

SUNY BUFFALO LAW SCHOOL
SPRING 2013
COURSE DESCRIPTIONS

L-501 CIVIL PROCEDURE– Michael Halberstam

4 credits

This course introduces students to the rules, principles and practices governing the adjudication of civil disputes in the federal trial courts. The course takes a modern approach. It tracks the progress of a case through the civil litigation process and introduces jurisdiction and other more intricate doctrines only after students understand the pre-trial process (pleadings, motions, discovery, and summary judgment). Value and policy choices implicit in the American civil adversary system and corresponding professional and ethical dilemmas will be emphasized.

L-503 CONTRACTS – John Schlegel, Jim Wooten

4 credits

The general scope and purpose of the legal protection accorded contracts: interpretation, formation, warranties, covenants, conditions, breach and remedies. Emphasis will be placed on the way that these scraps of doctrine get translated into, or avoided by, formal contract documents used in contemporary commercial practice.

L-505 CRIMINAL LAW – Michael Boucai

4 credits

Introduction to substantive criminal law, emphasizing the purposes, sources and limits of criminal law, the elements of criminal conduct, criminal responsibility, justification and excuse, criminal combinations, and the application of general principles to specific crimes. Introduction to selected aspects of the criminal justice system essential to an understanding of substantive criminal law.

L-507 PROPERTY – Rebecca French, Robert Steinfeld

4 credits

This course examines the legal arrangements with which American society controls valuable resources. It is designed both to provide a critical understanding of important features of modern society and to serve as background for advanced courses dealing with land transactions and financing, environmental regulation, public land development, corporations, intellectual property, wealth transfers, and taxation. Modern institutions are presented in the context of the evolution of property law from the gradual break-up of the feudal system through the development of finance capitalism.

L-511 CONSTITUTIONAL LAW - Martha McCluskey, Matthew Steilen

4 credits

An introduction to the allocation of governmental power under, and the limitations on that power established by, the Constitution of the United States. The course will focus on judicial interpretation of the Constitution, the scope and division of federal power, the relationship between the federal government and the states, issues concerning the extent of state authority, and the rights of individuals guaranteed by the due process and equal protection clauses of the Constitution.

L-516 LEGAL ANALYSIS, WRITING & RESEARCH II - Johanna Oreskovic, Christine Bartholomew, Patrick Long, Laura Reilly,

Stephen Paskey, Chris Pashler

3 credits

This is the second semester of a full-year required course designed to introduce students to legal analysis, legal research and legal communication (course actually begins during bridge period on 1/10). Students learn to construct legal arguments using the analytical skills acquired during their first semester. They also build on the research skills that they learned in their first semester to independently research the law needed to support their arguments. They then communicate their arguments by writing a trial level brief for their instructors, and by arguing their cases before legal professionals from the local bar who act as judges.

L-517 (Section 1) ADVANCED LEGAL ANALYSIS, WRITING & RESEARCH –Bernadette Gargano

3 credits

Law 517 is an advanced legal skills course. The ultimate goal of this course is to prepare students to address complex legal issues as they

arise in practice. A lawyer's duty to counsel clients is often overlooked during discussions of legal skills. However, this duty underlies almost all of a practicing lawyer's work – whether the lawyer is drafting a contract, administering an estate, mediating a dispute, deciding whether to sue or settle a case, or trying a lawsuit. This course will prepare students by focusing on vital legal issues that arise in the context of advising clients and pursuing legal remedies. An effective lawyer must think critically, analyze legal issues and rules of law, exercise independent judgment, and present legal conclusions in a clear and effective manner to a variety of audiences. Students will work towards understanding the context of legal skills in terms of client goals, legal purpose, audience, and procedure. As a result of this course, students will gain a more sophisticated understanding of legal research, rules of law, rule synthesis, statutory analysis, and the intersection of common law with statutes and regulations.

L-517 (Section 2) LAWR III: THE CORPORATE LAWYER: CONTRACT DRAFTING & BUSINESS COUNSELING - - Bernadette Gargano- 3 credits

This course qualifies for the mandatory LAWR III requirement. It will focus on contract drafting, the practical application of contract law, and counseling business clients. Students will learn both advanced skills in legal research, analysis, and writing for business clients as well as foundational skills in transactional drafting and counseling. We will dissect contracts and their provisions and learn how to draft specific contract provisions in light of New York law. We will consider the import, interpretation, and enforcement of particular contract provisions and how to weave those provisions into a cohesive and enforceable contract. We will discuss a variety of practical topics, including jurisdictional clauses, choice of law provisions, non-disclosure clauses, non-compete clauses, arbitration or other ADR provisions, and severability. We will also devote part of our time to client interviews, meetings, and counseling business clients on the various legal issues impacting different types of business entities. Client meetings are necessary to determine what a client wants and what can legally and effectively be achieved. Clients must understand the impact and scope of contract provisions as well as possible sources of liability. As part of this course, students will have to research legal issues, perform legal analysis and draft a variety of legal documents in order to advise clients on legal problems. Students will also participate in innovative and interactive experiential exercises.

L-517 ADVANCED LEGAL ANALYSIS, WRITING & RESEARCH – Nan Haynes
3 credits

This section of Law 517 will focus on the ways that lawyers can use their legal skills to solve public problems through litigation and through the legislative process. Lawyers can solve problems by representing individuals in civil litigation when the outcome of the litigation may deter bad behavior. Thus, a lawyer may represent a prisoner-plaintiff in a civil rights claim because the lawyer hopes for a monetary judgment that will deter prison officials from violating prisoners' civil rights in the future. Another lawyer may represent the defendant-prison official hoping for a no-cause to deter plaintiffs' attorneys from undertaking representation of prisoners in cases the lawyer believes lack merit.

Lawyers can also help solve public problems through the legislative process by drafting legislation that affects behavior. Thus, on behalf of a prisoners' rights group a lawyer may draft and advocate for the passage of legislation to curb the high incidence of civil rights violations at a local lock-up. While on behalf of prison officials, another lawyer may draft competing legislation to maintain his clients' independence to maintain security as they see fit.

Students will exercise their legal analysis, writing, and research skills by writing a pretrial brief in a claim brought by a prisoner who alleges prison officials violated his constitutional rights. We will then turn our attention to legislation intended to reduce the incidence of constitutional violations in a local lock-up.

L-517 ADVANCED LEGAL ANALYSIS, WRITING & RESEARCH –Monica Wallace
3 credits

Judicial clerkships have long been viewed as a vehicle for providing new attorneys with outstanding legal training. Employers recognize that clerkships provide new attorneys with the opportunity to conduct complex legal research and analysis in addressing novel legal questions. This course will provide students with the same opportunity to develop and refine their critical thinking, legal analysis, research, and writing skills in the context of a simulated judicial clerkship. Students will perform research and writing assignments similar to those performed by federal judicial law clerks. We will examine the role and function of judges and law clerks, different judicial philosophies, and the strategic decisions made by judges throughout the case. We will also discuss the extent to which judicial decisions may be influenced by external factors, such as the level of appellate review, the amount of judicial discretion, and case management pressures. Students taking this course will gain a deeper understanding of trial and appellate court procedural rules. By the end of this course, students will have a more sophisticated understanding of the role of judges, be more adept at conceptualizing and analyzing legal issues, and have a greater understanding of legal elements, rules of law, statutory analysis, and case law synthesis.

L- 522 JUDICIAL CLERKSHIP SKILLS COURSE - Andrew Moeller
1 credit

Limited to 15 students; by permission of instructor only. Contact Dawn Skopinski for permission at Skopinski@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) only, may be admitted.

Students will learn the skills necessary to perform as efficient and effective judicial student clerks, and perhaps future post-graduation law clerks to judges. Along with covering judicial opinion drafting and editing, topics will include appropriate interaction with judges and staff, chambers etiquette, confidentiality, ethics, identification of legal issues, and trial preparation. Because students will be simultaneously serving as judicial clerks, ample time will be allotted for questions, discussion, and the exchange of workplace experiences. Speakers from the legal community, particularly judges and law clerks, will also be arranged. Students will be assigned one to two written projects (less than 10 pages) and will participate in in-class activities to hone research skills. **This course fulfills the professional skills requirement. Meets every other week.**

L-528 MASS TORTS - S. Todd Brown
SEMINAR -3 credits

This course outlines the different forms of mass tort cases, the stages of mass tort litigation, private settlement options, and the practical effect of adjustments to mass tort law and procedure on litigant decision making at each stage of a mass tort’s life cycle. We will explore different strategies for managing and achieving finality in mass tort cases, with an emphasis on recent developments in high profile mass tort cases.

L-545 ENVIRONMENTAL LAW – NATURAL RESOURCES - Jessica Owley
3 credits

This course provides an overview of the laws aimed at managing and preserving natural resources and biodiversity through a variety of private, regulatory, informational, and public land-management mechanisms. Students will examine statutes, regulations, and other mechanisms governing the management of the federal lands and their resources. Students will consider the historical, political, and ecological influences on the law and management of these resources. This course will introduce the agencies with jurisdiction over the components of the federal estate and environmental regulation. Through this lens, students will strengthen their understanding of administrative law, constitutional law, and statutory interpretation. The course also covers regulation of natural resources—including land, water, and biodiversity—on state, tribal, and private land. **This a required course for the Environmental Law Program.**

L-562 STATUTORY INTERPRETATION – Lynn Mather
SEMINAR-3 credits

Although first year law courses focus on the common law and constitutional law, the primary source of American law today is statutory law. Consequently, a central challenge for lawyers and judges is how to interpret statutes - a task that is not as easy as it first appears. This course will explore theories and current debates in statutory interpretation, including canons of statutory construction; plain meaning and textual analysis; political, economic, linguistic, and critical theories of interpretation; and the role of legislative intent and history. We will also study stare decisis in statutory interpretation, judicial deference to administrative agencies, and other issues involved in the implementation of legislation. **This course fulfills the professional skills and seminar requirements.**

L-568 ENVIRONMENTAL LAW: POLLUTION CONTROL - Kim Diana Connolly
3 credits

This course will focus on the ways different legal regimes deal with environmental, health and other risks caused by pollution. We will begin with policy concepts underlying what has become our system of environmental laws, touch on common-law theories such as tort, nuisance, and trespass, and ground ourselves in some administrative law basics. We will then examine some of the major federal-state “media statutes” such as the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Air Act, and the Toxic Substances Control Act. We will ask why each statute was written (i.e. what Congress had in mind), how it has been implemented by the agencies, how it has been interpreted by courts, and how it works in actual practice. We will explore broader areas of authority under which agencies act beyond just regulations and enforcement. Throughout, we will evaluate whether these kinds of programs are appropriate to deal with the major environmental and energy issue of this era, climate change. A good deal of the substantive law will be covered by practicing environmental law experts, who will complete short graded “units” in an adjunct capacity. Assessment and grading will be based on a series of short assignments at the end of each unit, one final brief paper on a topic chosen by each student, as well as short weekly written assignments. There will be no final exam. **Students who have taken Law 672, Environmental Law I, may NOT take this course.**

L-574 STATE AND LOCAL TAXATION - Kathleen Devereaux
3 credits

State and Local Taxation will be an introduction and overview of the area and will cover the authority of both state and local governments to tax and raise revenue; federal limitations on that authority and state limitations on the authority of local governments to tax. The specific types of taxes to be discussed will include property taxes, corporate taxes, which will cover apportionment and corporate income tax, sales and use taxes, including the taxation of internet sales, and personal income taxes. The course will also cover various exemptions to these types of taxes.

The portion of the course addressing limitations of authority will start with a discussion of Commerce Clause restrictions on state and local government authority to tax, how that jurisprudence has evolved and its current status in regards to specific types of state taxes (for example, the taxation of interstate sales and the duty to collect those taxes). The portion of the course covering limitations on authority will also cover state uniformity and equality requirements and how those requirements are applied. Finally, the course will briefly cover issues in enforcement and remedies.

L-578 LAW AND RELIGION: CASES IN CONTEXT - Rebecca French

SEMINAR - 3 credits

This is a First Amendment Religion course with an interesting twist: we will have as our central text a book from Aspen entitled: *Law and Religion: Cases in Context*, see http://www.aspenlawschool.com/books/law_religion/. This book provides the backstory to several famous Supreme Court opinions on religion. Each week, we will read one case and its backstory for class. For example, one week we will do the entry on *Wisconsin v. Yoder, 406 US 205 - 1972* which describes the history of the Amish in that part of Wisconsin and the testimony of a famous former-Amish anthropologist from the University of Pennsylvania who swung the Supreme Court in favor of this small religious group. A three to four page paper is due in class every week on the case at hand and then we will discuss what you have written and what we think about the decision. Class attendance is obviously important but there is no other work product, no long paper and no exam. This class is always a lot of fun.

L-580 DEVELOPMENTS IN NY FAMILY LAW - Sue Mangold

SEMINAR - 3 credits

This course will provide theoretical and practical information on current issues and developments in New York State family law. Students will be responsible for weekly assigned materials on matrimonial, dependency, delinquency, adoption and status offense issues currently before the courts and legislature of the state. Assigned materials will provide necessary theoretical and historical background as well as current statutes, regulations, case law and practitioner-oriented updates. This seminar is open to all students but preference will be given to students enrolled in the Program in Family Law. Students must verify with either Prof. Tomkins or Prof. Mangold that they have met the other requirements for the Program in Family Law. All students seeking to graduate in the Program in Family Law must present their final paper for this seminar in a public forum at the end of the semester.

L-583 INTERNATIONAL BUSINESS TRANSACTIONS – Errol Meidinger

3 credits

This course examines the legal aspects of doing business across national borders. Topics discussed include international sales transactions, international franchise and distribution agreements, international technology transfers, international trade regulations, foreign direct investment, and international dispute resolutions. In addition to introducing the laws and regulatory regimes affecting cross-border transactions, the course also aims at developing problem-solving skills that are most useful in international business transactions

L-585 IP FUTURES, RIGHTS, AND REMEDIES - Bob Reis

SEMINAR – 3 credits- Block 6&7

The course will focus on the current creation and use of copyright (and patents). These will be studied in the context of changing technologies, patterns of use and infringement, international regulation of "competition" and EU market structures.

L-595 THE LEGAL PROFESSION - Lynn Mather

3 credits

Although the legal academy and bar exam depict a unitary profession, the reality of being a lawyer depends heavily on the nature of one's practice. In no other profession is the gap between the earnings of the highest and lowest paid practitioners as large as in the legal profession. This disparity results from the simple fact that the practice of law is a business. Yet at the same time, lawyers have an obligation to serve the public interest, and indeed, pro bono service has increased significantly in recent years.

This course will provide an overview of the legal profession, focusing especially on the ways in which the profession both reflects and influences its social, economic, and political environment. Particular attention will be paid to recent trends such as recent downsizing of large firms, increased competition for clients, changes in law firm size, increase in women and minority lawyers, globalization, and anti-lawyer sentiments in popular culture. How do these economic, social, and cultural trends affect one's work as a lawyer? How does the context of practice influence lawyers' ethical decision making? Course materials will draw on social science research about the legal profession, depictions of lawyers in popular culture, historical accounts of lawyers, and studies of different areas of legal practice – corporate tax, litigation, criminal, family law, immigration, personal injury, legal services, government lawyers, and so forth. A central theme of the course will be to explore the tension between the ideal of the lawyer as an autonomous professional and the economic, social, and political realities of legal practice. **This course fulfills the ethics requirement.**

L-601 ELDER LAW – Anthony Szczygiel
3 credits

The aging of the U.S. population is raising a host of issues for the law and lawyers to deal with. We will study a range of issues within this context, including age discrimination in employment, Social Security and other income maintenance programs, Medicare and other health care, housing, guardianship and health care decision making.

L-602 BANKRUPTCY – S. Todd Brown
3 credits

This course focuses on the United States Bankruptcy Code and how it alters the rights and obligations of debtors, creditors, and other parties in interest. During the semester, we will address liquidation and reorganization cases in both the personal and business bankruptcy contexts, with an emphasis on how the Code's distinct provisions serve the basic policies and goals of bankruptcy law. Specific topics to be discussed may include voluntary and involuntary bankruptcy commencement, eligibility, property of the estate, the automatic stay, avoidance powers, discharge of debts, executory contracts, means testing, and plan confirmation.

L-605 CONFLICT OF LAWS - Stephanie Phillips
3 credits

Within our nation, there are hundreds of law-generating entities -- national, state, and local. Frequently, two or more governmental bodies have promulgated legal rules that arguably apply to a single transaction or dispute. Often the laws conflict. Which law will govern? How is this to be decided? The course examines doctrinal, practical, and jurisprudential answers to those two questions. While the primary focus of the course is upon resolving conflicts between the laws of sister states, certain problems of conflicts between federal and state laws are also considered.

L-607 TECHNOLOGY MANAGEMENT AND E-BUSINESS – Larry Sanders
3 credits

The focus of this course will be on technology management and developing an Internet-based business or extension to an existing business. The course will integrate concepts from economics, organizational strategy, entrepreneur-ship, and Web design. Topics to be covered in the course include: aligning technology and strategy; models of diffusion and innovation; characteristics of information and digital goods, identifying potential Web-applications and information products for solving a problem and/or identifying a business opportunity; intellectual property rights; pricing issues related to information goods; developing a business plan for a venture capital proposal; launching the e-business; designing Web-based applications for usability; and strategies for successfully implementing systems. Case studies, lectures, guest speakers, and an integrated E-business project will be used to understand the complexities of the current business environment. **This course fulfills the professional skills requirement.**
Cross-listed with MGT- Starts 1/15.

L-608 FEDERAL INCOME TAXATION I - Sagit Leviner
3 credits

This course surveys the basic principles of the federal personal income tax. Topics treated will include the definition of gross income, exclusions and deductions from gross income, and the timing of income and deductions. The course is designed to equip students to handle common personal income tax problems that may arise in general practice. The course emphasizes a critical examination of the provisions of the Internal Revenue Code and the Treasury Regulations so students may become proficient in the use of these basic tax tools. The teaching methods and materials encourage independent thought and critical analysis of the law and policy of federal income taxation.

L-610 CRIMINAL PROCEDURE I – Teresa Miller
3 credits

This course will deal with selected topics involved in the investigatory and adjudicatory phases of the criminal process, including the right to counsel, search and seizure, the exclusionary rule, confession, line-ups and retroactivity. We will explore these topics utilizing traditional classroom discussion. Emphasis will also be placed upon the distinction between federal constitutional standards and the more stringent standards enunciated by the New York Court of Appeals.

L-611 CORPORATIONS – Michael Halberstam

3 credits

This course introduces students to the rules and laws governing the organization and management of business corporations. Drawing on current events and examples from legal practice, the course covers the special legal, financial, and ownership structures of corporations, and provides students with a first introduction to concepts of agency, risk, business valuation, financial markets, and tax structure.

Other business entities (such as partnerships, sole proprietorships, and LLCs) are studied mainly to contrast the benefits and costs of operating a business as a corporation and to make students aware of the context in which corporations and groups of businesses operate. The fiduciary duties of corporate directors and officers, and their enforcement through private litigation, are an important theme of the course.

L-613 EVIDENCE – Hon. Thomas Franczyk

3 credits

A study of the common law and statutory rules governing the admissibility of evidence at trial, hearings and other adversarial proceedings. The course will also examine the legal principles and policy considerations underlying the rules of evidence. **Prerequisite or co-requisite for Trial Technique and Trial Advocacy.**

L-614 ESTATE PLANNING – Tammie Schultz

3 credits

Planning for the financial security of the family and preservation of wealth. Federal and State laws relevant to dispositions of wealth during lifetime or at death and/or divorce, with New York emphasis: Intestate descent and distribution; the concept, formalities and anatomy of the will with drafting issues; the “trust” concept and use of various types of trusts; will substitutes; life insurance and powers of appointment; the durable power of attorney, health care declaration and the “living will” in New York. Form of transfer concepts, including split interests, joint tenancy, revocable and irrevocable gifts, with emphasis on marshalling our client’s probate and non-probate estate to provide for the contingencies of living and effectively attend to the transitions at death or disability. Comparison of the property rights of the spouse, with analysis regarding marital deduction planning and the surviving spouse’s right of election; considering the “community property” client; equitable distribution under NY’s Domestic Relations Law.

Special planning considerations: Practical planning overview of the 2001 Federal Tax Act’s “phase-out/reanimation” of the federal estate tax, with gift tax, estate tax and generation skipping taxes considered. Business plans to preserve value and family succession to business interests, considering the cross purchase and the stock redemption agreement, red-flag problems in connection with carrying out family business planning. Practical insight regarding the use and structure of charitable gifts; meeting the cost of higher education; Elder law overview; retirement income tax planning; and that ultimate planning issue, VALUATION.

L-617 GRATUITOUS TRANSFERS – Heidi Forman

3 credits

This course will cover various aspects of family wealth transmission and the attendant problems that can occur. Topics include trusts, wills, powers of appointment, intestacy, class gifts, restrictions on testamentary dispositions, will contests, the surviving spouse’s elective share, and other administrative issues arising in wealth succession.

L-621 SPORTS LAW 2: THE SPORTS INDUSTRY IN CONTEXT: THE ANATOMY OF A FRANCHISE TRANSACTION -

Helen Drew

3 credits

This course will examine the legal and business issues central to the operation of professional sports leagues and franchises in the context of a major franchise transaction. The many different and frequently conflicting legal and financial concerns of the leagues, teams, prospective investors, and various governmental constituencies will be considered in connection with a host of interrelated transactions. The course will provide significant hands-on experience in application of a variety of legal principles, including fundamental corporate law concepts, broadcast regulation, and trademark and copyright law. Market selection, arena construction and management, concessions, merchandising and licensing, media rights, marketing and public relations will also be incorporated. **NOTE: This course is intended as a sequel to “Sports and the Law”, however the fall course is NOT a prerequisite to this course.**

L-624 INTERNATIONAL FINANCE MARKETS – Phil Halpern
SEMINAR - 4 credits

This course will be taught in New York City as part of the University at Buffalo/New York City Program in International Finance and Law. Students will study several different types of international financial market intermediation and regulation, including, securities, banking, foreign exchange. **Registration by permission of instructor. This course fulfills the professional skills requirement.**

L-625 PRACTICE APPLICATIONS IN LEGAL REASONING & WRITING - Barbara Sherk
3 credits

This course provides a comprehensive reinforcement of strategy and analysis for bar examination preparation using study and review of selected common law core subjects, and statutes and case law specific to New York. Students will develop preparation techniques and skills in critical legal analysis and writing to assist them in various legal writing methods, which may be applied to all state bar examinations. Students will be expected to practice and articulate the legal method, particularly in IRAC form, as it applies to analytical reading and writing skills. Test taking skills and preparation for the Multistate Performance Test, Multistate Bar Examination and New York Multiple Choice Examination will also be discussed. Students will use in-class writing practice and assigned statutes and case law for preparation, interactive course discussion and completion of graded assignments. Regular attendance and participation are required.

This course fulfills the professional skills requirement.

LAW 625 is limited to students graduating in May 2013, September 2013 or February 2014.

L-626 PROBLEMS IN NEW YORK CIVIL PRACTICE - Hon. Tracey Bannister, James Gresens, Jodyann Galvin, Catherine Cooley
3 credits

A very practical course on the rules of civil procedure in New York based on the real-life experiences of a member of the local bar. The major portions of the Civil Practice Law and Rules and other practice statutes are covered in a series of interesting lectures. As a hands-on experience, the class will be divided into groups assigned to represent a party in a hypothetical personal injury/property damage lawsuit. The groups will prepare and serve pleadings and make appropriate preliminary motions, etc. Major subjects covered are jurisdiction, conditions precedent, statutes of limitation, venue, service, pleadings, parties, discovery, motion practice and special proceedings. **ONLY THIRD YEAR STUDENTS MAY REGISTER FOR THIS COURSE. This course fulfills the professional skills requirement.**

L-631 ADMINISTRATIVE LAW – Athena Mutua
3 credits

This course provides an intensive introduction to modern administrative government and the law organizing it. Topics addressed include the nature and structure of administrative agencies, forms of and procedures for making administrative policy, relationships between administrative agencies, interest groups and other elements of the public, delegation of authority to and within administrative agencies, administrative discretion and ways of controlling it, and judicial review of administrative actions.

L-632 INTERNATIONAL AND COMPARATIVE LABOR AND EMPLOYMENT LAW - Matthew Dimick
3credits

The internationalization of business and the challenges of the global economy make a course on international and comparative labor and employment law both timely and useful. This course will explore the important similarities and substantial differences in the labor and employment laws of nine different countries—the United States, Canada, Mexico, the United Kingdom, Germany, France, China, Japan, and India, all major players in the global economy—as well as how international labor institutions and agreements—in particular, the International Labour Organization, the labor side accord to the North American Free Trade Agreement (NAFTA) and labor rights provisions in other free trade agreements, and European Union law—shape and influence national level laws. The substantive focus will be on laws dealing with individual employment relations, labor standards, unions and collective bargaining, discrimination, privacy, and the systems by which labor disputes are resolved. Since law on the books may deviate from law in action, we will situate these materials in their historical and political context. How national laws and practice measure up against international standards is also considered.

L-635 TECHNOLOGY IN THE COURTROOM - Patrick Curran
3 credits

This course will provide practical, hands-on instruction regarding creative approaches to visual presentation of evidence at trial. The evidentiary foundation for admissibility of such displays will be examined. Students will become familiar with various computer software and presentation devices, and will prepare trial exhibits, demonstrations and re-enactments. The course will consist of

interactive lectures, guest speakers, as well as students conducting each phase of a trial incorporating computer-generated exhibits. Some class sessions will be conducted in downtown courtrooms and offices. **This course satisfies the skills requirement.**

Permission of the instructor is required. Criteria for admission to the course include familiarity with computer graphics and all forms of visual aids; creativity; and passion for becoming a trial lawyer. **Interested students should submit a statement (2 pages or less) describing their experience using computer graphics, visual aids, Power Point, KeyNote, CAD, Excel, graphs, charts and other forms of visual persuasion to Anita Mazurek at amazurek@buffalo.edu.**

Prerequisite: Evidence. Prerequisite or corequisite: Trial Technique. Students must have access to a laptop computer.

L-637 CORPORATE NEGOTIATIONS - James Newton
2 credits

This course is designed to develop your understanding of corporate contracts and negotiations, give you some tools and concepts to prepare for and conduct negotiations, and enhance your negotiation skills through frequent simulations, reflection and feedback. We will dissect contracts and their provisions, draft and negotiate particular contract terms, and engage in negotiation simulations with a range of corporate documents encountered by both law firm lawyers and in-house counsel. Students will gain a better understanding of effective negotiating practices in the corporate setting, and will have the opportunity to gain experience through role playing with practitioners. **This course qualifies for skills credit.**

L-638 TRIAL TECHNIQUE – Various Instructors
3 credits

The purpose of this course is to offer an opportunity to gain some experience in the actual trial of a lawsuit. Each student will engage in activities such as making an opening statement, conducting direct and cross examination of witnesses, and giving a closing argument. Both criminal and civil cases are used. The instructors in charge of each section are practicing attorneys or judges, who are also part time members of the faculty. The class sections meet for a minimum period of ten weeks. The eleventh session is a mock trial. Judges and trial attorneys from the area preside, law students and assistant DA's are the court assistants, high school and college students serve as jurors, and stenographers are available for most trials. The jurors hear the evidence, receive instructions from the judge, deliberate and return a verdict. Students in the course are responsible for selecting and preparing witnesses. **PREREQUISITE or COREQUISITE: Evidence. This course fulfills the professional skills requirement.**

L-643 WHITE COLLAR CRIME – Marc Gromis
3 credits

What is meant by the term “white collar” crime? Which statutes are used by federal and state prosecutors to pursue white collar criminals? What tools, such as search warrants and grand jury subpoenas, are used to investigate white collar crimes? What strategies are used by defense attorneys to defend white collar criminals before and after charges are filed? Can in-house or private defense counsel ethically represent a corporation and individual employees? What issues arise if a corporation is paying the attorneys for its employees during a criminal investigation? Is the BP disaster in the Gulf a civil and/or a criminal matter? What criminal statutes could be examined? These are the types of issues that will be discussed during this course.

This is a practice-driven class that will focus on how these types of cases are investigated, prosecuted and defended. The course material and lectures will be largely drawn from the instructor’s extensive experience as a judicial law clerk, a federal prosecutor and a criminal defense attorney. Various investigative techniques and strategies used by the prosecution will be highlighted, including the use of the grand jury, search warrants, interviews of witnesses by special agents and the use of informants.

We will examine and discuss white collar crimes committed against individuals, corporations and the government such as mail and wire fraud, tax evasion and bribery. Case law regarding issues in white collar prosecutions, such as evidentiary and other trial issues, will be discussed. Students will be asked to participate extensively in class discussions regarding hypothetical issues and case law. **This course fulfills the professional skills requirement.**

L-644 BUSINESS BANKRUPTCY AND REORGANIZATIONS - Garry Graber
3 credits

This course will focus primarily on various aspects of Chapter 11 of the Bankruptcy Code and the reorganization of financially troubled business entities. We will analyze the options for reorganization that are available to the debtor, the effects which pending reorganizations can have upon secured creditors' remedies, strategic considerations for both debtors and creditors, and the ways of meeting procedural and substantive tests of reorganization plans. One examination will be given. **PREREQUISITE: Bankruptcy (Law 602)**

L-650 EMPLOYMENT DISCRIMINATION LAW – Dianne Avery**3 credits**

This course explores the legal protections against discrimination in employment on the basis of race, sex, religion, national origin, and age. The major emphasis of the course will be on Title VII of the Civil Rights Act of 1964, as amended. Other laws include the Equal Pay Act, the Age Discrimination in Employment Act, and 42 U.S.C. § 1981. Subjects include theories of liability, defenses, and proof schemes; pregnancy discrimination; discriminatory harassment; affirmative action; and remedies for unlawful discrimination. There will be an in-class, open-book final examination.

L-651 TRIAL ADVOCACY - Hon. Thomas Franczyk**3 credits**

Note: Students enrolled in this course will receive 3 credits. Students may be eligible for an additional 3 credits if they advance from a Regional Competition to a National Competition during one semester or if they are selected to participate in two competitions in two semesters. In no event shall any student receive more than 6 credits for this course.

In this intensive course, students will learn how to prepare and try a criminal or civil case with an eye toward participating as trial counsel in a national mock trial competition. This course picks up where basic Trial Technique leaves off. It is more in-depth and concentrated in its focus and time commitment.

The students will organize and analyze a complicated fact pattern by focusing on the elements of proof, defenses and by developing a theme of the case. In each session, students will, under the guidance of the instructor, guest judges and trial lawyers, work on a different aspect of a selected case. In the process they will sharpen their skills in the mechanics of trial lawyering: how to ask proper questions on direct and cross examination, impeachment with a prior inconsistent statement, introduction and use of objections. The student performances in each aspect of the trial will be critiqued on the spot so that they can identify their weak points and improve upon them for the next session.

In the trial competition, the students will try a case against top student trial lawyers from across the country. Competitions are either invitationals which involve trying both sides of a criminal or civil case at least twice, and up to 5 to 6 times depending on whether the team advances past the preliminary rounds. The competitions usually take 3 to 4 days. With the National Trial Competition and ATLA Competition, if the team wins the Regional, they advance to the Nationals and repeat the process. Actual trial judges and trial lawyers serve as judges and evaluators. Course schedule varies from semester to semester and ordinarily consists of frequent meetings during a 6-week period. The time commitment is generally 3 nights a week and Saturday or Sunday mornings with all sessions running about three hours. This course counts toward the maximum of 12 credits that a student is permitted to receive from independent studies, externships, and courses in other UB academic units. **This course fulfills the professional skills requirement.**

Practice schedules are Monday and Wednesday evenings and some weekend mornings.

Pre-Requisite: Basic Trial Technique but students who have not taken that course are still permitted to try out for the Trial Teams. Evidence is encouraged as a co or pre-requisite. Enrollment by permission of instructor only.

L-655 MASS MEDIA LAW – Samantha Barbas**3 credits**

This course examines many of the legal issues faced by the mass media industries. Topics include defamation, privacy, prior restraints, public access to the media, reporters' privileges, media coverage of trials, the regulation of advertising, access to governmental information, obscene and indecent communications, legal controls over broadcasting, and problems posed by online media. A background in First Amendment law is helpful but not necessary.

L-656 NEW YORK LEGAL RESEARCH - Theo Belniak**1 credit**

As students go off to summer internships and graduates go off to their first jobs, many stay within the borders of New York State. Unlike the more general focus of other advanced legal research courses offered at UB Law, this course will address a need for focused instruction in New York legal research.

The course will reinforce the 'basics,' such as case law and statutory research, and will provide in-depth guidance for lesser-used resources, such as secondary and administrative law sources. In addition, it will focus on the efficient vetting and use of online resources, including Westlaw, Lexis, Loislaw, and freely available web-based sources. These assignments will come in multiple forms:

some will reflect a real-life research problem that a student might encounter at a law firm, and others will reflect a ‘step-by-step’ approach to learning the source. As the semester progresses, the assignments will incorporate multiple aspects and topics of research already covered, ensuring reinforcement of previous class sessions. **This course fulfills the skills requirement.**

L-662 ADVANCED CIVIL PROCEDURE: MULTIPARTY LITIGATION – Matthew Steilen

3 credits

This course focuses on multiparty litigation in the federal courts. There will be a detailed examination of rules of joinder, issue and claim preclusion, class actions, and multidistrict litigation ("MDL"). The class will include group writing assignments in addition to exams.

L-665 TOPICS IN REGIONAL ECONOMIC DEVELOPMENT: INDUSTRY – John Schlegel

SEMINAR - 3 credits

The effects of public and private economic development initiatives are hotly debated. In the Buffalo area at least, publicly funded economic development, especially large-scale infrastructural improvements, seem not to have worked very well. Recent scholarship has suggested why that is the case. However, there has not been much work directed toward understanding what makes public or private economic development initiatives successful, much less toward identifying less grand public economic development activities might contribute to that success.

The study of economic development is a multifarious enterprise. This semester we will focus industrial development (whatever that might mean in Twenty-First Century America) in any area, be it city or suburb. We will begin with a book that offers a real theory about such development: Jane Jacobs, *Cities and the Wealth of Nations*, and then move on to more recent work that may or may not be consonant with the ideas in Jacobs offers. Students, working in groups, should expect to acquire detailed knowledge of a specific area within this region and to use that knowledge to develop a detailed plan for improving the industrial economy in that area.

This seminar satisfies the colloquium requirement for students in the JD/MUP dual degree program. Students seeking colloquium credit need only enroll for one semester, but are welcome to enroll for both.

L-667 ADVANCED LEGAL RESEARCH – Joseph L. Gerken

3 Credits

This course is intended to enable students to become more sophisticated researchers. Its objectives are to help students to think strategically about research projects, critically evaluate sources, and refine their research methodology. To this end, each student will pursue one sustained research project, making use of the sources discussed in class. The course will focus on Federal law sources, with some discussion of New York law. Covered sources will include case law, statutes, legislative history, regulations, agency rulings, presidential documents, and sources in related disciplines (social sciences, health sciences and business). Advanced search techniques on Westlaw, Lexis and other on-line databases will also be covered. **Permission of the instructor is required. This course fulfills the professional skills requirement.**

L-668 NEW YORK CRIMINAL LAW – John Nucheren

3 credits

This course examines the process of New York State criminal litigation beginning with the filing of charges and continuing through the post-conviction stage. Topics covered may include: the exercise of prosecutorial discretion in the charging function, the preliminary hearing and grand jury proceedings, bail, joinder and severance of defendants and charges, the right to a speedy trial, discovery, trial issues, the right of confrontation, the presentation of evidence, jury instructions and sentencing issues.

L-676 INTRODUCTION TO HEALTH ECONOMICS- Walter Ludwig

3 credits

The purpose of this course is to provide students with the skills necessary to understand economic analysis in all aspects of health and healthcare. It will examine the supply and demand for health services, and the economic analysis of healthcare systems and current healthcare policies. It will also examine the economic evaluation of healthcare technologies, the impact of HMO's and health insurance policies, and the effects of regulation on both private and public health programs. Where appropriate, discussion will also include local and regional issues as well as current events regarding these topics.

Course is crosslisted with SPM 539 and begins on 1/14.

L-678 FEDERAL INDIAN LAW - Jessica Owley

3 credits

This course covers the development of Federal Indian Law from the late 18th century to the present, focusing on the legal relationship between Indian nations and the United States. Emphasis is given to unique principles of law concerning tribal sovereignty, tribal regulation of non-Indians, the federal trust relationship, tribal hunting, fishing, and water rights, treaties, casinos and reservation economic development and the interplay between tribal, state, and federal criminal and civil jurisdiction. Students should gain a critical understanding of the basic tenets of Indian law, the bases of tribal sovereignty, the structure of the federal-tribal relationship and its history, and a sense of the future directions the courts, tribes, and Congress may take in addressing current legal issues in Indian country. **This course qualifies as an elective for the Environmental Law Program.**

L-680 TOPICS IN GLOBAL FINANCE – Phil Halpern
4 credits

This course will be taught in New York City as part of the University at Buffalo/ New York City Program in International Finance and Law. Students learn about a number of areas of current global finance practice, including emerging market debt, bankruptcy, structured finance and securitization. **Permission of Instructor. This course fulfills the professional skills requirement.**

L-684 FINANCIAL ANALYSIS & REPORTING- Jeannette Toth
3 credits

This course provides an introduction to the fundamental concepts and issues of financial accounting with emphasis on the interpretation of financial statements. The course addresses the economic consequences of transactions and their presentation on corporate financial statements. A primary objective is to introduce corporate financial statements as a tool for company valuation and decision-making. Emphasis is on the analysis of effects of decisions on financial performance and use of financial statements to evaluate organizations. **CROSSLISTED WITH ECO504 and begins 1/15.**

L-685 CORPORATE REORGANIZATIONS - Paul Battaglia
3 credits

This is the follow-up to Corporate Taxation and deals with mergers, tax-free acquisitions, separations and recapitalization of corporations, including problems in acquiring "loss" corporations. We will examine the pertinent Internal Revenue Code provisions in detail, as well as non-statutory decisional material, including the "business purpose", "continuity of interest", and "step transaction" doctrines. We will also do considerable problem solving. **PREREQUISITES: Tax 1 and Corporate Taxation.**

L-694 CRIMINAL PROCEDURE II – Tony O'Rourke
3 credits

This course will cover criminal procedure adjudication. It will examine the constitutional doctrines that regulate the criminal adjudication process, and look at the statutory and institutional choices made within this constitutional framework. The topics covered will include the prosecutor's charging discretion, the right to counsel, discovery, plea bargaining, jury rights, sentencing, and double jeopardy. The course is designed to complement Criminal Procedure I, but that course is not a prerequisite.

L-705 FEDERAL INCOME TAXATION: PART II – Heidi Forman
3 credits

This course builds on and moves beyond the issues addressed in the basic course in federal income taxation with a particular focus on property transactions and issues relating to the timing and character (capital versus ordinary) of income and deductions. Among other topics, we will cover the cash and accrual methods of accounting, depreciation, like-kind exchanges, original issue discount, installment sales, property transactions involving debt financing, and sales and leasebacks. Grades will be based on a final examination. **Prerequisite: Federal Income Tax I (Law 608).**

L-709 FIGHTING POVERTY IN BUFFALO - Sam Magavern
3 credits

Roughly 14% of the Buffalo region's residents live in poverty; that rate rises to about 29% in the city of Buffalo itself. What are the causes of this poverty, and what are successful ways to address it? In this class, we'll examine local poverty through many lenses, including low-wage work, disability, race, family violence, public assistance and education. We'll meet with non-profit groups that are fighting poverty and study policy changes at the local and state level to strengthen their efforts. Each student will write a fact sheet and policy brief recommending changes. We will invite the public to our final class, in which we will present our proposals. The class will meet in downtown Buffalo at 237 Main St., Suite 1200.

L-709 ADVANCED LEGAL ETHICS – Jim Milles**SEMINAR- 3 credits**

This seminar provides an opportunity to explore in some depth theoretical approaches to legal ethics. Readings include an introduction to moral philosophy and selected scholarship reflecting the influence of philosophical traditions and other theoretical approaches to legal ethics. We will also examine selected issues in practical legal ethics and professionalism including self-regulation, zeal and neglect, and changes in the practice of law due to technology, globalization, and the market. Students will complete a substantial research and writing project satisfying the seminar requirement, in addition to satisfying the ethics requirement. A previous course in ethics and the legal profession is helpful but not required. **Fulfills ethics requirement.**

L-713 CLOSING A TAX DEAL IN NEW YORK - George Hezel**3 credits**

Section 42 of the Internal Revenue Code of 1986 contains the Code provision extending a bundle of tax benefits to investors in low income housing projects. Section 42 is one of the longest sections of the Code and embodies a bold approach to the provision of a public good--affordable housing. The Section yokes together the discipline and greed of the private, for-profit sector with the mission of the not-for-profit sector in attempt to do what government has struggled to do since the New Deal--provide quality shelter for those unable to afford it on their own in an economically efficient way.

The Low Income Housing Tax Credit program has not only become a widely used financing tool--the credit is employed in 95% of the affordable housing built today--but is also a prototype for other tax credit sections intended to promote community and economic development. Accordingly, an analysis and understanding of Section 42 will enable one more readily to analyze and understand other similar credit provisions of the Code

The course intends to examine those voluminous and opaque documents that cradle the deal points of a low-income housing tax credit project. We will begin with a reading of Section 42 and then analyze the process employed by the State of New York to award credits under Section 42. We will then examine the documents of the 'deal' and ferret out the reasons for the particular provisions of the Limited Partnership Agreement and other related agreements.

The students wishing to participate in this course should be interested in working their way through complex financing documents and will be expected to do two short papers during the course on subjects covered.

This course is a "transactional course" for the purposes of meeting the requirements of the Finance Transactions Concentration. Though not prerequisites, the following courses may be helpful foundation blocks: federal tax, housing finance and development, acquisition transactions. **This course satisfies the professional skills requirement.**

L-715 HEALTH POLICY IN THE UNITED STATES – Kristina Young**3 credits**

This introductory course explores the U.S. public policymaking process and its impacts upon the determinants of the population's health status including environmental, socio-cultural, ethnic, demographic, economic, lifestyle, service access and other factors. The course opens with an historical overview of benchmark developments in U.S. health care, highlighting significant influences that transformed the industry into its current form. With the incremental evolution of U.S. health policy as the context, the course discusses individual and societal values concerning health and the operation of the political system framed in a cyclical process of agenda-setting through policy modification. Each step of the policymaking process highlights the roles of key players in the legislative, judiciary and executive branches of government, and the manner in which they affect the process. The course identifies and characterizes the array of health care system stakeholders ranging from private citizens to powerful industry lobbying organizations and the means and methods used to influence the formulation, implementation and modification of health policy. The course concludes with a discussion of the characteristics and role of political competence in the U.S. policymaking process. **Cross-listed with SPM 542. Class begins on 1/18.**

L-717 REMEDIES – Isabel Marcus**3 credits- Block 5&6**

Remedies give meaning to obligations imposed by the rest of substantive law. The law of remedies (ranging from compensatory damages, punitive remedies, to preventing harm through injunctive relief) falls somewhere in between procedure and primary substantive rights. This survey course explores the general principles of public law and private law remedies cutting across substantive fields. There will be a final exam for this course.

L-719 INTERNATIONAL TRADE LAW AND POLICY – Meredith Kolsky Lewis**SEMINAR-3 credits**

This seminar will introduce students to international trade law. We will begin by covering comparative and absolute advantage to understand the economic theory underpinning international trade. We will then consider why - notwithstanding the economic rationales for trading - countries nonetheless impose trade barriers. The course will next examine how international trade is regulated, including the core principles of the World Trade Organization; free trade agreements; and domestic regulations. We will discuss a range of legal and policy issues, including topics relating to protecting the environment, government subsidies, public health, developing country interests, and intellectual property protection. Assessment will include a research paper and an in-class negotiating exercise.

L-724 AMERICAN LEGAL HISTORY: FROM THE REVOLUTION TO THE CIVIL WAR - Alfred Konefsky
3 credits

This course focuses on the development of American law in the century from 1760 to 1860. Transitions in the legal ideology of the period will be examined, including the reception of the common law in America; the influence of the American Revolution on beliefs about the nature of law; shifts in forms of legal reasoning; changes in the legal profession; and the rise of the codification movement. In turn, resulting changes in legal doctrine in areas including contract, tort, and property will be studied for their impact on private and public economic activity.

L-735 EFFECT OF RELIGION AND CULTURE ON FAMILY LAWS IN EASTERN COUNTRIES - Nadia Shahram
3 credits

State law governs family and matrimonial laws in the United States, but religion and culture play a major role in the personal codes which influences the behavior of citizens. The Quran offers a religious textual body of laws for students to study in comparison to US state laws, and to examine it as a controlling influence over the lives of American Moslems. The body of Islamic Law, or Shari's, is central to the understanding of Moslems living in Western society.

This course will provide students with an opportunity to examine the legal status of women before and after marriage, as daughters, wives and mothers in Muslim and Hindu societies in Iran, India, as well as other Eastern countries. The personal codes and family laws that deal with marriage, polygamy, divorce, inheritance, and the custody of children are issues that are at the core of Islamic traditional life and influence Muslims in every society.

L754-HOT TOPICS IN CONSUMER LAW- Lauren Breen
SEMINAR- 3 credits

Payday loans, debt settlement companies, foreclosure rescue scams and many other consumer law issues loom large in the media these days due to unprecedented scrutiny of consumer products through the Consumer Financial Protection Bureau. What is the role of the CFPB as compared to the Federal Trade Commission? How are financial justice organizations working with the NYS Department of Financial Services and other regulators on behalf of low income New York residents? We will address these issues and more during this timely seminar, which will be led by law students researching these important and controversial topics.

L-763 PROBLEMS IN INTERNATIONAL FINANCE –Philip Halpern
SEMINAR – 4 credits

This course will be taught in New York City as part of the University at Buffalo/ New York City Program in International Finance and Law. Students will work on a semester-long project relating to an area of financial practice. Examples in the past have included analysis of mergers, commission structures and financing opportunities in Europe and Asia. **Permission of Instructor - Limited to students in the NYC program. This course fulfills the professional skills requirement.**

L-772 HEALTH HOMES LEGAL PRACTICUM- Kim Diana Connolly, Nan Haynes, Grace Andriette
4 credits

Students enrolled in the Healthy Homes Legal Practicum will learn law while helping those in need. This new practicum will provide a distinctive, multifaceted advocacy approach to Buffalo residents most impacted by unhealthy housing. Working with three experts (adjunct professor Grace Andriette, Supervising Attorney of the Housing Unit at Neighborhood Legal Services, SUNY Buffalo Law School professor and expert lead paint litigator Nan Haynes, and the SUNY Buffalo Law School Director of the Clinical Legal Education and the Environmental Law Program, Kim Diana Connolly), students will address environmentally related health impacts through five distinctive strategies: assessing existing resources (determining and analyzing existing ordinances and caselaw); proposing legislative solutions (work on ordinance drafting); assessing options to financially assist and incentivize property owners via tax credits, loans, subsidies, and other approaches; direct advocacy; and a lead poisoning “mapping” project.

Home-based health hazards are a significant problem in Buffalo. High poverty rates, aging housing stock, and a high population of renters create severe health risks for families residing in substandard housing. Lead poisoning causes neurological damage, developmental delays, learning disabilities, memory loss, attention deficit, hyperactivity, behavioral disorders, and intellectual impairment. These impacts result in lost earning capacity, and increased medical and educational costs. Similarly, medical interventions related to asthma, carbon monoxide poisoning, and other home-related injuries are closely linked to substandard housing, and disproportionately impact communities of color and low income families. Other stakeholders in the area, including local and state governmental experts, Neighborhood Legal Services, and the Community Foundation of Greater Buffalo, will be cooperating with the practicum's efforts. **This course qualifies for skills credit.**

There are only eight openings for students to work as part of the inaugural Healthy Homes Legal Practicum. Students should apply through the Registrar's website when available.

L-795 LEGAL & CULTURAL ISSUES IN CYBERSPACE – Mark Bartholomew
SEMINAR- 3 credits

This seminar will tackle the emerging laws of the Internet and e-commerce from an interdisciplinary perspective. A broad array of topics will potentially be discussed including Internet governance, content regulation, liability for indirect infringement, and criminal and tortious conduct in cyberspace. Students will be encouraged to examine the cultural changes brought about by the rise of cyberspace, including its potential impact on political participation. Each student will write a substantial research paper on a topic selected by the student in consultation with the faculty member. Students will circulate and orally present a draft of their work prior to completing the final paper. Grades will be determined on the basis of class participation and the research paper.

L-807 20TH CENTURY AMERICAN LEGAL HISTORY- Samantha Barbas
SEMINAR- 3 credits

This seminar offers a broad survey of major themes in US legal history in the twentieth century, focusing on the relationship between the legal system and American society. Particular areas of focus include legal and social debates surrounding freedom of speech, religious freedom, race relations, family law, reproductive rights, immigration and citizenship, workers' rights, privacy, and the regulation of new technologies.

L-808 COMPARATIVE CORPORATE GOVERNANCE - Matthew Dimick
SEMINAR – 3 credits

The purpose of this seminar is to compare the corporate laws of the advanced industrial economies: the United States, Japan, and the countries of Europe. The seminar will cover several broad topics. We will learn how the basic corporate governance structure differs across countries and understand competing proposals for why this variation exists. Are these patterns a consequence of the country's legal tradition (e.g., civil law versus common law), its politics, or the way that corporate law "complements" other areas of economic regulation, such as that governing the employment relationship? We will also ask whether these different patterns of corporate governance will continue to persist or are converging on a single corporate model. Different countries' approaches to the objectives of corporate law will also be considered. Should the corporation exclusively maximize shareholder value or should the interests of other stakeholders—such as employees, creditors, suppliers, or consumers—be accounted for in corporate law? Through our comparative approach, we will also examine the ways countries address specific corporate concerns, such as insider trading and related-party transactions, the protection of debt and equity investors, mergers and acquisitions, and takeovers and control transactions. Finally, several contemporary policy proposals and debates will be investigated. Should shareholders take a more activist role in corporate governance, and should the law be amended to facilitate such participation? Should changes in corporate law and governance be made to better monitor and mitigate systemic risk in the financial system?

L-809 TOPICS IN TAX – Stuart Lazar
1 credit

This course is required for students enrolled in the IRS externship. It is also open to other interested students with the permission of the instructor. We will meet for twelve hours over the course of the semester (approximately every other week for two hours) at times mutually agreed upon by the participants. The course will discuss tax research and/or tax policy issues. While a portion of this course will be conducted on the lecture/discussion formation, a portion of the course will require students to research tax issues and write or present on their research. Since this course is offered in conjunction with the IRS externship, those students in the IRS program may wish to discuss topics that they are working on in their externship (observing any confidentiality requirements) including a summary of the applicable IRS Code sections and regulations, case law, and other policy and practical matters relevant to their topic. Students who are not enrolled in the externship will need to choose topics and develop them similarly. Guest speakers may be invited to present to the group. **This course fulfills the professional skills requirement.**

L-809 INJURIES – David Engel
SEMINAR – 3 credits

This seminar examines selected topics in tort law, but it is not only a study of tort doctrine. In addition, it will present readings that view legal responses to injuries from a social and cross-cultural perspective. Studies of injuries in American society will be compared to studies set in other societies, including those in Asia and Africa.

A few key concepts will be emphasized in our study of legal responses to injuries. We will ask, for example, how the concept of injury itself is defined, as well as the assumptions about who, if anyone, should be held responsible. We will consider damages and how they are actually awarded. We will ask how juries perform their functions in the tort law system and whether the popular criticisms of jury decision making are warranted. We will also consider such topics as risk, remedies, causation, and responsibility, and we will ask how the everyday practices of lawyers and insurers shape our understandings of injuries and remedies. We will discuss the role of gender and race in the tort law system, and we will conclude with a discussion of the globalization of tort law involving litigation in American courts directed against foreign nationals or governments for injuries outside the United States.

A major, fieldwork-based research paper is required. There is no exam.

L-810 LAW SPACE POWER - Irus Braverman
SEMINAR- 3 credits

Rules, cases, regulations – or, in general: the law – do not exist only in the abstract but have a certain place, a certain location, a certain materiality. This seminar will ask: where is the law? What is the relationship between law and space, and how does space affect the law? The law can be in the physical books, in the minds of judges, in the body of the murderer and in the house that is a person's property. The law also materializes on different scales: it is on the street, in the city, and in the nation-state, but it is also international and global; it is even in outer-space. One way or the other, law is some thing and some where, it is physical. The seminar will introduce students to the major writings in law and spatiality within the emerging field of legal geography. It will then focus on several specific spaces and their relationship with the law: washrooms, nature reserves and parks, airports, outer-space, and border checkpoints.

This seminar is particularly relevant to students interested in deepening their understanding of environmental and property law, cultural studies of the law, and legal geography. Crosslisted with GEO 641.

L-816 ADVANCED APPELLATE ADVOCACY – Lucinda Finley
SEMINAR - 3 credits

Appellate Advocacy II: National Moot Court Team. This course involves participating in national external moot court competitions. The competitions and teams for each competition will be selected by the professor. Participation in these competitions will involve writing a brief, preparing for oral arguments, and going to the competition and presenting oral arguments both on brief and off brief. Each team will be coached. All travel and competition registration expenses will be paid by the law school. The competition dates will be between late February and late March, and briefs will be due between late January and mid-February, depending on the competition.

This course will satisfy an elective requirement for the Civil Litigation concentration, and it will also earn students seminar credit because of the writing component. **This course fulfills the professional skills requirement.**
Enrollment is by permission of the instructor.

L-817 CRIMINAL LAW PRACTICUM - Leigh Anderson/ Robert Convissar
4 Credits

Students enrolled in this course will actively participate in the defense of criminal cases handled by local attorneys under the Erie County Assigned Counsel Program, which provides legal assistance to indigent defendants. Students will be required to perform approximately 10 hours per week of fieldwork in this course. Depending upon case needs, students will assist assigned counsel in investigating and preparing cases for trial (including researching relevant legal and evidentiary issues, writing trial memoranda, evaluating the strengths and weaknesses of the case, preparing witnesses and attending the trial) as well as evaluating plea offers and sentence commitments. Students will also produce a brief "white paper" on a topic of choice related to their fieldwork. These papers may be published online. In addition to working directly with assigned counsel, students will attend several classroom training sessions to prepare them for their fieldwork and, thereafter, weekly meetings with one or both instructors, who will consult with assigned counsel and monitor and review students' work. **This course fulfills the skills requirement.**

Enrollment by permission of instructors. See Application form at www.law.buffalo.edu/registrar (under registration materials for spring)

Prerequisite: Criminal Procedure, New York Criminal Law or equivalent

L-819 PRIVACY, INFORMATION, AND TECHNOLOGY – James Milles
3 credits

This course covers privacy issues related to information technology, databases, surveillance, and cyberspace. Topics include basic privacy concepts, government surveillance, privacy and access to public records, government access to personal information, data mining, identity theft, consumer privacy, financial privacy, and more.

L-830 ADVANCED TOPICS IN TAX – Sagit Leviner
SEMINAR – 3 credits

This seminar will involve reading and discussing articles and books dealing with advanced issues of federal taxation. Topics covered will include (1) progressivity and the tax burden distribution, (2) wealth and inheritance taxation, (3) taxpayer compliance and enforcement, (4) tax and behavioral economics, (5) corporate social responsibility, and (6) globalized aspects of tax policy design.

Students will be expected to write weekly reaction papers (roughly 2 pages) and one final paper of approximately 15 pages about one of the topics discussed during the semester. Pursuant to time constraints, students may be asked to provide a short presentation on a topic of their choice. Attendance and class participation required. **Pre-requisite: Federal Income Tax 1 (Law 608).**

L-835 AMERICAN CONSTITUTIONAL HISTORY I: FROM THE REVOLUTION TO THE CIVIL WAR – Alfred Konefsky and Robert Steinfeld
SEMINAR- 3 credits

This seminar will examine the constitutional history of the United States and a number of individual states from the American Revolution to the Civil War. The seminar will begin by examining the history of the first state constitutions adopted following the Declaration of Independence. We will then read the text of the U.S. Constitution together with excerpts from the debates at the Constitutional Convention concerning the drafting of various clauses. The seminar will continue with a set of readings which examine the debates between Federalists and Anti-Federalists over ratification of the Constitution, and follow up with readings devoted to the issue of the origins of Judicial Review. The seminar will then trace the development of the jurisprudence of various clauses of the U.S. Constitution: the Contract Clause, the Takings Clause, the Privileges and Immunities Clause, the Fugitive Slave Clause, down to the Civil War. The aim of this portion of the seminar will be to develop an understanding of the broader structure of constitutional jurisprudence in the ante-bellum period, focusing on the concepts of express and implied limitations, vested rights, and federalism which not only played roles in federal constitutional law, but also in the state constitutional law of the period.

A research paper of 25-30 pages will constitute the writing requirement for the seminar.

L-838 FINANCE TRANSACTIONS COLLOQUIUM – Tom Disare
SEMINAR - 3 credits

This colloquium will discuss current financial and business issues facing the global economic order and attempt to prepare students in the concentration to make the transition between law school and practice in this area. Preference will be given to students who are completing the Finance Transactions Concentration. Written work will be required appropriate to the various topics discussed.

The students enrolled in this colloquium may work on issues being raised in the UB in NYC program being run simultaneously in New York. Prior participants in the program are encouraged to enroll and continue researching topics first explored in their New York experience or new topics being raised this year.

THIS COURSE IS ONLY OPEN TO THIRD YEAR STUDENTS. PREREQUISITE OR CO-REQUISITE–ACQUISITION TRANSACTIONS.

L-849 INTERNATIONAL LAW COLLOQUIUM (con't) – Makau Mutua
SEMINAR – 1.5 credits

The International Law Colloquium is a year-long, three credit course (1.5 hours each semester), open exclusively to third year students in the international law concentration, for whom it is a required course. Students will read and discuss recent scholarship on the changing structure and function of the international legal system in the era of globalization and democratization. Each student will develop and present to the group a research project on an emerging issue in international law, culminating in a substantial research paper.

L-859 WORK, FAMILY AND THE LAW – Martha McCluskey
2 credits- Block 6&7

This two-credit course, held for 3 hours each week during Blocks 6 & 7 (starting the week of March 4) focuses on legal questions about the relationship between paid work and family caretaking. How does employment law respond to workers' family and personal caretaking demands arising from child care, elder care, and illness? What protections and accommodations for these needs are or should be legally recognized? What questions of law arise for those who work in others' homes to provide paid domestic services or home health care? How should family law treat family members' caretaking services, as a gift of love or as an exchange of labor? What questions about gender and race discrimination arise from the legal treatment of caretaking work? Each week, readings and class discussions will focus on a statute or group of cases dealing with a particular area of law. Students will have weekly short written and in-class exercises aimed at sharpening skills in legal reading, analysis, and argument. For the final classes, students will focus on researching and analyzing a particular statutory reform provision (choosing from an assigned list) and giving an oral presentation to the class advocating for or against the law reform, followed by a final 10-12 page paper on this project (no final exam). This final project will build skills in legislative research, interpreting statutes and policy advocacy.

L-861 LABOR AND EMPLOYMENT LAW COLLOQUIUM - Dianne Avery
SEMINAR- 3 credits

Students who are registered in the Labor and Employment Law Concentration are required to complete three (3) credits in the Labor and Employment Law Colloquium during their third year in Law School. The Colloquium is a small course that will be team-taught in a seminar format, in the Fall Semester. Students will discuss assigned readings, undertake original research, and write and present papers on current topics in labor and employment law.

Permission of the instructor is required. Students who have successfully completed (or are in the process of completing) all other requirements for the Labor and Employment Law Concentration are eligible to enroll in the Colloquium. To register, submit an unofficial transcript to the Concentration Coordinator, Professor Dianne Avery, lawavery@buffalo.edu, before the first day of 3L pre-registration (November 2).

L-864 JD/MSW FIELD SERVICE COLLOQUIUM - Melinda R. Saran and Jorien Brock (School of Social Work)
1 credit

This colloquium will allow students enrolled in the JD/MSW program to meet and discuss the ethical issues involved in the practice of both law and social work, using examples from students' field/clinical work. Other topics pertinent to the dual degree program will also be discussed. This course is required each semester that the JD/MSW students enrolled in the Law School Clinical Program as a fulfillment of their MSW Field Service requirements. Other upper-class students matriculated in the JD/MSW program may enroll.

Students wishing to enroll in this course should see Camille Catalano in Room 507 O'Brian for a force registration slip.

L-866 ADVANCED ADVOCACY IN MEDIATION - Steve Sugarman
1 credit

This course allows students to sharpen their negotiation skills and effectiveness in representing clients engaged in mediation. In addition to client interviewing and mediation session planning skills, students will practice the delicate balance between a lawyer's duty of zealous advocacy and successfully settling cases in mediation. Advanced attorney ethical issues in such negotiations, such as a proposed duty to negotiate in good faith and the misuse of mediation as a discovery device, are also explored. As a vehicle for learning course concepts, the students are required to prepare for and participate in the ABA Dispute Resolution Section's Regional Law School Mediation Advocacy Competition. The course is limited to enrollment by the 4 students comprising the first and second place teams in the law school's intramural Mediation Advocacy Competition. **This course fulfills the professional skills requirement.**

L-875 IMMIGRATION LAW PRACTICE – Mark Popiel
3 credits

The continued expansion of international enterprises and increased mobility of people, goods, and services between international lines has made Immigration Law essential to citizens and businesses in the global community. The Immigration Law Practice Course will provide students with a simulation-based (practical) training. As part of the course offering, students will examine the laws, agency memoranda, and statutory requirements and thereafter prepare various applications/petitions used in the processing of temporary and permanent residency filings with government agencies, including the U.S. Citizenship and Immigration Services, the U.S. Department of Labor, as well as the U.S. Department of State.

The key of the Immigration Law Practice is to provide students with hands-on experience in the context of an Immigration Law practice. Accordingly, we will prepare documentation in connection with employment-based filings, including H-1B (Specialty Occupation) Petitions, PERM Labor Certifications, Outstanding Professor/Researcher Petitions, NAFTA TN Petitions, E-2 Investor Petitions, L-1

Intracompany Transferee Petitions, as well as a host of other business based filings. Focus will also be made on family based filings, including K-1 Fiancé(e) Petitions, as well as permanent residency through family sponsorship.

Prerequisite: Immigration Law Course. The class will meet on Fridays from 9:00 - 12:00.

This course fulfills the professional skills requirement.

L-883 INTRODUCTION TO PATENT PRACTICE – Robert P. Simpson

3 credits

This is a course on patent law and practice. Students will learn patent law by studying statutes, cases, patents and related materials; and will learn how practitioners apply and practice the law by studying pertinent sections of Title 35 of the United States Code (U.S.C.), Title 37 of the Code of Federal Regulations (C.F.R.), the Manual of Patenting Examination Procedures (M.P.E.P.), and by practical projects including: understanding and analyzing inventions, evaluating an invention for patentability, drafting a patentability opinion, claim drafting, and writing and prosecuting a patent application. Science or engineering background is not necessary. This course will be helpful to students who intend to practice patent law, and to those who eventually practice corporate law, IP litigation, or are privileged to serve clients with patent-related issues.

L-891 COPYRIGHT – Mark Bartholomew

3 credits

The goal of this course is to introduce students to the basics of US copyright law. Along the way, we will examine issues in the specific context of new technology like peer-to-peer file sharing. Topics to be covered include the subject matter of copyrights, copyright ownership, the scope of copyright protection, the nature of the copyright infringement inquiry, and fair use and other defenses. No prerequisites. Grades will be based on a final examination and class participation.

L-900 RAISING MONEY, A RANDOM WALK THROUGH CORPORATE AND SECURITIES LAW - Jonathan Gardner

3 credits

This course will start with a venture capital financing transaction as a way of introducing common issues from the perspective of a company seeking financing as well as from the point of view of investors. We will also look at the exit strategies of investors, including a public offering. Securities lawyers prepare the disclosure and transaction documents that are used in offerings, but we also help companies put together the pieces of their corporate picture that may be missing or inadequate as part of the process of getting them ready for investors and, in the case of public offerings, regulators. That process includes putting in place or sharpening fundamental agreements that are critical to the business, examining and implementing internal controls, corporate governance procedures, addressing open liabilities and a summary review of certain securities regulations that apply to management and the board of directors.

L-911 THE IN-HOUSE COUNSEL – Brian Martin

1 credit

This course will examine the unique challenges of serving as corporate in-house counsel. This class is not just for those students who aspire to be an in-house counsel; it is also for future law firm lawyers who wish to better understand the pressures faced by their in-house counterparts. The class is designed to introduce the student to an in-house lawyer's unique ethical and counseling challenges. In-house counsel are expected to facilitate the company's business objectives while providing impartial advice in the best interest of the client, the company. We will discuss the intricate issues that arise when the interests of the company and its employees diverge. We will also consider how the role of the in-house counsel has changed since the actions of corporate counsel are being closely scrutinized by the government.

In this course, we will examine special situations that arise in connection with the attorney-client relationship, confidentiality of client information, conflicts of interest, exercise of professional independence, and representing organizations. We will also consider the role of whistleblowers on in-house counsel practice. Case studies and role-playing will illustrate this complicated practice. The instructor, Brian Martin, is the General Counsel of KLA-Tencor, Corp. and was recently named the S.F. Bay Area's Best General Counsel. **The course will meet for four hours beginning at 8:00 am on each of three Friday mornings: 2/15, 3/22 and 4/19.** Student grades will be based upon class participation and a final examination (given on the last day of class). **This course fulfills the professional skills requirement.**

L-913 HISTORIC PRESERVATION LAW – Richard Lippes

1 credit- Block 5

This course will provide students with an understanding of the values that Historic Preservation attempts to achieve, with significant emphasis on the legal techniques available to save historic properties. The Course will provide a survey of the legislative and administrative requirements as they relate to preserving or altering a historic property. Finally, the Course will analyze current problems and issues in Historic Preservation law. **Block 5.**

L-943 TRANSACTIONAL ENTERTAINMENT LAW/THE RECORDING INDUSTRY – Donald L. Kaplan
1 credit- Block 5

This course will examine the role of the transactional attorney in the entertainment industry, with particular emphasis on the recording industry. We will explore the legal, business and practical issues involved in transactions common to the recording industry primarily through the examination of a recording agreement, and, as time allows, other typical agreements such as music publishing and management agreements. **This course fulfills the professional skills requirement.**

Block 5 -Class is held on 2 Saturdays (2/9 and 2/23) from 9:30-3:30.

L-990 ENVIRONMENTAL LAW COLLOQUIUM- Errol Meidinger
SEMINAR- 3 credits

The Colloquium is a capstone research course in the Environmental Law Program. It is designed for students who have a good grounding and strong interest in environmental law, and who wish to explore current issues in the area. However, it is not limited to students enrolled in the Environmental Law Program.

For Spring 2013 the Colloquium will focus on hydrological fracturing (“fracking”), and its environmental, social, and legal implications and regulation. Hydrological fracturing is a process wherein fluids are injected under high pressure into subsurface formations containing hydrocarbons so as to fracture the formations and release the hydrocarbons for transport to and use on the surface. In western New York the Marcellus Shale Formation is thought to contain a large amount of natural gas that could be profitably harvested. However, the fracking process poses a host of environmental and social problems that make it problematical and controversial. A number of guest speakers and discussants will be invited to share their expertise and perspectives on these problems with members of the Colloquium.

Each student in the Colloquium will prepare a substantial research paper on an environment related topic. While most students may choose to write on topics related to fracking, this is not required. Students will be free to write on any environmental topic they wish, provided the instructor deems it relevant and workable. Students will select and obtain approval for their research topics within the first month of the Colloquium. All students will complete the assigned readings on fracking and attend and participate in all Colloquium sessions regardless of their chosen research topics. Final papers will be due on the last day of the examination period. It is expected that the papers will be posted on a website devoted to SUNY Buffalo law student environmental scholarship. The Colloquium will satisfy both the Law School’s general seminar requirement and the Environmental Program’s capstone research requirement.