markets. United States “intellectual property” industries in the manufacturing and nonmanufacturing sectors generate roughly one-third of total U.S. GDP and approximately two-thirds of total U.S. exports. The core copyright industries (music, motion picture, television, print, and software), for example, now outpace the chemical, aircraft, auto, and agricultural industries in foreign sales. The economic significance of intellectual property is reflected in the marketplace for IP attorneys. Intellectual Property Law regularly appears on the various lists of “hot” practice areas.

Intellectual property attorneys work in a variety of settings. Some work in law firms that specialize in Intellectual Property Law, offering client services in patent, copyright, trademark, and IP litigation. Increasingly, large and medium-sized general practice firms are developing their own Intellectual Property Law departments in order to offer their clients a full range of legal services. Even small firms now frequently seek to include an attorney with the expertise to offer basic IP services to clients as the need arises. In addition, large corporations that produce or consume intellectual property often have in-house IP attorneys who specialize in the particular IP needs of that organization. IP attorneys also work at research universities and government agencies.

Intellectual property attorneys perform a variety of roles for their clients or employers. They may be called on, for example, to give an opinion as to whether a particular innovation is protectable under one or another of the various forms of intellectual property law, or whether a particular business model that relies on the creation or use of intellectual property is viable. IP attorneys draft the complex patent applications and trademark registration applications that are submitted to the USPTO and then act as advocates before the agency on behalf of their clients’ claims. IP attorneys also negotiate and draft licensing agreements that allow clients to market their intellectual property to interested users or that provide access to another’s intellectual property that a client wishes to exploit. IP attorneys are also frequently litigators, initiating infringement lawsuits to protect their clients’ intellectual property rights, or defending their clients against charges of infringement brought by other intellectual property owners.

### ***Program of Concentrated Study in Intellectual Property Law***

A good IP attorney must first and foremost be a good attorney. The requirements for the Program of Concentrated Study in Intellectual Property Law are designed to insure that participants have the opportunity to take full advantage of the strong foundational education in law available at the University of Nebraska College of Law. Students with a particular interest in law and technology can also take advantage of the course offerings available through the College of Law’s renowned program in Space, Cyber, and Telecommunications Law.

Students in the Program of Concentrated Study in Intellectual Property Law must successfully complete at least two of the following three courses or seminars:

Copyright Law  
Patent Law  
Trademark and Unfair Competition Law

In addition, students who complete two of the above classes must also successfully complete at least three of the following elective courses or seminars; students who complete all three of the above classes must also successfully complete at least two of the following elective courses or seminars:

Antitrust Law  
Cyberlaw  
Entertainment Law  
First Amendment: Freedom of Speech & Press  
International Intellectual Property Law & Remedies

An alternate course may be substituted for one of the elective courses with the prior approval of the Coordinators of the Program. Participating students may receive a preference in registering for limited-enrollment classes within the scope of the Program.

Students who may be interested in participating in the Program of Concentrated Study in Intellectual Property Law are encouraged to meet with one of the Coordinators of the Program during the spring semester of their first year at the College of Law. The current Coordinator is Professor Robert Denicola. Students will normally declare their intention to participate in the Program prior to the start of their second year at the College of Law. Students are admitted to the Program upon submission of a Program Application Form approved by the Coordinator. Students may not join the Program after the drop/add date at the beginning of their third year at the College of Law.

The University of Nebraska College of Law will recognize students who complete the Program of Concentrated Study in Intellectual Property Law by making a notation of successful completion on the student's transcript and by awarding a certificate of recognition at the time of the student's graduation from the College of Law.

# Program of Concentrated Study in Intellectual Property Law

To complete the Program of Concentrated Study in Intellectual Property Law, students must successfully complete a total of five courses or seminars from the following lists, including at least two courses or seminars from the list of “required” courses. With the prior approval of the Program Coordinators, an alternate course may be substituted for one of the elective courses.

## Required Courses (at least two)

Copyright Law Semester \_\_\_\_\_ Year \_\_\_\_\_

Patent Law Semester \_\_\_\_\_ Year \_\_\_\_\_

Unfair Competition Law Semester \_\_\_\_\_ Year \_\_\_\_\_

## Elective Courses

Antitrust Law Semester \_\_\_\_\_ Year \_\_\_\_\_

Cyberlaw Semester \_\_\_\_\_ Year \_\_\_\_\_

Entertainment Law Semester \_\_\_\_\_ Year \_\_\_\_\_

First Amendment: Freedom  
of Speech & Press Semester \_\_\_\_\_ Year \_\_\_\_\_

International IP Law & Remedies Semester \_\_\_\_\_ Year \_\_\_\_\_

## Approved Alternate Course

Title \_\_\_\_\_ Semester \_\_\_\_\_ Year \_\_\_\_\_

Participating Student: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature Date

Program Coordinator \_\_\_\_\_  
Robert Denicola Date

# Litigation Skills Program of Concentrated Study

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The Litigation Skills Program of Concentrated Study at the College of Law [<http://law.unl.edu/litigation/>] is designed for students who seek a litigation focus during their time at the Law College. The purpose of the Litigation Skills Program of Concentrated Study is threefold: (1) to recommend those courses the faculty believes are important for the study and development of skills, values and doctrines necessary to be an effective and competent litigator; (2) to sequence those courses in such a way that students will gain maximum benefit from the skills, values and doctrines the courses teach; and (3) to recognize the achievements of those students completing the Litigation Skills Program of Concentrated Study.

The faculty recognizes that, among other skills, every effective and competent litigator requires the ability to analyze and work with substantive doctrines and the ability to bring to litigation the perspectives of different schools of thought and different disciplines. Therefore, the faculty also encourages students participating in the Litigation Skills Program of Concentrated Study to take a broad sampling of doctrinal courses that emphasize different areas of law and the perspectives of different disciplines.

Students are encouraged to declare their intention to participate in the Litigation Skills Program of Concentrated Study as early as possible, so they can plan their course of studies appropriately. Students who have identified themselves as participants in the Litigation Skills Program of Concentrated Study will be given priority over non-Program students in some of the required or recommended courses. Those courses in which Litigation Skills Program of Concentrated Study students will receive priority are indicated in the description of the Litigation Skills Program of Concentrated Study. The College of Law will recognize a student who successfully completes the Litigation Skills Program of Concentrated Study by making a notation in the student's transcript and by awarding the student a certificate of recognition at the time of the student's graduation.

The Specialized Litigation Skills Courses are frequently oversubscribed and students often have difficulty in being able to take the necessary two skills courses before graduating. **IT IS STRONGLY RECOMMENDED** that you begin participation in the lotteries for the skills courses as early in your law school career as possible.

The Dean's Office has designated Professors Ruser, Sullivan, and Schmidt, and Dean Pearce as the Program Coordinators to administer the requirements of the Litigation Skills Program of Concentrated Study. The responsibilities of the Program Coordinators include: (1) assisting students who seek recognition for completion of the Litigation Skills Program of Concentrated Study in completing all Program requirements; (2) considering requests from individual students to take non-Program courses in fulfillment of Program requirements due to a required or recommended Program course being unavailable; (3) adding courses to the Program requirements as such courses are adopted by the faculty ; and (4) any other responsibilities necessary to administer the Litigation Skills Program of Concentrated Study, including but not limited to deleting courses from the Program requirements if courses are either not taught at all or are not taught with sufficient frequency to be realistically available to students.

The Litigation Skills Program of Concentrated Study is designed for students who seek to develop their litigation skills during their time at the College of Law. Students may choose a general litigation focus or may choose to focus on either civil or criminal litigation skills. Students may elect to have their certificate of completion of the Litigation Skills Program of Concentrated Study indicate a civil emphasis, a criminal emphasis, or a general emphasis in litigation skills.

## **REQUIRED COURSES**

All students in the Litigation Skills Program of Concentrated Study at the College of Law shall take and pass the following courses:

## **FIRST YEAR**

Students must take and pass all required first-year courses in order to complete successfully the Litigation Skills Program of Concentrated Study.

## **SECOND AND THIRD YEARS**

### *General Emphasis*

Students who wish to pursue a general emphasis in litigation skills shall take and pass the following courses: Civil Clinic\* and/or Criminal Clinic\* or Immigration Clinic\*\*, Criminal Procedure, Evidence, Pretrial Litigation, and Trial Advocacy.

### *Civil Emphasis*

Students who wish to emphasize civil litigation skills shall take and pass the following courses: Civil Clinic\* or Immigration Clinic\*\*, Evidence, Pretrial Litigation, and Trial Advocacy.

### *Criminal Emphasis*

Students who wish to emphasize criminal litigation skills shall take and pass the following courses: Criminal Clinic\*, Criminal Procedure, Evidence, and Trial Advocacy.

(\*Program students have priority over non-Program students in these courses)

(\*\*Students enrolled in Immigration Clinic cannot enroll in either Civil or Criminal Clinic)

## **SPECIALIZED LITIGATION SKILLS COURSES (TWO COURSES)**

In addition to the required courses listed above, students in the Litigation Skills Program of Concentrated Study shall take at least two courses from the following block of specialized litigation skills courses during their second and third years at the College of Law:

- Advanced Legal Research
- Advanced Trial Advocacy\*
- Advocacy in Mediation
- Appellate Advocacy\*
- Capstone Course in Labor and Employment Law
- Client Interviewing and Counseling
- Construction Practice
- Family Law Practice
- Mediation
- Negotiations
- Satisfactory participation as a member of one of the following student competition teams:
  - National Trial Team, National Moot Court Team, or Regional Client Counseling Team
  - (\*Program students have priority over non-Program students in these courses)

## **SEMINAR**

Students in the Litigation Skills Program of Concentrated Study are encouraged to complete at least one litigation-related paper in a senior level seminar.

To declare your intention to participate in the Litigation Skills Program of Concentrated Study, go to the Law College website at <http://law.unl.edu/litigation/>. In the Navigation column near the top of the page, find the Current Student category. Under that category, you will see a link to Academics. Click on that link. Scroll down to the middle of the page, then click on Litigation in the box next to Programs of Concentrated Studies. In the body of the description of the Litigation Skills Program, click on the red words "REGISTRATION FORM."

**Suggested Course Sequencing for Litigation Skills**  
**Program of Concentrated Study**

**Civil Emphasis**

<b>Courses Required</b>	<b>Fall</b>	<b>Spring</b>	<b>Summer</b>
Civil Clinic*	<i>Offered every fall</i>	<i>Offered every spring</i>	<i>Offered every summer</i>
Evidence	2016		
Immigration Clinic*	<i>Offered every fall</i>	<i>Offered every spring</i>	<i>Offered every summer</i>
Pretrial Litigation	<i>Offered every fall</i>	<i>Offered every spring</i>	
Trial Advocacy		<i>Offered every spring</i>	

\*Civil Emphasis requires either Civil Clinic or Immigration Clinic

**Criminal Emphasis**

<b>Courses Required</b>	<b>Fall</b>	<b>Spring</b>	<b>Summer</b>
Criminal Clinic*	2016	2017	<i>Offered on “odd-numbered” years only</i>
Criminal Procedure	2016	2017	
Evidence	2016		2016
Trial Advocacy		<i>Offered every spring</i>	

\*Criminal Emphasis requires Criminal Clinic

**General Emphasis**

<b>Courses Required</b>	<b>Fall</b>	<b>Spring</b>	<b>Summer</b>
Civil Clinic*	<i>Offered every fall</i>	<i>Offered every spring</i>	<i>Offered every summer</i>
Criminal Clinic*	2016	2017	<i>Offered on “odd-numbered” years only</i>
Criminal Procedure	2016	2017	
Evidence	2016		
Immigration Clinic*	<i>Offered every fall</i>	<i>Offered every spring</i>	<i>Offered every summer</i>
Pretrial Litigation	<i>Offered every fall</i>	<i>Offered every spring</i>	
Trial Advocacy		<i>Offered every spring</i>	

\*General Emphasis requires one of the above clinics

Two additional Specialized Litigation Skills Courses must be taken as well. Consult class schedule for semesters during which those courses are taught.

# Solo and Small Law Firm Program of Concentration

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The Solo and Small Law Firm Program of Concentrated Study [<http://law.unl.edu/solo-small-firm-practice/>] is designed for students who desire to practice law as a sole practitioner or in a small law firm. The Solo and Small Law Firm Program of Concentrated Study has four purposes:

1. To recommend those courses the faculty believes are important for the student to be an effective and competent attorney in a solo law practice or a small law firm setting generally, while at the same time giving the student the flexibility to tailor their law school training toward particular areas of legal expertise and/or a particular geographic location.
2. to sequence those courses in such a way that students will gain maximum benefit from the skills and doctrines the courses teach;
3. to encourage students to begin to develop law firm management skills while in law school; and
4. to recognize the achievements of those students completing the Solo and Small Law Firm Program of Concentrated Study.

The faculty recognizes that effective and competent lawyers who are sole practitioners or who work in small law firms must have the ability to analyze and work with substantive legal doctrines in a variety of areas. They may begin as general practitioners, but tend to develop a special expertise in one or two practice areas over time. Therefore, the faculty encourages students participating in the Solo and Small Law Firm Program of Concentrated Study to take a broad set of courses that emphasize different areas of the law, but also to study one or two areas in greater depth, and to customize their course of study in light of their future career goals.

***Students are encouraged to declare their intention to participate in the Solo and Small Law Firm Program of Concentrated Study as early as possible, so they can plan their course of studies appropriately.***

The College of Law will recognize a student who successfully completes the Solo and Small Law Firm Program of Concentrated Study by making a notation on the student's transcript and by awarding the student with a certificate of recognition at the time of the student's graduation. Completion of the Solo and Small Law Firm Program of Concentrated Study recognizes that the student has pursued a course of study in certain basic areas that lay a foundation to practice law as a sole practitioner or in a small law firm.

The Dean's Office shall designate a Program Coordinator to administer the requirements of the Solo or Small Law Firm Program of Concentrated Study. The responsibilities of the Program Coordinator include:

1. assisting students in completing all Program requirements;
2. considering and approving requests from individual students to take non-Program courses in fulfillment of Program requirements due to a required or recommended Program course being unavailable; and
3. carrying out any other responsibilities necessary to administer the Solo and Small Law Firm Program of Concentrated Study.

## Solo and Small Firm Program of Concentrated Study

Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

The Solo and Small Law Firm Program of Concentrated Study is designed for students who desire to customize their law school training toward the future establishment of a solo or small firm practice.

In addition to successfully completing the usual requirements for graduation from the College of Law, all students in the Solo and Small Law Firm Program of Concentrated Study shall successfully complete the following courses:

*Semester the course was (or is to be) taken*

### **Required Courses**

Law Office Management (2 hr) \_\_\_\_\_

One of the following clinics:

Civil Clinic \_\_\_\_\_

Immigration Clinic \_\_\_\_\_

Criminal Clinic \_\_\_\_\_

Entrepreneurship Clinic \_\_\_\_\_

Four of the following courses:

Business Associations (3 or 4 hr) \_\_\_\_\_

Criminal Procedure (3 hr) \_\_\_\_\_

Family Law (3 hr) \_\_\_\_\_

Individual Income Tax (4 hr) \_\_\_\_\_

Wills & Trusts (3 hr) \_\_\_\_\_

### **Areas of Focused Study**

Choose 1 area of Focused Study and 2 classes within that area from the next page.

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Program Coordinator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Colleen Medill)

### Areas of Focused Study

Students must take at least two classes or seminars from within one of the following areas of focused study. All classes are recommended. Students should consider their own interests as well as the likely future location of their legal practice in selecting an area of focused study.

*Indicate your area of Focused Study from the selection below*

**Commercial and Banking Law**

- Banking Law
- Bankruptcy Law
- Commercial Law: Sales
- Insurance Law
- Payment Systems
- Real Estate Transactions
- Secured Transactions

**Employers and Employment**

- Employment Law
- Labor Law
- Employment Discrimination

**Entrepreneurship & Infrastructure Development**

- Accounting for Lawyers
- Business Planning
- Construction Law
- Construction Law Practice
- Corporate Tax
- Cyberlaw
- Domestic Telecommunications Law
- Electronic Commerce
- Patent Law
- Unfair Competition

**Families, Health & Education**

- Education Law
- Elder Law
- Estate Planning
- Family Law  
(if not taken as a required course)
- Family Law Practice
- Juvenile Law
- Law of Provider & Patient

**Government**

- Administrative Law
- Land Use Planning
- Statutory Interpretation: Policy & Practice
- State & Local Government Law
- State & Local Taxation

**Land and Natural Resources**

- Agricultural Environmental Law
- Agricultural Law
- Environmental Law
- Farm and Ranch Tax
- Natural Resources Law
- Real Estate Transactions
- Water Law

### **Recommended Skills Courses**

Client Interviewing & Counseling  
Mediation  
Negotiations  
Pretrial Litigation  
Trial Advocacy

# Individualized Program of Concentration

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The Program of Concentrated Study at the College of Law is designed for students who seek a particular focus during their time at the Law College. A student who wishes to focus on a particular area of the law may work with a faculty member who teaches in the area to develop an individualized Program of Concentrated Study. The purpose of a Program of Concentrated Study is threefold: (1) to recommend those courses a faculty member believes are important for the study and development of skills, values and doctrines in a particular area, (2) to sequence those courses in such a way that students will gain maximum benefit from the skills, values and doctrines the courses teach; and (3) to recognize the achievements of those students completing a Program of Concentrated Study.

The specific requirements for an individualized Program of Concentrated Study are as follows:

- 1 An individualized Program of concentrated Study must be developed by a student in consultation with a sponsoring faculty member and is subject to approval by the Dean and his or her designee. The attached Program of Concentrated Study form must be submitted to the Dean's Office before the student begins course work in the program. The Dean's office will record faculty sponsorship and the particular requirements of the individualized program.
- 2 A program of Concentrated Study must consist of at least fifteen (15) credit hours in no fewer than five upper level courses that have been identified by a faculty member as central to the identified area. While a faculty member establishing a Program of Concentrated Study may require more course work than the five-course, 15 credit hour minimum, and may require sequencing of courses, the scope and contour of any Program of Concentrated Study should be consistent with the goal of assuring that students acquire a broad-based legal education.
- 3 A student must declare an intention no later than the beginning of the third year to complete a Program of Concentrated Study. Students are encouraged to declare early to minimize problems caused by course sequencing and availability.
- 4 A student may complete no more than two Programs of Concentrated Study.
- 5 Upon successful completion of a Program of Concentrated Study, a student will receive a Certificate of Concentrated Study. A notation of successful program completion will appear on the student's transcript.

# University of Nebraska College of Law Program of Concentrated Study

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Class year

(circle one) 1L 2L 3L

Number of credit hours completed after current semester \_\_\_\_\_

Area of Program of Concentrated Study \_\_\_\_\_ Courses to be completed in Program of Concentrated Study:

*Course Semester*

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_ Total credit

hours to be completed in Program of Concentrated Study \_\_\_\_\_

\_\_\_\_\_  
Student Date

\_\_\_\_\_  
Faculty Member Date

\_\_\_\_\_  
Assistant Dean Pearce Date

## **Individualized Programs of Concentrated Study by Previous Students**

Agricultural Law  
Alternative Dispute Resolution  
Business Entity Taxation  
Commercial and Banking Law  
Constitutional Law  
Education Law  
Employment Law  
Environmental Law  
Environmental/Natural Resources Law  
Estate Planning  
Family Law  
Health Care  
Human Rights Law  
Immigration Law  
Intercollegiate Sports Law  
International Child Advocacy  
International Law  
Labor and Employment Law  
Media Law  
Medial Telecommunications Law  
Natural Resources Law  
Real Estate Law  
Space & Telecommunications Law  
Taxation and Business Planning

# Alternative Dispute Resolution Concentration

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The Program of Concentrated Study at the College of Law is designed for students who seek a particular focus during their time at the Law College. A student who wishes to focus on a particular area of the law may work with a faculty member who teaches in the area to develop an individualized Program of Concentrated Study. The purpose of a Program of Concentrated Study is threefold: (1) to recommend those courses a faculty member believes are important for the study and development of skills, values and doctrines in a particular area, (2) to sequence those courses in such a way that students will gain maximum benefit from the skills, values and doctrines the courses teach; and (3) to recognize the achievements of those students completing a Program of Concentrated Study.

The specific requirements for an individualized Program of Concentrated Study are as follows:

1. An individualized Program of Concentrated Study must be **developed by a student in consultation with a sponsoring faculty member and is subject to approval by the Dean and his or her designee**. The attached Program of Concentrated Study form must be completed and submitted to the Dean's Office. The Dean's office will record faculty sponsorship and the particular requirements of the individualized program.
2. An individualized Program of Concentrated Study must consist of at least fifteen (15) credit hours in no fewer than five upper level courses that have been identified by a faculty member as central to the identified area. While a faculty member establishing a Program of Concentrated Study may require more course work than the five-course, 15 credit hour minimum, and may require sequencing of courses, the scope and contour of any Program of Concentrated Study should be consistent with the goal of assuring that students acquire a broad-based legal education.
3. A student must declare an intention to complete an individualized Program of Concentrated Study no later than the last day on which students may add a class during the semester beginning the student's third year. Students are encouraged to declare early to minimize problems caused by course sequencing and availability.

Students who are interested in a Concentration in Alternative Dispute Resolution may work with Professor Blankley or Professor Frank as the faculty advisor responsible for overseeing the course work necessary to obtain the concentration. The following course list has been determined by the ADR faculty to be “pre-approved” for a Concentration in ADR. Students are always free to propose a different set of classes for a concentration, to be approved on a case-by-case basis.

The Concentration in Alternative Dispute Resolution focuses on courses in ADR; however, the concentration need not be entirely ADR courses. ADR processes are used in a wide variety of substantive areas of the law, such as family law, employment law, and international law, to name a few. For those reasons, the concentration requirements allow students to count one non-ARD substantive course for inclusion towards the fifteen-hour requirement for the concentration.

For students who are interested in a Concentration in ADR, the following courses have been “pre-approved” for a concentration:

AT LEAST 4 of the following:

- ADR (survey course)
- Mediation
- Arbitration
- Negotiation
- Advocacy in Mediation
- Client Interviewing and Counseling
- Externship (within an ADR field)
- Independent Study (on an ADR topic)

ONE of the following substantive areas of law can also count towards the concentration:

- Family Law
- Family Law Practice
- Juvenile Law
- Elder Law
- Employment Law
- Labor Law
- International Law
- International Business Transactions
- Law and Behavioral Science (subject to approval based on the content of the course)
- Topics in Law and Psychology (subject to approval depending on the topics taught)

# Health Law Concentration

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*Professor Craig Lawson, Program Faculty Advisor*

The University of Nebraska College of Law offers a wide variety of courses related to the practice of Health Law. For students desiring to focus their upper course studies in this field, the Law College offers a fifteen (15) credit hour Program of Concentrated Study in Health Law. Students who complete the Program receive a certificate suitable for framing along with their diploma at graduation, and completion of the Program is noted on the student's final law school transcript.

**I. Requirements.** To complete the Program, a student must:

- (a) Complete *five (5) credit hours* from the Core Health Law courses listed below; and
- (b) Select and complete an additional *ten (10) credit hours* of other health law courses, whether from the remaining two core courses or from the *suggested Health Law courses* below.

*Some of the courses listed below may only be offered every other year.* In selecting your courses, you should check with the Dean's Office to determine if the course is scheduled to be taught during both your second and third years, or only during one year, and select your courses accordingly.

**II. Timeline.** Prior to the last day on which a student may add a class during the semester beginning the student's third year, the student must indicate the student's intent to participate in the Program by contacting the Dean's Office, completing the necessary paper indicating the courses the student will use to complete the Program, and have the paperwork signed by Professor Lawson.

## **III. Course Selection.**

### **Core Health Law Courses**

**Public Health Law.** (Law xx/G; 2 cr hr) Public Health is focused on the health of entire populations, rather than individual patients; initiatives in public health (like sanitation and vaccination) have made some of our greatest strides against illness and injury.

**Bioethics and the Law.** (Law 684/G; 2 cr hr) Some medical advances are troubling - they divide us deeply, and raise vexing moral questions. Bioethics is the study of these moral questions, questions that follow progress in medicine and the life sciences, questions that are vital to scientist and to nonscientist alike. Often these questions are brought before courts and legislatures, where they become legally controversial, too. This course particularly concerns the role of law and legal institutions in controlling, shaping and answering these hard questions. The topical coverage of the course emphasizes issues in scientific research, especially research on human subjects, since research lies behind most scientific and medical advances; it also emphasizes issues in death and dying (the right to refuse life-sustaining treatment, and euthanasia) and issues in human reproduction (contraception, abortion, artificial conception and genetic engineering). It has sometimes also covered the treatment of medically compromised newborns and organ transplantation.

**Health Care Finance Seminar.** (Law 701/G; 3 cr hr) This seminar considers selected specific issues in the design and control of market and government mechanisms for the diversification of risk. Although specific topics may vary with current developments, in recent years the seminar has emphasized health insurance and health care financing.

**Law of Provider & Patient.** (Law 737; 2 cr hr) This course covers a limited but central topic in the larger field of health-care law - the law bearing on the relationship between a health-care provider and a patient. We will therefore survey the legal rights and obligations of patients and their health care providers, individual and institutional. As part of our survey, we will cover qualification as a health care provider (institutional and individual licensure); the legal doctrines relating to the formation of provider-patient relationship; the locus of decisional authority in the relationship; the provider's fiduciary duties to the patient (to deliver care of professionally acceptable quality [including traditional malpractice law], to avoid conflicts of interest, to respect the patient's privacy and to protect the confidentiality of medical information about the patient); the reciprocal obligation of the patient to take reasonable steps to assure payment and to comply with medical directives; and the legal doctrines relating to the termination of provider-patient relationships. As an important contrast to the law and ethics or therapeutic relationships, we will also explore the way provider-patient obligations are affected when the patient also becomes the subject of medical or scientific research. Students in The Law of Provider & Patient may also enroll in Style and Composition in Legal Writing for an additional hour of Law College credit.

**Law and Medicine.** (Law 703/G; 3 cr hr) A survey of the major topics at the intersection of law and medicine in America today. Most of these topics will relate to the legal implications of health care quality and cost, to the legal implications of access to health care or to issues in the area of bioethics. In particular, the class will devote time to rights of access to health care; to the financing of health; to the legal implications of the quality of health care; to the laws relating to medical personnel and institutions; to the individual rights of patients; and to the medicolegal issues surrounding morally controversial developments in medicine and the life sciences, such as organ transplantation, the new reproductive technologies, the right to die and active euthanasia. (Students interested in issues of health insurance and health care financing should also consider taking Insurance Law (Law 783/G), which includes these issues in its coverage of insurance law.)

## Suggested Health Law Courses.

**Administrative Law.** (Law 633/G; 3 cr hr) A survey of the legal problems of governance by administrative agencies, the constitutional limits on agencies' powers and judicial review of their actions. The course includes an examination of the origin and growth of the administrative process, the development of administrative law and its impact upon traditional legal institutions, analysis of the types of federal and state administrative tribunals, their powers and functions, problems of administrative procedure and judicial and other controls upon the administrative process.

**Constitutional Law II.** (Law 732/G; 3 cr hr) This course emphasizes protected individual civil liberties created by the First Amendment. These are freedom of speech, association and press (and first amendment privacy concerns) as well as the constitutional principles underlying the first amendment's command that the "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The course also includes analysis of the origin and modern applicability of the state action concept in constitutional litigation.

**Elder Law (Law 602; 3 cr hr)** This course will address the legal concerns and issues facing the rapidly growing sub-population of older adults. Topics covered in the course will include the legal and social science aspects of: ethical issues related to client legal capacity, health care decision making, Medicare, Medicaid, Social Security, long-term informal and formal care (including guardianship), financial aspects of aging, ageism, and elder maltreatment.

**Employee Benefits Law** (3 credit hours) A study of the federal laws that govern retirement, health care, and other benefit plans sponsored by private employers for their employees. Topics include: employer compliance requirements under the Internal Revenue Code, the Employee Retirement Income Security Act of 1974, and the Affordable Care Act; the responsibilities of plan fiduciaries; federal claims and remedies available to plan participants; and federal preemption of state laws. This course uses an applied problem method of learning and is designed for students who plan to practice in the areas of corporate law, employment litigation, insurance litigation, family law, or estate planning.

**Evidence.** (Law 646/G; 3 cr hr) This Evidence course will cover the Federal Rules of Evidence and its application to the courtroom. The Rules govern whether and how information can be submitted to a judge and jury to consider when resolving a case. Therefore, a lawyer must be able to understand and use the law of Evidence to prepare a case for trial and, ultimately, to litigate a dispute in court. This course uses a problem-based approach to teach Evidence. This means that the course centers around two in-depth case files, which simulate the kind of cases that might appear in any lawyer's office. Students will learn the Evidence rules and apply them by working problems based on these case files. Grades will be based on an out-of-class written assignment, in-class participation and performance, and a final exam. By the end of this course, students should be able to use the law of evidence in a courtroom and examine evidentiary problems that might arise before, during, and after a trial.

**Federal Regulation of Food Safety.** (Law 679; 3 cr hr) This course examines the federal laws and regulations that govern food safety and food labeling shared by federal agencies, including the Food and Drug Administration, U.S. Department of Agriculture, U.S. Department of Commerce, and U.S. Environmental Protection Agency. Students will have the opportunity to learn the history of federal food safety laws and enforcement and will discuss case studies highlighting current issues in the news, e.g., salmonella contamination of eggs, tort liability for "defective" foods, regulation of biotechnology use in foods, and the science underlying food safety regulation and food production. The course will conclude with analysis of the policy goals and implementation of the FDA Food Safety Modernization Act signed

into law by President Obama on January 4, 2011, which provides for a new system of federal oversight of domestically produced and imported foods.

**Insurance Law.** (Law 783/G; 3 cr hr) The law of the insurance contract. The course will focus on the features of common insurance contracts, legislative and administrative restrictions on insurance contracts and judicial techniques for interpreting, construing and regulating insurance contracts.

**Mental Health Law.** (Law 763/G; 3 cr hr) The course is taught concurrently with Mental Health Law Seminar (Law 772/G). It addresses the major areas of law in which people with psychological disorder are treated differently than people who do not suffer such impairment. The law treats disordered people differently, for example, in the areas of: civil commitment; civil competence for a variety of purposes, including health care and property; competence to stand trial; and the insanity defense. This course covers both civil and criminal issues, with the primary emphasis devoted to civil concerns, especially those most likely to arise for attorneys who pursue independent or small firm practice. These include civil competence, guardianship and conservatorship, civil commitment, confidentiality and privilege and health care provider liability, especially as it applies to mental health care. The course does not presuppose or require any prior training in psychology. Each student chooses whether to take an exam or write a paper. Students who have previously taken, or are currently enrolled in, Mental Health Law Seminar (Law 772/G) may not enroll in this course.

**Mental Health Law Seminar.** (Law 772/G; 3 cr hr) The course is taught concurrently with Mental Health Law (763). It addresses the major areas of law in which people with psychological disorder are treated differently than people who do not suffer such impairment. The law treats disordered people differently, for example, in the areas of: civil commitment; civil competence for a variety of purposes, including health care and property; competence to stand trial; and the insanity defense. This course covers both civil and criminal issues, with somewhat more time devoted to civil concerns, especially those most likely to arise for attorneys who pursue independent or small firm practice. These include civil competence, guardianship and conservatorship, civil commitment, confidentiality and privilege and health care provider liability, especially as it applies to mental health care. The course does not presuppose or require any prior training in psychology. Each student chooses whether to take an exam or write a paper. Students who have previously taken, or are currently enrolled in, Mental Health Law (763) may not enroll in this course.

**For a focus on health-care litigation, especially malpractice.** If you're interested in malpractice law or other litigation in the health-care area (drug products liability litigation, for example), I'd advise you to take as many litigation-skills courses as you're able to fit into your schedule, courses such as evidence, remedies, and the various trial skills courses:

**Remedies & Damages.** (Law 743/G) An examination of the basic remedies available to redress legal wrongs: injunctions, damages and restitution. Among the topics covered are permanent injunctions (including specific performance), provisional injunctions, contempt, contract damages, tort damages (primarily personal injury and property damages), proof requirements, present value adjustments, legal restitution, equitable restitution, equitable defenses, election of remedies and declaratory relief.

**Trial Advocacy.** (Law 761/G) The fundamentals of trial practice. The emphasis is on questioning witnesses, selecting and addressing the jury and admitting items into evidence. Students will perform weekly exercises which are videotaped and critiqued and will also try a case to a jury. Prerequisite: Evidence.

**Advanced Trial Advocacy.** (Law 782/G) Students will perform simulation exercises concerning advanced trial advocacy topics including, among others, jury selection, expert witnesses, problem witnesses, development of a trial theme and multi-party litigation. Students will perform simulated bench and jury trials and will represent clients in mock cases selected to provide the students with a courtroom experience. Enrollment limited to 12 students per semester. Prerequisite: Trial Advocacy.

**Pretrial Litigation.** (Law 741/G) Concentrates on the application of procedural rules to the bringing and defending of civil law suits and on considering the tactical and strategic aspects of litigation. Students will perform weekly exercises on pleading, motion practice and discovery.

**Alternative Dispute Resolution.** (Law 708/G) This course covers the theoretical, practical, ethical and legal issues confronted by mediators, arbitrators, neutral evaluators, and other dispute resolution specialists and the parties they serve. The course considers the legal context within which alternative forms of dispute resolution take place. Among the procedures examined are: litigation, negotiations, mediations, arbitrations, summary jury trials, mini-trials, private judges, neutral third-party evaluations, and negotiated rulemaking. The status of these procedures is examined in light of existing case and statutory law and from a public policy point of view. These procedures are also examined from a scientific/evaluative perspective: how effective are they and what are their limitations?

Among the issues covered in the course are: confidentiality and privilege, conflicts of interest, finality/enforceability of resolutions, liability and ethical standards applicable to third party dispute settlement experts, the extent of judicial review of decisions, arbitrability of disputes, and the implications of international law, and public interest concerns. Disputes in a variety of settings are considered: family, employment, medical, commercial, criminal, and international.

**Mediation (Law 710/G; 4 cr hr)** A study of the process in which a trained neutral third party assists others in resolving a dispute or planning a transaction. Students will be trained in basic mediation skills through readings, demonstrations, simulations and the keeping of a mediation notebook. Topics covered include the nature of mediation and its relationship to other forms of dispute resolution, the nature of conflict, model and styles of mediation, negotiation theory, communication skills, the interest-based mediation process, the representation of clients in mediation, special issues relating to attorney mediators and mediators standards and ethics.

In fact, most of the courses that relate to litigation and to alternative dispute resolution would be useful for the lawyer involved in health-care litigation. The courses that I've listed are simply among the most basic, and come to mind first. For a valuable experience in litigation, you might also consider the criminal clinic, even if you're not interested in criminal law. Students in the criminal clinic see the prosecution side of criminal law, and it's the prosecution that shapes criminal litigation; the defense is more reactive. Here's our website description of the criminal clinic:

The Criminal Clinic operates out of the Lancaster County Attorney's Office in the Justice and Law Enforcement Center. Students enrolled in the Criminal Clinic prosecute misdemeanor and occasionally felony criminal cases, including marijuana and cocaine possession, intimidation by telephone, physical and sexual assault, public indecency, trespass, theft, forgery, fraud, receiving stolen property, escape, arson and extortion. Each team of students handles a large number of cases during the semester and learns valuable skills while conducting factual investigations, negotiating, preparing for trial and trying cases. In addition, the students participate in a weekly seminar which focuses on the development of skills necessary to prosecute criminal cases.

—"Clinics," UNL College of law website, <http://law.unl.edu/inside.asp?d=clinics>.

Several students have created their own Area-of-Concentration programs in health-care law under Professor Lawson's supervision. He'd be happy to discuss that with you, if it interests you.

# Human Resources Concentration

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Human Resources Law focuses on the laws that govern employers with respect to the workplace and the retirement, health care, and other tax-incentivized benefits that employers provide to their employees. The primary emphasis of Human Resources Law is on counseling employers regarding compliance with federal and state laws and the alternative or early resolution of disputes so as to prevent expensive litigation and noncompliance penalties by governmental entities.

The College of Law offers a 15 credit hour Individualized Program of Concentrated Study in Human Resources Law (Program). Students who complete the Program receive a certificate suitable for framing along with their diploma at graduation, and completion of the Program is noted on the student's final law school transcript. To complete the Program, the student must take 15 credit hours from the list of courses described below. Prior to the fifth semester of law school, the student must indicate an intent to participate in the Program by contacting the Dean's Office, completing the necessary paperwork, and have the paperwork signed by Professor Colleen E. Medill, who is the faculty advisor for the Program.

*Some of the courses listed below may only be offered every other year.* When selecting courses, consult the registration materials to determine which semester each course is scheduled to be taught and select your courses accordingly.

**Employee Benefits Law** (3 credit hours) A study of the federal laws that govern retirement, health care, and other benefit plans sponsored by private employers for their employees. Topics include: employer compliance requirements under the Internal Revenue Code, the Employee Retirement Income Security Act of 1974, and the Affordable Care Act; the responsibilities of plan fiduciaries; federal claims and remedies available to plan participants; and federal preemption of state laws. This course uses an applied problem method of learning and is designed for students who plan to practice in the areas of corporate law, employment litigation, insurance litigation, family law, or estate planning.

**Employment Law.** An analysis of the employment relationship as it has developed outside of the collective bargaining context. The course will cover the history and current status of the employment relationship, including topics such as discharge-at-will, minimum wage/maximum hour legislation, employee privacy, employment discrimination, trade secrets, and non-competition agreements.

**Employment Discrimination Law.** The inequalities in American society which arise from employment discrimination against minorities and other under-represented groups, how these inequalities are reinforced and at times created by laws, and how law can be used to remedy many of these inequalities.

**Labor Law.** Legislative and judicial patterns of the modern labor movement; the objectives of labor combinations; the forms of pressure employed for their realization and prevention; strikes, boycotts, picketing, and lockouts; the legal devices utilized in carving out the permissible bounds of damage suits involving labor activity; the labor injunction; the National Labor Relations Board; the nature of collective bargaining agreements; and extralegal procedure for settling labor disputes--the techniques of mediation, conciliation, and arbitration.

## **(Select One): Arbitration or Alternative Dispute Resolution**

**Arbitration.** In today's world, arbitration has become the preferred method of resolving disputes between businesses, with consumers, and in many workplaces. This course offers an in-depth look at the legal and

practical issues involved in domestic arbitration, as well as an examination of the skills necessary to be a successful advocate in the arbitral forum. The course examines the use of arbitration in a number of different areas, including commercial, consumer, labor, employment, securities, construction, and international disputes.

**Alternative Dispute Resolution.** Being a lawyer involves more skills than just knowing the law. Lawyers – litigators, transactional attorneys, and government attorneys alike – must take a critical look at the issues before making any number of decisions that are not based on substantive law. This ADR class is an introduction to negotiation, mediation, and arbitration, among other topics. With the exception of arbitration law, the readings are largely focused on theory, not substantive case law. Class discussion will revolve around applying skills learned to hypothetical problems. Students also have an opportunity to practice the skills learned in a number of class simulations.

# Psychology Program of Concentrated Study

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Courts and policy makers perform a number of functions, such as competency determinations, civil commitment, eyewitness procedures, jury instructions, and child welfare assessments, that would benefit from the application and integration of various forms of psychological and related social science research.

The Law-Psychology Program at UNL, founded in 1974, is the nation's oldest, making the Law College uniquely situated to offer an IPCS in Psychology & Law. The core course, Law & Behavioral Science, introduces students to the key issues at the interface of the two disciplines and the methods used to address those issues. Other recommended courses include: Mental Health Law, Topics in Psychology and Law (e.g., Eyewitness Testimony, Juries, Legal Decision Making, Psychology of Family Law; may be taken twice on different topics), Empirical Legal Studies, Capital Punishment, and Psycholegal Research. Additional law courses and elective courses taught outside the Law College (e.g., in Psychology) are also an option, with proper approval; non-law courses require approval from the Law College Curriculum Committee.

A concentration in Psychology & Law will be useful for lawyers in practically any area of practice, but it is likely to be especially relevant for those contemplating a career in criminal prosecution or defense, family law, mediation, litigation, or mental health law.

The College of Law offers a 15 credit hour Individualized Program of Concentrated Study in Psychology and Law. Students who complete the Program receive a certificate suitable for framing along with their diploma at graduation, and completion of the Program is noted on the student's final law school transcript. To complete the Program, you must take the core Psychology and Law course and twelve additional elective credit hours from the list of suggested Psychology and Law courses below. Prior to graduation, you must indicate your intent to participate in the Program by contacting the Dean's Office, completing the necessary paper indicating the courses you will use to complete the Program, and have the paperwork approved by one of the Coordinators of the Program. The current Coordinators are Professors Brian Bornstein, Eve Brank, and Bob Schopp.

*Some of the courses listed below may only be offered every other year.* In selecting your courses, you should check with the Dean's Office to determine if the course is scheduled to be taught during both your second and third years, or only during one year, accordingly.

## Core Psychology and Law Course

**Law & Behavioral Science** This course examines the actual and potential uses of science in the law. The course primarily focuses on social science but considers general principles that apply to all types of science in the law. Specifically, we will look at the use of social science as fact in litigation (e.g., consumer confusion and civil damages) and as context in litigation (e.g., syndromes and criminal defenses). A secondary objective is to look at how social science can be used to understand the more general function and purpose of the courts and more specifically the application of various legal practices and policies to social problems. Third, the course examines the concept of junk science in the law including the misuse of science in litigation and legislation. Throughout the course, we will consider how empirical research can shed light on matters of importance to the legal system.

## Suggested Psychology and Law Courses

**Empirical Legal Studies** This course introduces students to one of the fastest growing areas of legal scholarship and practice — the use of empirical techniques in research and litigation. The emphasis of the course is on learning how to be sophisticated and critical consumers of empirical research that lawyers and experts often use to resolve legal cases and controversies, to shape legislation, and to use as argument in

public policy debates. The course introduces students to survey research methodology, designing and conducting experiments, data gathering and analysis through descriptive and inferential statistics. In addition to discussing how to perform these techniques, students read cases and articles in which each of the techniques has played an important role. The course introduces law students to the social sciences through a “hands on” approach. Students will collect and analyze their own data by completing small research projects related to their areas of interest. Class sessions include discussion of social science and legal materials, lectures on the basics of empirical analysis, assistance with analyzing statistical data with computer packages, assistance with interpreting data, and student presentations. Students fulfill the course requirements through writing a paper, participating in class, presenting their research to the class, and completing several exercises. Students will learn to use computer statistical software packages (SPSS) for these exercises.

**Topics in Law and Psychology: Eyewitness Testimony** This class will examine recent empirical research and case law on Eyewitness Testimony, with the readings emphasizing experimental psychological research. The focus will be on identifying the various factors that influence eyewitness reliability, techniques for improving eyewitness performance, and the case law relevant to conducting eyewitness lineups and the admissibility of eyewitness testimony and expert testimony on eyewitness issues. Students will be required to participate actively in class (i.e., lead class discussion), write a number of short “reaction” papers, and prepare a substantial position paper or research proposal on relevant issues.

**Topics in Law and Psychology: Juror/Jury Decision Making** This class will examine recent empirical research and case law on **Juror/Jury Decision Making**, with the readings emphasizing experimental psychological research. The focus will be on identifying the various social, cognitive, and individual factors that influence the judgments/perceptions of individual jurors and juries’ group decisions; and the case law relevant to jury procedures and reform efforts. The class will cover both civil and criminal juries but will focus on civil cases, especially the awarding of damages. Students will be required to participate actively in class (i.e., lead class discussion), write a number of short reaction papers, and prepare a substantial position paper or research proposal on relevant issues.

**Topics in Law and Psychology: Legal Decision Making** This course will examine some basic tenets of the psychology of judgment and decision-making and apply them to problems in law and legal process. The course will begin with an overview of some basic theory and empirical findings in the sub-discipline of judgment and decision-making, an area at the intersection of social and cognitive psychology. The course will pursue some areas of law that “invite” judgment and decision-making analyses. These include but are not limited to jury decision-making in criminal cases, jury decision-making in civil cases, sexual harassment, hate crimes, affirmative action decisions, and investigative profiling. The ultimate goal of the course is to learn the ways in which theory and research in judgment and decision-making offer methodologies for empirical analyses of legal problems.

**Topics in Law & Psychology: Psychology and Family Law** One reason the area of Family Law is so dynamic is because it is intertwined with psychological issues such as human behavior, attitudes, and social norms. The aim of this course will be to encourage an appreciation for psychological research and methods of psychology as a way to inform and understand Family Law. To do this, the class will address a number of different components of Family Law focusing on those areas where psychology practice and research already have been or could be useful in molding legal doctrine and policy. The course will not be an exhaustive treatment of either Family Law or the relevant psychology, but will address the most central elements of Family Law where psychology has or could provide insights.

**Capital Punishment** This course examines legal doctrine and policy regarding capital punishment in the United States. It draws heavily but not exclusively on decisions by the United States Supreme Court. Topics addressed include: various Constitutional challenges and limitations according to Supreme Court decisions; aggravating and mitigating circumstances; jury selection and qualification; discriminatory application; the use of clinical testimony; and the role of counsel. This course differs significantly from the Jurisprudence course that addresses capital punishment. That Jurisprudence course directs primary attention to jurisprudential arguments regarding the justification of criminal punishment generally and of capital punishment specifically in principle and in practice, with central case opinions selected to highlight those questions of justification. This course directs primary attention to the court opinions, as well as to the legal doctrine and policy questions arising out of those court cases. Thus, the two courses are complementary with relatively little overlap, and neither presupposes the other. Those who wish to enroll in both courses are free to do so, though ordinarily only Capital Punishment would count toward the Psychology and Law IPCS.

**Mental Health Law** The course is taught concurrently with the Mental Health Law Seminar. It addresses the major areas of law in which people with psychological disorder are treated differently than people who do not suffer such impairment. The law treats disordered people differently, for example, in the areas of: civil commitment; civil competence for a variety of purposes, including health care and property; competence to stand trial; and the insanity defense. This course covers both civil and criminal issues, with the primary emphasis devoted to civil concerns, especially those most likely to arise for attorneys who pursue independent or small firm practice. These include civil competence, guardianship and conservatorship, civil commitment, confidentiality and privilege, and health care provider liability, especially as it applies to mental health care. The course does not presuppose or require any prior training in psychology. Each student chooses whether to take an exam or write a paper. Students who have previously taken, or are currently enrolled in, the Mental Health Law Seminar may not enroll in this course.

**Mental Health Law Seminar.** The seminar is taught concurrently with the Mental Health Law Class. It addresses the major areas of law in which people with psychological disorder are treated differently than people who do not suffer such impairment. The law treats disordered people differently, for example, in the areas of: civil commitment; civil competence for a variety of purposes, including health care and property; competence to stand trial; and the insanity defense. This seminar covers both civil and criminal issues, with somewhat more time devoted to civil concerns, especially those most likely to arise for attorneys who pursue independent or small firm practice. These include civil competence, guardianship and conservatorship, civil commitment, confidentiality and privilege, and health care provider liability, especially as it applies to mental health care. The seminar does not presuppose or require any prior training in psychology. Each student must write a legal research paper that fulfills the seminar requirement. Students who have previously taken, or are currently enrolled in, the Mental Health Law class may not enroll in this seminar.

**Psycholegal Research** A substantial research and writing project on a psycholegal topic. The research is supervised and approved by a faculty member in the Law/Psychology program. The course requires the prior approval of the Dean for those students not enrolled in the Law/Psychology Joint Degree Program.

# Real Estate Law Individualized Program of Concentration

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(Revised March 30, 2015)

Real Estate Law is an important and growing legal practice area. The lawyer who aspires to practice in the real estate field needs a broad background in many different areas of substantive law that often intersect with real estate.

The College of Law offers a 15 credit hour Individualized Program of Concentrated Study in Real Estate Law (Program). Students who complete the Program receive a certificate suitable for framing along with their diploma at graduation, and completion of the Program is noted on the student's final law school transcript. To complete the Program, you must take the core Real Estate Transactions course and twelve additional elective credit hours from the list of suggested real estate-related courses below. Prior to graduation, you must indicate your intent to participate in the Program by contacting the Dean's Office, completing the necessary paper indicating the courses you will use to complete the Program, and have the paperwork signed by Professor Colleen E. Medill, who is the faculty advisor for the Program.

*Some of the courses listed below may only be offered every other year.* In selecting your courses, you should check with the Dean's Office to determine if the course is scheduled to be taught during both your second and third years, or only during one year, and select your courses accordingly.

## Core Real Estate Transactions Course

**Real Estate Transactions.** An examination of the typical provisions found in the legal documents that govern the transfer and financing of real estate and related legal issues with an emphasis on transactional drafting. This course covers listing agreements, real estate sales contracts, deeds and deed covenants, title examination and title insurance, mortgage substitutes such as installment sale contracts, and mortgage agreements and deeds of trust. The course concludes with an examination of the foreclosure process and alternatives to foreclosure. In addition to a final exam, students are assigned to represent either the buyer or the seller and required to negotiate and draft a real estate sales contract and related transactional documents are part of a realistic real estate transaction simulation exercise.

## Suggested Real Estate-Related Courses

**Land Use Planning.** Analysis of the legal and administrative aspects of the regulation of land use and development, the problems and techniques of urban planning at the various levels of government and the relationship of private owners and builders to the government policies involved in shaping the physical environment.

**Bankruptcy Law.** This is a survey course. The course begins with an overview of the relationship between debtors and creditors outside of bankruptcy under state law. This unit includes an examination of the Federal Debt Collection Practices Act. Thereafter, students will participate in an examination of consumer and business bankruptcy law. Specifically, Chapter 7, 11, 12 and 13 proceedings are discussed. Students engage in a client counseling exercise designed to evaluate the client's eligibility for a Chapter 7 proceeding by completing Form 22 using a combination of facts and the income and expense data available on the U.S. Trustee's website. Thereafter, students use a software product utilized by a number of practicing attorneys, Best Case Software, to prepare for electronic filing a

Chapter 13 petition for bankruptcy. Students also prepare a short, client-counseling memorandum for the unit on business bankruptcies related to a motion for relief from the automatic stay. Current policy issues in bankruptcy will be addressed as time permits.

**Construction Law.** This course deals with the legal principles which have developed in the construction area. It includes the study of legal and equitable issues which result from the construction relationship and disputes relating to that relationship.

**Construction Law Practice.** An in-depth study of the major facets of the construction process. Topics covered include: the project concept stage, the terms and provisions of the construction contract, the contract execution stage, the performance stage, disputes and relationships among the contracting parties, architect-engineer, construction manager, subcontractors and suppliers.

**Secured Transactions.** After an overview of the rights and obligations of an unsecured creditor under state law, this course focuses on the rights and obligations of a secured creditor under Article 9 of the Uniform Commercial Code. Initially, the relationship between the debtor and the secured creditor is considered by examining the statutory requirements for granting a security interest in personal property and the rights of the secured creditor when the debtor defaults on its obligations. Thereafter, students will learn how this relationship between a debtor and one of its creditors impacts other creditors of the debtor. This requires a study of the filing system used for the perfection of a security interest and the priority rules for resolving conflicts between the various creditors of a debtor. Students will learn the fundamental bankruptcy concepts, but bankruptcy is not a prerequisite for the course. The final grade will be based on class participation, including two written assignments, and a final, open book written examination.

**Environmental Law OR Agricultural Environmental Law. Only one of these courses can be counted toward the twelve elective credit hours for the Program.**

**Environmental Law.** The legal problems arising from environmental degradation. Consideration is given to the control of pollution in the air, water and land, and the roles played by private actions and regulatory actions in protecting public and private interests.

**Agricultural Environmental Law.** An examination of environmental law in a resource-intensive industry: agriculture. The course will cover the Clean Water Act as it applies to agriculture, the environmental and conservation provisions of the farm program, and other laws that come into play when modern agricultural production raises environmental concerns. Time permitting, the course will consider the ability of agricultural lands to produce environmental amenities for regulatory purposes or general consumption and the regulation of genetically modified crop production.

**Taxation – Farm and Ranch (prerequisite: Individual Income Tax).** A selection of substantial income tax and other tax-related problems and issues affecting farmers and ranchers. Prerequisite: Taxation—Individual Income Tax.

**Insurance Law.** The law of the insurance contract. The course will focus on the features of common insurance contracts, legislative and administrative restrictions on insurance contracts and judicial techniques for interpreting, construing and regulating insurance contracts.

**Taxation – Partnership (prerequisite: Individual Income Tax).** An introduction to the fundamental federal income tax rules for general and limited partnerships, limited liability partnerships and limited

liability companies. Some advanced topics will also be covered. The professor may also choose to include some materials on the substantive (state) law of general and limited partnerships, limited liability partnerships and limited liability companies. Prerequisite: Taxation—Individual Income Tax.

# Research in Selected Field

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You may take up to six hours of Research in a Selected Field at any time during your second and third year. You may take Research in a Selected Field for 1, 2 or 3 credit hours. You may not take it for 4, 5 or 6 credit hours. You may take Research in a Selected Field more than once.

The procedure to take Research in a Selected Field is to find a professor to work with on a project. The professor sets the parameters for the project, including when your paper will be due. You need to complete a Research in a Selected Field card (sample below; cards are available in Vicki's office) when you register for the course.

Unless a student is enrolled in a joint degree program, a student may not receive more than 12 hours of total credit from courses in Externship, Research in a Selected Field and non-law school courses.

## Research in a Selected Field

\_\_\_\_\_ will be taking  
\_\_\_\_\_ hour(s) of Independent Research under my supervision  
during the (fall / spring / summer) semester, 20\_\_\_\_.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Professor's Signature)

Prior to the Research hours I am  
applying for now, I have taken  
the following number of hours  
(maximum of 12 hours)

\_\_\_\_\_ Research Hours

\_\_\_\_\_ Externship Hours

\_\_\_\_\_ Non-Law Course Hours

\_\_\_\_\_  
(Student's Signature)

\_\_\_\_\_  
(Assistant Dean's Signature)

# Externships

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## University of Nebraska College of Law Externship Program Policy

American Bar Association Standard 305 regarding study outside of the classroom requires that an externship program involving field placements must have a clear statement of the educational goals and methods for the externship program and a demonstrated relationship between these goals and methods to the program in operation.<sup>2</sup> This Externship Program Policy sets forth: (1) the criteria for awarding academic credit for externships; (2) the educational goals of the Externship Program and the methods of achieving those goals; and (3) the requirements of the Externship Program for student externs, on-site externship supervisors and faculty supervisors.

### Criteria for Awarding Academic Credit

To be eligible to participate in an externship for academic credit, the student must have successfully completed the first-year law student curriculum prior to beginning participation in the externship. Under this Externship Program Policy, a maximum of three hours of externship credit shall be counted toward the graduation requirements for the J.D. degree. To have more than three credit hours for a single externship counted toward the graduation requirements for the J.D. degree, the externship must be approved by the faculty as a separate, distinct and ongoing externship program.<sup>3</sup> A student may participate in more than one externship during the student's course of study at the College of Law, but the total number of credit hours awarded under this Externship Program Policy for all externships shall not exceed three credit hours.

Academic credit earned through an externship shall be awarded on a Pass/Fail basis. Credit will be determined by the faculty supervisor for the externship in consultation with the on-site externship supervisor. A student extern must complete approximately 40 hours of work to earn one hour of externship academic credit. Academic credit will be awarded once all required administrative paperwork has been completed and submitted by the faculty supervisor for the externship to the Assistant Dean for Students.

A student may not receive academic credit for an externship for which the student receives compensation. If the externship placement will be with a private sector for-profit employer, the student and the on-site externship supervisor must provide additional documentation showing how the externship will comply with the educational goals of the Externship Program and the requirements of the Federal Fair Labor Standards Act.<sup>4</sup> Externships with private sector for-profit employers will be approved by the Assistant Dean for Students and the Curriculum Committee on a case by case basis.

If the on-site externship supervisor does not have a Juris Doctorate degree, then the student and the on-site externship supervisor must provide additional documentation showing how the externship will satisfy the educational goals of the Externship Program.<sup>5</sup> The Assistant Dean for Students and the Curriculum Committee will approve proposed externships having a non-attorney on-site externship supervisor on a case-by-case basis.

### Educational Goals

The educational goals of the Externship Program are:

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<sup>2</sup> American Bar Association Standard 305 is attached as Appendix G.

<sup>3</sup> See, e.g., the College of Law's D.C. Government Agency and Institution Semester Externship.

<sup>4</sup> See Appendix A, Externship Proposal Application, Appendix B, On-Site Externship Supervisor Agreement, and Appendix H, Requirements for Externships with Private Sector For-Profit Employers Under the Fair Labor Standards Act.

<sup>5</sup> See Appendix A, Externship Proposal Application, and Appendix B, On-Site Externship Supervisor Agreement.

1. To encourage the further development of the student's legal research, writing and drafting skills through work on various types of documents;
2. To expose the student to lawyering skills through participation in or observations of activities such as interviewing, counseling, negotiation, mediation, oral and written advocacy, factual investigation, public hearings and the development of strategies for case management and the legislative process;
3. To develop the student's advocacy skills through participation in or observations of court proceedings, discovery, administrative agency proceedings, lobbying activities and legislative hearings and debate;
4. To give the student practical legal experience and to enhance the student's understanding of the application of the principles learned in law school to real world legal problems;
5. To give the student the opportunity to participate in, and reflect upon, the work of legal institutions;
6. To expose the student to issues of professional responsibility within the context of the workplace;
7. To encourage the student to explore and consider the different roles that lawyers have in the economy and in society, and to expose them to the range of career opportunities available to those individuals who possess a J.D. degree; and
8. To permit the student to gain practical experience in specialized areas of the law through experiences that will supplement the student's course work within the law school.

### **Methods and Program Requirements**

The following methods will be used to achieve the educational goals of the Externship Program:

#### **1. Student Externs**

Student externs must meet all of the requirements below for the externship in order to receive academic credit.

**1. Externship Proposal Application.** The Externship Proposal Application (Appendix A) must be completed and approved by the Assistant Dean for Students prior to the starting date of the externship.

**2. Externship Educational Planning Form.** The Externship Educational Planning Form (Appendix C) must be completed and returned to the faculty supervisor within one week of the starting date for the externship.

**3. Daily Log (Timesheets).** The student extern must complete a daily log describing the student's externship work activities and the time spent on those activities. A sample log/timesheet form is attached as Appendix D. All daily logs must be signed by the on-site externship supervisor and provided by the student on a regular basis to the faculty supervisor.

**4. Evaluations.** An evaluation of the student extern (Appendix E) must be completed by the on-site externship supervisor after the first six weeks of the externship and at the conclusion of the externship. Evaluations must be returned to the faculty supervisor. It is the student extern's responsibility to make sure that all required evaluations are completed and returned to the faculty supervisor in a timely manner. No academic credit will be awarded for the externship until all evaluations have been turned in to the faculty supervisor.

In order to provide for meaningful periodic review of the externship and to facilitate the training of externship supervisors, the student extern must complete an evaluation of the on-site externship supervisor and the overall quality of the externship placement (Appendix E) at the conclusion of the externship. This evaluation must be turned in to the faculty supervisor for the externship.

**5. Writing Samples.** If permitted by the on-site externship supervisor, the student will submit to the faculty supervisor two samples of written work done during the externship. Writing samples may be any type of writing that is representative of the student's activities during the externship. The student extern is responsible for redacting the writing samples to maintain confidentiality in accordance with the standards established by the externship placement.<sup>6</sup>

**6. Reflective Journal Writings and Optional Outside Reading and Writing Assignments.** The student extern must prepare weekly journal entries during the course of the externship. The purpose of these journal entries is to reflect on the externship experience. In addition, the faculty supervisor has discretion to assign additional outside readings that are relevant to the externship and may require the student to write several short reflective papers or one longer paper. Journal entries must be provided to the faculty supervisor at regular intervals. In preparing the journal entries and any other reflective papers, the student extern is responsible for maintaining confidentiality in accordance with the standards of the externship placement. Faculty supervisors are encouraged to provide a list of representative journal entry topics to assist the student in preparing thoughtful journal entries.

## 2. On-Site Externship Supervisors

The role of the on-site externship supervisor is central to the student's educational experience. On-site externship supervisors are expected to perform the following tasks:

- 1. On-Site Externship Supervisor Agreement.** The On-Site Externship Supervisor Agreement (Appendix B) must be signed and returned as part of the student's Externship Proposal Application prior to the starting date of the externship.
- 2. Externship Educational Planning Form.** The Externship Educational Planning Form (Appendix C) must be completed with the student extern at the commencement of the externship and returned to the faculty supervisor no later than one week after the starting date of the externship.
- 3. Evaluations.** The on-site externship supervisor must evaluate the student extern (Appendix E) after the student has completed six weeks of the externship and again at the conclusion of the externship.

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<sup>6</sup> The Guidelines for On-Site Externship Supervisors (Appendix F) require the supervisor to brief the student on the confidentiality requirements of the externship placement as part the process for completing the Externship Educational Form (Appendix C) with the student extern at the commencement of the externship.

4. **Work Assignments and Ongoing Assessment/Feedback.** The on-site externship supervisor is responsible for providing assignments to the student that are consistent with the educational goals and methods set forth in the Externship Program Policy and the student's individualized Externship Educational Planning Form. The on-site externship supervisor is expected to provide assessment and feedback to the student extern concerning the work assignments on a regular basis. Suggestions for assessment and feedback are contained in the Guidelines for On-Site Externship Supervisors (Appendix F).

### 3. Faculty Supervisors

The role of the faculty supervisor is to monitor the student's externship experience for compliance with the educational goals of the externship. The faculty supervisor is to assist the student in reflecting upon the relationship between the principles learned in law school and the resolution of real world legal problems, the role of lawyers and legal institutions in society, and the fundamental values and professional responsibilities of practicing lawyers. Faculty supervisors are expected to perform the following tasks:

1. **Monitoring.** The faculty supervisor should review and monitor the student extern's educational experience using the daily log of activities, the weekly journal entries, and any other writings assigned at the discretion of the faculty supervisor.
2. **Regular Communication.** The faculty supervisor should communicate on a regular basis with the student extern and, if necessary, assist the student in addressing any issues that are raised by the six week evaluation or any other on-site work place issues that may arise.
3. **Educational Enhancement.** Where appropriate, the faculty supervisor has discretion to assign additional outside reading material and/or additional writing assignments that are designed to enhance the student's educational experience.

## **APPENDICES**

Appendix A Externship Proposal Application

Appendix B On-Site Externship Supervisor Agreement

Appendix C Externship Educational Planning Form

Appendix D Student Extern Daily Log/Timesheet

Appendix E Evaluation Forms

Appendix F Guidelines for On-Site Externship Supervisors

Appendix G ABA Standard 305

Appendix H Requirements for Externships with Private Sector For-Profit Employers Under the Fair Labor Standards Act

**APPENDIX A**

**UNIVERSITY OF NEBRASKA COLLEGE OF LAW  
EXTERNSHIP PROPOSAL APPLICATION**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Class Year (Circle One)   2d Year   3d Year

Externship Proposal for:    Fall         Spring     Summer   \_\_\_\_\_ Year

Number of credit hours for Externship: \_\_\_\_\_

Describe the Proposed Externship:

State how the Externship will contribute to your educational experience. Please describe the duties or activities that you expect to perform as an extern.

What are the starting and ending dates for the Externship?

Start date: \_\_\_\_\_

End date: \_\_\_\_\_

Who will be the on-site supervisor for your externship?

Name of On-Site Externship Supervisor: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Has the on-site externship supervisor received a copy of the Externship Program Policy (including all Appendices)?  Yes  No

Does the on-site externship supervisor have a Juris Doctorate degree?  Yes  No

If no, additional documentation may be required to demonstrate that the proposed externship complies with the educational goals and requirements of the Externship Program Policy.

Is the externship at a private sector for-profit employer?  Yes  No

*If yes, please attach a separate statement signed by the individual who will be your on-site externship supervisor explaining how the externship will comply with the requirements of the federal Fair Labor Standards Act. Consult Appendix H of the Externship Program Policy for further information.*

I know that I need to register for these Externship hours (Law 792) in MyRED.  Yes  No  
(Registration number can be found in the Registration Materials for the appropriate semester.)

**Please attach the completed On-Site Externship Supervisor Agreement with your Externship Proposal Application.**

**Required Signatures:**

\_\_\_\_\_  
Student

\_\_\_\_\_  
On-Site Externship Supervisor

\_\_\_\_\_  
Faculty Supervisor

\_\_\_\_\_  
Assistant Dean

\_\_\_\_\_  
Date

**APPENDIX B**

**UNIVERSITY OF NEBRASKA COLLEGE OF LAW  
ON-SITE EXTERNSHIP SUPERVISOR AGREEMENT**

Name of Student Extern: \_\_\_\_\_

Semester and Academic Year: \_\_\_\_\_ Credit Hours: \_\_\_\_\_

Name of On-Site Externship Supervisor: \_\_\_\_\_

Externship Placement: \_\_\_\_\_

Office Address: \_\_\_\_\_

Telephone & E-Mail Address: \_\_\_\_\_

Name of Faculty Supervisor: \_\_\_\_\_

Telephone & E-Mail Address: \_\_\_\_\_

**Please review and sign below:**

**As the On-Site Externship Supervisor for the Student Extern, I acknowledge and agree as follows:**

1. I have reviewed the University of Nebraska College of Law Externship Program Policy (including the Appendices) and agree to comply with the educational goals and administrative requirements stated therein.
2. I understand that the purpose of the Externship Program is to allow the student to develop his or her professional legal skills in an applied setting.
3. I agree that the student will be given assignments that are consistent with the educational goals of the Externship Program. Student assignments will be as challenging as the student can reasonably handle. The student will be given feedback on assignments at regular intervals during the semester.
4. I acknowledge that the required working time for the student will be 40 hours for each hour of externship academic credit for which the student has registered.

\_\_\_\_\_  
Signature of On-Site Externship Supervisor

\_\_\_\_\_  
Date

**APPENDIX C**

**UNIVERSITY OF NEBRASKA COLLEGE OF LAW  
EXTERNSHIP EDUCATIONAL PLANNING FORM**

Student Name: \_\_\_\_\_

Name of On-Site Externship Supervisor: \_\_\_\_\_

Telephone and E-Mail Addresses: \_\_\_\_\_

Externship Placement: \_\_\_\_\_

Name of Faculty Supervisor: \_\_\_\_\_

Telephone and E-mail Addresses: \_\_\_\_\_

Semester and Academic Year: \_\_\_\_\_ Credit Hours: \_\_\_\_\_

The purpose of this form is to assist the student and the on-site externship supervisor in the discussion and formulation on of mutual educational goals for the semester and to think about mechanisms for achieving those goals. Please review and complete this form together at the commencement of the externship and return it to the faculty supervisor. **As part of completing this form, the on-site externship supervisor should explain the policy and practices regarding client confidentiality that may apply to the student's work during the externship.** Your signatures acknowledge that this discussion has taken place. This form must be completed and returned to the faculty supervisor no later than one week after the starting date for the externship listed on the original Externship Proposal Application for this field placement.

1. Please describe briefly the student's three primary educational goals to be derived from this externship experience.

Goal 1: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Goal 2: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Goal 3: \_\_\_\_\_

\_\_\_\_\_

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2. Please describe possible mechanisms to achieve the student's educational goals.

Goal 1: \_\_\_\_\_

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Goal 2: \_\_\_\_\_

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Goal 3: \_\_\_\_\_

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Please complete and send this timesheet to your faculty supervisor. Suggested descriptions of externship activities are listed below. **Please maintain client confidentiality as required by the policy and practices of your externship placement in completing this log.**

<b>STUDENT NAME:</b>	<b>DATES:</b> _____ to _____
<b>EXTERNSHIP PLACEMENT</b>	

<b>Date</b>	<b>Number of Hrs.</b>	<b>Description of Work Performed (Please type or write legibly)</b>
<b>Mon.</b>		
<b>Tues.</b>		
<b>Wed.</b>		
<b>Thurs.</b>		
<b>Fri.</b>		

**Suggested Descriptions of Externship Activities:**

- Document review
- Research
- Draft
- Revise
- Correspondence/e-mail with (specify)
- Discussion with (specify)
- Assessment/evaluation by (specify)
- Participate in negotiation/mediation
- Observe negotiation/mediation
- Fact investigation and case development
- Meeting with (specify)
- Telephone conference with (specify)
- Participate in court/administrative proceeding (specify)
- Observe court/administrative proceeding

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Signature of Supervisor

**APPENDIX E**

**ON-SITE EXTERNSHIP SUPERVISOR'S EVALUATION OF EXTERN**

Name of Student Extern	
Name of On-Site Externship Supervisor	
Externship Placement	
Supervisor Telephone & Email	
Semester and Year	
Date of Evaluation	

<b>Assessment Categories</b>		
<b>Exemplary (Practice Ready)</b>	<b>Competent</b>	<b>Developing</b>
<p>Excellent work for a law student – on a job, the student could perform well with minimal supervision.</p> <p>As applied to the professionalism component of this evaluation, the student acted in a manner that comports with the level of professionalism you would expect of an attorney working in your office.</p>	<p>Proficient work for a law student – on a job, the student would need some input from a supervising attorney before the student was ready to represent clients.</p> <p>As applied to the professionalism component of this evaluation, the student acted in a manner that you would expect of a law student but would need to increase the level of professionalism if working as an attorney.</p>	<p>Work needs additional content or skills to be competent – on a job, the work would not be helpful and a supervising attorney would need to start over or fix mistakes.</p>

Name of Student				
Research and Analysis	N/A	Exemplary	Competent	Developing
<p><b><i>Legal Research Skills:</i></b> found correct sources; stated relevant law from appropriate authorities.</p>				
<p><b><i>Legal Analytical Ability:</i></b> correctly identified and analyzed legal issues based upon relevant law and policy; made appropriate comparisons and distinctions to the case at hand based upon the applicable law and policy.</p>				
<p><b><i>Problem Solving Skills:</i></b> identified the relevant facts and issues and explored all potentially viable options given the facts, issues, and law.</p>				
<p><b><i>Transactional Drafting:</i></b> drafted agreements carefully, used proper word choice, and edited to ensure that agreements accurately reflected the parties understandings.</p>				
<p><b><i>Factual Research Skills:</i></b> identified and used the appropriate factual research skills.</p>				
<p><b><i>Organization of Written Work:</i></b> clearly and logically organized and easy to follow.</p>				
<p><b><i>Writing Style:</i></b> used clear, concise, active language and had few if any grammatical errors or typos.</p>				

Name of Student				
Oral Presentation	N/A	Exemplary	Competent	Developing
<p><b><i>Use of Law and Facts:</i></b> used the relevant facts and law and made reasonable inferences and, where applicable, clearly explained the law and how it applied to the problem/case.</p>				
<p><b><i>Organization:</i></b> examination or presentation was structured logically, easy to follow, and had clear transitions.</p>				
<p><b><i>Wording:</i></b> used the active voice and persuasive language; avoided legalese; when examining witnesses, had appropriate use of leading and non-leading questions.</p>				
<p><b><i>Handling of questions:</i></b> answered questions with ease; elaborated and explained when answering all questions.</p>				
<p><b><i>Delivery:</i></b> tone, pacing, physical gestures, and voice modulation contributed to the presentation.</p>				

Name of Student				
Professionalism and Ethics	N/A	Exemplary	Competent	Developing
<p><b><i>Ethical Knowledge and Behavior:</i></b>            identified and analyzed ethical issues and informed supervisor of such; observed client confidentiality and other ethical rules.</p>				
<p><b><i>Office Demeanor:</i></b>            followed office procedures; kept regular and dependable hours; was punctual; acted in a professional manner while at the externship site.</p>				
<p><b><i>Time Management:</i></b>            met deadlines; managed time effectively.</p>				
<p><b><i>Interaction with Others:</i></b>            interacted effectively and respectfully with lawyers, clients, staff, adversaries, and other.</p>				
<p><b><i>Learning from experience:</i></b>            asked appropriate questions; learned from feedback, critique, observations, and experience; reflected critically and honestly about own performance.</p>				

**Name of Student:** \_\_\_\_\_

For any area in which you marked “developing” as your assessment, please briefly explain.

Did the student produce any work that you felt was particularly superior or inferior? Please briefly explain.

What do you consider to be this student’s strengths?

What do you consider to be something this student should be working to improve?

**STUDENT EXTERN'S EVALUATION OF  
ON-SITE EXTERNSHIP SUPERVISOR FORM**

Name of Student Extern	
Name of On-Site Externship Supervisor	
Externship Placement	
Name of Faculty Supervisor	
Semester and Year	
Date of Evaluation	

**Evaluation of On-Site Externship Supervisor**

<b>Quality of Site Experience</b>	<b>Exceeded Expectations</b>	<b>Met Expectations</b>	<b>Did Not Meet Expectations</b>
Quality of Assignments Given			
Total Number of Hours Expected			
Level of Supervision			
Helpfulness of Supervisor			
Accessibility of Supervisor			
Promptness of Feedback			
Usefulness of Feedback			
Supervisor as Role Model			





## APPENDIX F

### GUIDELINES FOR EXTERNSHIP SUPERVISORS

The primary focus of the Externship Program is educational. The educational goals for the student extern include:

1. Furthering the development of research, writing and drafting skills
2. Exploring lawyering skills related to different areas of the legal profession
3. Enhancing oral advocacy and/or communication skills
4. Developing an understanding of professional responsibility
5. Reflecting upon the role of the lawyer in a particular area of the law, and more broadly, as related to societal issues

#### Confidentiality and Pre-Externship Educational Planning

Although your role as an externship supervisor will involve supervising the performance of legal tasks, your student extern can learn other invaluable insights from your observations about the legal system and the role of lawyers in that system. Your extern may have little or no prior legal work experience. We require student externs to reflect on a number of issues such as: (1) the relationships between attorneys and support staff, clients, other attorneys, judges, legislators, and members of the public; (2) work environment and outside pressures; (3) the relationship between the legal work and an attorney's personal goals and values; and (4) the ethical issues that may arise in the attorney's particular area.

We would like your student extern to discuss these observations with you. As a mentor to your student extern, you can add an enriching perspective to the student's observations by sharing your opinions about the legal system and the role of an attorney in your particular area. In addition to requiring a daily log of work activities, we require your student extern to reflect on the externship experiences in a written journal. The process of journal writing complements the process of reflection.

The journal entries will be reviewed by your extern's faculty supervisor, and it is therefore essential for you and your student extern to have a discussion at the beginning of the externship regarding your office's policies and procedures governing confidentiality for the written journal entries. This discussion regarding confidentiality rules should take place when you and your student extern complete the Externship Educational Planning Form..

#### Becoming a Member of the Legal Profession

As an externship supervisor, you provide students a wealth of opportunities to not only develop professional legal skills, but to experience and reflect upon the process of becoming a member of the legal profession. Part of becoming a professional is learning how a particular workplace functions. You and your extern should initially discuss:

- The function and structure of the agency, office, or organization
- The nature of the legal work and extern's role
- Relevant office policies and the chain of command
- Best methods for communication and scheduling meetings with you
- The student's normal work schedule (days and hours)
- Layout of the office and library and introduction to office personnel
- The student's workspace
- An explanation of the student's first assignment

#### Suggestions for Planning and Presenting Student Assignments

A key to a successful externship is the ability of the externship supervisor to give assignments to the extern effectively. When any project is assigned, it is important for the student to know exactly what you expect and to communicate clearly all aspects of these expectations. Please remember that your student extern may have little or no prior work experience in a professional office. Listed below are some checklist-type questions that you may find helpful in planning and presenting work assignments to your student extern.

##### **1. Structure and explain the assignment with the relative inexperience of the student in mind.**

- Give the assignment in writing whenever possible. This gives the student something to refer to after your assignment meeting.

- Discuss the basic objectives of the assignment or project with the student, including how many issues you expect the student to address. Explain how this particular assignment fits into the overall case or matter and how the assignment will accomplish your objectives.
- Provide the student with some guidance in terms of starting points for legal research to help focus the issue.
- Specify how you want the student's work product, including, how technically perfect you want the letter/memo/brief to be in terms of case citations, for example, and whether you want a rough draft, more polished draft and/or finished product.
- Specify how much time you expect the student to spend on the assignment, including time for research and drafting (keeping in mind that students are often inexperienced and require extra time for thorough research).
- Specify relevant due dates for drafts and the final product and how you want the student to check in with you for progress meetings. Make sure you and the student have communicated your schedules to each other so that progress meetings are accomplished as planned
- Make sure the student is aware of the format you require. If possible, provide the student with an example of the format of the memo, brief, letter etc., to assist the student in understanding your expectations.
- Tell the student who to ask for assistance if you are unavailable.
- Ask the student if he or she has questions (again, remembering that some students may be unfamiliar with the substantive area of law you are asking them to address).

## **2. Follow up regularly as the assignment progresses.**

As students begin working on assignments, they often need additional and periodic help, assignment clarification, reassurance, or relief. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the assignment. Given that interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. It is important for you and the student to keep to your scheduled progress meetings.

## **3. Provide feedback to the student on the completed assignment.**

At the completion of an assignment, you should solicit student impressions about performance and convey your impressions about the performance on the assignment. Without periodic feedback, neither you nor the student can effectively evaluate his or her performance and make any necessary changes to result in a final product which closely resembles your goals for the assignment and provides your student with a sense of accomplishment. It may be helpful during these feedback sessions to periodically review the goals and methods listed on the completed Externship Educational Planning Form and to revise those goals and methods as necessary.

## APPENDIX G

### ABA STANDARD 305

#### ABA Standard 305. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(e) A field placement program shall include:

(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;

(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;

(3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;

(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;

(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;

(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;

(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

#### ***Interpretation 305-1***

*Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.*

#### ***Interpretation 305-2***

*The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.*

***Interpretation 305-3***

*A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.*

***Interpretation 305-4***

*(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.*

*(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.*

***Interpretation 305-5***

*Standard 305 by its own force does not allow credit for Distance Education courses.*

## APPENDIX H

### REQUIREMENTS FOR EXTERNSHIPS WITH PRIVATE SECTOR FOR-PROFIT EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT

The United States Department of Labor has published a fact sheet providing general information concerning the potential application of the Fair Labor Standards Act to unpaid externships with private sector for-profit employers. This fact sheet is reproduced below for the convenience of employers who are considering an externship for students at the University of Nebraska College of Law.

Wage and Hour Division (WHD)  
(April 10)  
Fact Sheet #71: Internship Programs Under The  
Fair Labor Standards Act.

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

#### Background

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.<sup>7</sup>

#### The Test For Unpaid Interns

There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term “suffer or permit to work” cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

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<sup>7</sup> The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act's minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA's definition of "employ" is very broad. Some of the most commonly discussed factors for "for-profit" private sector internship programs are considered below.

### **Similar To An Education Environment And The Primary Beneficiary Of the Activity**

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operations, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work.

### **Displacement And Supervision Issues**

If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this would suggest an employment relationship, rather than training.

### **Job Entitlement**

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment as the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

### **Where to Obtain Additional Information**

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

# **Pro Bono Initiative**

## **University of Nebraska College of Law**

### **Objective:**

The Pro Bono Initiative seeks to encourage and recognize volunteer legal service by College of Law students during their second and third years at the College.

### **Pro bono service recognized:**

To be recognized under the initiative, pro bono work must be:

- 1) Uncompensated – students may not receive either money or academic credit.
- 2) Law-related – the work must involve the application, interpretation, instruction, or other use of the law under the guidance of a supervising attorney.
- 3) In the public interest – including, among other things, service to the indigent, efforts to protect essential rights and liberties, law reform projects, and projects to improve the legal profession or the public’s understanding of the law.

In addition to these requirements, pro bono work must be approved by the Dean’s office prior to completion to qualify for this initiative. A student seeking recognition under the Pro Bono Initiative must complete the attached Pro Bono Certification Form and submit it to the Dean’s Office. A separate form must be used for each pro bono project completed by the student.

### **Recognition:**

- 1) Students completing 50 hours or more of qualified pro bono work during their 2<sup>nd</sup> and/or 3<sup>rd</sup> year at the College will receive a Dean’s certificate upon graduation. In some circumstances and with the approval of the Dean’s office, pro bono work done during a student’s 1<sup>st</sup> year can count toward the 50 hours.
- 2) Each year at least one student may be recognized for outstanding pro bono service.



## REQUEST TO TAKE GRADUATE COURSE FOR COLLEGE OF LAW CREDIT

A second or third year student who is not enrolled in a joint degree program may take three hours of graduate courses offered by other colleges at the University of Nebraska and receive credit for those courses at the College of Law a) if the student obtains the prior approval of the College of Law Curriculum Committee; b) the courses will further his or her legal education and c) the courses do not duplicate courses available at the College of Law. Before taking more than three credit hours of graduate courses, the student must also obtain prior approval of the Assistant Dean.

To take more than six hours of outside credit, the student must show compelling circumstances and obtain the approval of the full faculty. Except as part of an approved joint-degree program, a student may never be given credit for more than twelve hours of graduate level courses outside the Law College.

In order to request approval to take graduate courses for College of Law credit, you must complete this form and return it to the Registrar of the College of Law by the date listed in the pre-registration packet for the semester or summer session in which you plan to take the course. You should complete a separate form for each graduate course you wish to take.

You will be notified as soon as possible whether you can take the course for College of Law credit. If you receive approval to take the course, you will receive credit for the course only if you receive a grade of B or higher. Because your grade in the course will not be automatically reported to the College, it is your responsibility to make the arrangements necessary to have your grade reported to the Registrar of the College of Law. Your grade will not be included in your law school grade point average.

- (1) Name \_\_\_\_\_  
 NU ID# \_\_\_\_\_
- (2) Class (Circle one):    2<sup>nd</sup> Year      3<sup>rd</sup> Year
- (3) Are you a candidate for any other degree such as MBA, MA, Ph.D. in addition to your J.D.?  
 Yes  
 No
- If you checked "Yes" to question 3 – you must also petition the faculty for approval.
- (4) Do you plan to apply the course toward any other degree other than your J.D. degree?  
 Yes  
 No
- (5) Indicate the number of credit hours you have previously taken or are currently taken in:  
 Externship \_\_\_\_\_  
 Non-Law Courses \_\_\_\_\_  
 Research in Select Field \_\_\_\_\_
- Maximum of 12 hours allowed*
- (6) Have you previously received approval to take a graduate level course for College of Law credit?  
 Yes  
 No
- (7) If your response to Item (6) is "yes", state below the

name of the course you received approval to take, when you took the course, and the grade received.

Name of Course \_\_\_\_\_  
 \_\_\_\_\_  
 When Taken \_\_\_\_\_  
 Grade Received \_\_\_\_\_

- (8) What non-law course are you requesting approval to take for College of Law credit?

Name of Course \_\_\_\_\_  
 \_\_\_\_\_  
 Department/College      offering      the      course  
 \_\_\_\_\_  
 Course Number \_\_\_\_\_ Call # \_\_\_\_\_  
 Semester \_\_\_\_\_

At least 2/3 of the course instruction will be:

- taught in the classroom  
 non classroom activity (i.e., on-line)

- (9) Attach a copy of the official description of the course you are requesting permission to take (the description should be available in the Graduate Studies Bulletin).
- (10) State why taking this course will further your legal education and why the course does not duplicate courses offered at the College of Law.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

DISPOSITION OF REQUEST

A. Curriculum Committee

\_\_\_\_\_ Approved  
 \_\_\_\_\_ Disapproved

Comments:

Date: \_\_\_\_\_

By: \_\_\_\_\_

B. Assistant Dean (if necessary)

\_\_\_\_\_ Approved  
 \_\_\_\_\_ Disapproved

Comments:

Date: \_\_\_\_\_

By: \_\_\_\_\_

C. Full Faculty (if necessary)

\_\_\_\_\_ Approved  
 \_\_\_\_\_ Disapproved

Comments:

Date: \_\_\_\_\_

By: \_\_\_\_\_

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# Competitions

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## **Allen Moot Court Competition**

The Allen Moot Court Competition is named after Thomas Stinson Allen, the first graduate of the College of Law. This competition takes place during the Spring Semester and is open to students after successful completion of their first year of law school. Students work with a partner to create an appellate brief and participate in oral arguments. Oral arguments traditionally take place the week following spring break, with the final round argued in front of members of the Nebraska Supreme Court. Only students who participate in this competition are eligible for selection on the national moot court team(s). (Professor Stefanie Pearlman)

## **Animal Law Closing Argument Competition**

The animal law closing argument competition takes place in the fall semester, if there is sufficient student interest. It is open to students after successful completion of their first year of law school. For this competition, students create and present a brief closing argument based upon the law and facts given to them in a “trial record”. Two students are chosen from this competition to compete at the National Animal Law Competition. (Professors Stefanie Pearlman and Anthony Schutz)

## **Arbitration Competition**

The Arbitration Competition involves 4-student teams role playing as attorneys and witnesses in a mock arbitration. The competition involves an arbitration hearing, complete with opening statements, witness examination, documentary evidence, and closing statements. The students are challenged to present a succinct case, develop case themes, and create demonstrative evidence, among many other skills. Past case files dealt with issues such as employment law, construction law, and contract law. Professor Overcash serves as the coach of the Arbitration teams. (Professor Kristen Blankley)

## **Client Interviewing and Counseling Competition**

Client Interviewing and Counseling are among the most frequent and important activities lawyers undertake. Unfortunately, an interview with a client is not a simple conversation; there is a great deal of skill that goes into conducting a good interview, from listening empathetically, to framing questions effectively, to advising clients wisely. All lawyers use these skills regularly, whether they mainly litigate or mainly practice in a transactional practice. For those who do not take the Client Interviewing and Counseling Class, the Competition will give you a valuable introduction to these skills. (And even if you take the class, you'd probably enjoy the competition.) Teams of two law students (you choose your own partner) conduct an initial interview with an actor hired to play the role of their prospective client, and the team is judged and critiqued by practicing lawyers.

Those who enter the competition will get a little bit of training, and will have the opportunity to do one or two practice interviews before they are actually judged in competition. Every year the College sends its best one or two teams, with the Competition Coaches, Professors Frank and Lawson, to the ABA Law Student Division's Regional Competition.

If you are interested in the Competition, watch for announcements next fall, 2016, or contact one of us: Professor Alan Frank ([afrank2@unl.edu](mailto:afrank2@unl.edu)), 402-472-1242 or Professor Craig Lawson ([clawson1@unl.edu](mailto:clawson1@unl.edu)), 402-472-1247.

## **Grether Moot Court Competition**

The Henry M. Grether Moot Court Competition takes place in the fall semester and is open to students after successful completion of their first year of law school. Students work with partners to create an outline of issues and an oral argument. Oral arguments traditionally take place in October and the final round is argued in front of members of the Nebraska Court of Appeals. (Professor Kevin Ruser)

## **National Moot Court Team**

The National Moot Court Team actually consists of two teams of two or three students each and represents the College of Law in the Annual National Moot Court Competition sponsored by the Association of the Bar of the City of New York. Each year, approximately 190 teams representing approximately 130 law schools enter the competition. For purposes of the competition, the country is divided into 14 regions. Only 28 teams – the first and second place teams from each region – advance to the National Rounds in New York City. The Regional Rounds are held in November, and the National Rounds are held in January.

Team members are selected from second year students who participate in the Allen Moot Court Competition held at the College of Law each spring. The members then represent the College during their third year. Although being a member of the National Moot Court Team involves a considerable amount of work, it also offers students a unique opportunity to sharpen their oral and written advocacy skills. (Competition coach Shannon Doering)

## **National Trial Team**

The College's National Trial Team consists of two teams of two students. Team members prepare both sides of a case for trial. The format of the trials in the competition is similar to our Trial Advocacy class final trials. There are two witnesses per side, opening statements, closing arguments and no voir dire.

Our teams compete in a regional competition with schools from Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington and Wyoming. The regional competition is held in February each year. The top two teams in the regional competition participate in the final rounds of the competition in Texas in March.

The tryout consists of a 15 minute closing argument. Students who have completed Trial Advocacy are eligible to try out for the team.

Participation on the trial team provides an excellent opportunity to enhance litigation skills, gain courtroom experience and receive feedback from real judges and experienced trial attorneys. In addition, participation on the trial team will fulfill a skills class requirement in the Litigation Skills Program of Concentrated Study, and you trial team members earn two hours of credit, with an additional hour of credit if the team advances to nationals. (Contact Associate Dean Richard Moberly for additional information.)

## **Representation in Mediation Competition**

The Representation in Mediation Competition involves 2-student teams role playing as attorneys and clients in a mock mediation setting. The competition tests students' negotiation skills, as well as how they take advantage of the mediation process. Students participating in the competition are encouraged to think creatively, experiment with the mediation process, and work toward resolution of disputes in a wide variety of settings. Following an intra-school competition, the top two teams travel with coach Professor Blankley to compete against students from other schools in regional competition. (Professor Kristen Blankley)