

SUMMER 2014 COURSE DESCRIPTIONS
SUNY BUFFALO LAW SCHOOL

L- 522 JUDICIAL CLERKSHIP SKILLS COURSE – Staff
1 credit

Limited to 10 students; by permission of instructor only. Contact Dawn Skopinski for permission at Skopinsk@buffalo.edu or 645-6261. Mandatory co-requisite for Judicial Clerkship – Intensive (L 523); if there are openings in the course after preference is given to the Judicial Clerkship - Intensive students, Judicial Clerkship students (L797 – 3 credits) may be admitted. This course will not be offered if there is not sufficient enrollment.

This course will help students develop the legal skills necessary to perform as successful student judicial clerks. Assignments will require students to further develop and refine their research, writing, and analytical skills. Students will learn how to prepare bench memoranda, judicial opinions, and other documents typically produced by judicial law clerks. We will examine the function and role of judicial clerks, the relationship between law clerks and judges, and the ethical obligations governing judges and their clerks. Students taking this course will gain a deeper understanding of trial and appellate court practice and become more adept at addressing complex legal questions. Because students will be simultaneously serving as judicial clerks, ample time will be allotted for questions, discussion, and the exchange of workplace experiences. This course is being offered through distance learning software on the internet. Students must have a high speed internet connection and a computer with a camera and microphone.

L-529 MINDFULNESS AND PROFESSIONAL IDENTITY: BECOMING A LAWYER WHILE KEEPING YOUR VALUES INTACT – Stephanie Phillips
SEMINAR- 3 credits

Who will you be as a lawyer? A hard-charging, zealous advocate? A gentle, wise counselor? What images of lawyering did you bring with you to law school, and how has your law school experience changed those images? How should you connect your personal ethics and sense of humanity with your professional role – or should they connect at all?

To facilitate exploration of these questions, we will use an innovative method – mindful reflection. Each week, in addition to discussing readings assigned for class, we will spend time learning about and practicing mindfulness techniques that are designed to sharpen your powers of attention and observation, as well as to promote relaxation, reflection, and engagement with your deepest sense of self. Although some of these techniques originated in various religious traditions, the seminar does not promote a religious perspective. Rather, the goal is to help you develop a toolkit of practices that you will be able to use as a student and as a practicing lawyer to reduce stress, to manage the emotional ups and downs that lawyers constantly face, to find the kind of professional work that fits your goals and values, and to stay human, connected to your sense of humor and your deepest ethical and professional ideals.

Armed with these tools, we will explore a number of substantive questions reflecting three themes: professional identity, lawyering skills, and rethinking legal institutions. With respect to professional identity, we will discuss questions like the following: What makes a good lawyer? What are the limits of zealous advocacy? When lawyering for a cause, is it sometimes appropriate to put your own values before the client's? What ethical and human challenges are presented by different types, and styles, of lawyering? What characteristic personality styles do many lawyers possess? What kind of lawyer do you want to be, and what kind of lawyering work will make you happy?

With respect to the second theme, lawyering skills, we will discuss these and other questions: How do you make clients feel listened to, and heard? How do you handle a situation in which your client has a very different cultural, social or religious background from your own? How do you handle feelings of attraction, repulsion, rage, frustration, and sympathy that may arise when you deal with certain clients – or certain co-workers? How do you deal with hostile or controlling opposing counsel? How do you avoid “burnout”?

Finally, with respect to the third theme, rethinking legal institutions, we will hear from guest speakers and read materials concerning a range of innovative lawyering practices and institutions that go beyond courtroom work and the adversarial system, including: negotiation and mediation; “holistic” law practice; therapeutic justice; and restorative justice. **This course fulfills the seminar requirement.**

L-608 FEDERAL INCOME TAXATION I - Stuart Lazar
3 credits

An introduction to the basic principles of the federal personal income tax. Topics treated will include federal tax procedure, the definition of gross income, and exclusions and deductions from gross income. The course is designed to equip students to handle common personal income tax problems likely to arise in general practice. The course emphasizes a critical examination of the provisions of the Internal Revenue Code and the Treasury Regulations so that students may become proficient in the use of these basic tax tools. The teaching methods and materials used in the course are intended to encourage independent thought and critical analysis of the law and policy of federal income taxation. **Pre-requisite OR Co-requisite for L742, Estate & Gift Tax, as well as other upper level tax courses (such as Corporate Tax and Partnership Tax).**

L-613 EVIDENCE - Charles Ewing
3 credits

A study of the common-law and statutory rules of evidence designed to regulate the judicial fact-finding process, and the underlying principles and policy considerations upon which they rest. PREREQUISITE or CO-REQUISITE for Trial Technique.

L-628 RULES OF PROFESSIONAL CONDUCT: APPLICATION AND CHALLENGES IN LEGAL PRACTICE - Barbara A. Sherk
3 credits

This course provides an examination of diverse practice issues in ethics and professionalism that confront attorneys. Study includes a comprehensive overview of the New York Rules of Professional Conduct and comparisons with ABA Model Rules with reference to applicable case law and ethics opinions. Class discussion will apply the rules to current issues and hypothetical problems from a variety of practice settings. The final grade will be based on a multiple choice examination. **This course fulfills the 2nd year ethics requirement.**

L-696 INTELLECTUAL PROPERTY INTRODUCTION – Rebecca French
3 credits

One of the most interesting and growing fields of law is Intellectual Property, the study of legal protection for ideas, phrases, processes, discoveries, inventions, symbols, designs, music, art and literary works. Just as first-year Property Law covers basic ideas about real and personal property, Intellectual Property Law deals with relationship between persons and the state concerning intangible property. This course will walk students through the legal areas of copyright, trademarks, patents, industrial design, trade dress and trade secrets. We will probably be reading one of the most current casebooks on the topic, *Intellectual Property in the New Technological Age*, 2012, which seeks to set these issues in the context of the Internet and Digital Era of the last few decades. An area of rapidly changing statutes and technology, this course will be an essential introduction to this field.

L-770 LEGAL ETHICS IN CONTEXT: WHERE PROFESSIONAL RULES AND GOOD LAWYERING INTERSECT- Kim Diana Connolly
3 credits

Students will explore the ethical standards and legal obligations of lawyers as well as learn lawyering skills such as interviewing, counseling, and negotiating in the context of professional practice. Based on the ABA Model Rules of

Professional Conduct and the Restatement (Third) of the Law Governing Lawyers, as well as New York rules, statutes, and case law which govern lawyer behavior and the lawyer's duties, supplemented by various readings on practice skills, the course is designed to help students develop certain "practical lawyering" skills needed to represent clients both competently and ethically in every legal setting from litigation to transactional planning. We will use a combination of interrelated classroom work; simulations (both in and out of class); and research, writing, and reading assignments to explore both skills and ethics. There will be regular graded assignments and a short paper in lieu of an exam, and a portion of class time will be dedicated to one-on-one simulations and peer review. **The course fulfills the 2nd year 3-credit ethics requirement. The course also fulfills the skills requirement.**