

Updated 12/10/2013

**SUNY BUFFALO LAW SCHOOL
BRIDGE 2014
COURSE DESCRIPTIONS**

STUDENTS MAY REGISTER FOR A MAXIMUM OF THREE (3) CREDIT HOURS DURING THE BRIDGE PERIOD (Law 4 week 4session)

Due to the abbreviated nature of the courses, attendance is mandatory at all class sessions.

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

3 credits

First year students only. The bridge component to this course begins on 1/07/14. This is the second semester of a full-year course designed to introduce students to legal analysis, legal research and legal communication. 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-698 FINANCIAL INSTITUTIONS, TRANSACTIONS, AND PRODUCTS – Phil Halpern

3 credits

This class will focus on financial institutions and the regulatory structures governing them. Particular attention will be paid to commercial and investment banking activities, but we will also look at other types of financial institutions. In addition, we will examine a number of currently used financial products and investment vehicles.

This class is required for students who will be participating in the University at Buffalo/Law School New York City Program in International Finance and Law. It is not open to other students. This course is part of the Finance Transactions Concentration. **Permission of instructor.**

L-898 PRIVATE SECTOR ALTERNATIVE DISPUTE RESOLUTION - William A. Lundquist

1 credit

This course provides an overview of legal and practical considerations for Alternative Dispute Resolution, primarily arbitration, in commercial and consumer private sector disputes, and in enforcement of statutory rights and remedies. The emphasis is on contractual ADR, including factors in drafting and negotiating ADR agreements, specifying or limiting available remedies, interplay with statutory and case law, third-party administration, court involvement before and during proceedings, legal issues in confirming or setting aside awards, and recent developments and controversies in case law, such as applying the principle of “manifest disregard of the law” to arbitration awards, and enforcement or voiding of contractual class action waivers in consumer, employment, and other contracts with arbitration provisions. While there will be some discussion of international ADR, domestic proceedings and laws, with emphasis on New York law, are the focus of the course. It is not a course on techniques for presenting or defending claims, witnesses, and proof in proceedings, as there simply is not enough available class time, but there will be discussion of procedural processes. In addition to class lectures and discussion of selected statutes, articles, cases, and alternative forms of agreements, there will be a take-home writing assignment distributed in the last class session, comprising either short essays, short-answer questions, or a combination of both, in any event limited overall to six pages, due by the last day of the final exam period for the Bridge Course session.

L-904 WORKERS' COMPENSATION & EMPLOYER LIABILITY – Jeremy Schnurr/Frank Dolce**1 credit**

This one-credit bridge course will provide students with a working knowledge of the workers compensation system in New York. The historical and theoretical foundations of this remedial system will also be covered through the use of a course textbook and supplemental readings. The textbook will be made available in the bookstore of the law school. It is also the objective of this course to impart a working knowledge of the interplay between the workers compensation system and the other diverse remedial systems existing in New York, such as the no-fault insurance system covering motor vehicle accidents, third-party tort liability, and the Federal Social Security Disability and New York State Disability systems. Students will find this course invaluable whether they are interested in representing the right of injured workers or corporate or government employers.

L-906 TAKING AND DEFENDING DEPOSITIONS – Daniel J. Marren**1 credit**

This will be a practical one credit course in both the mechanics and strategies of taking and defending depositions in state and federal courts. After reviewing the rules for conducting depositions and the mechanics of preparing witnesses, making objections, marking exhibits and interacting with the court reporter, each member of the class will have the opportunity to conduct and defend a deposition. Student performances will be critiqued and will, along with classroom participation, form the basis for grading.

Students enrolling in this class may not also enroll in Professor Altreuter's class (L947).

L-908 FEDERAL PRETRIAL CRIMINAL PROCEDURE - Anthony Bruce**1 credit**

The course will cover all aspects of pretrial criminal practice that are generally encountered in the pretrial stages of federal criminal cases, with emphasis on procedure, rather than substantive matters. It will cover the representation of a client before the grand jury, motions to suppress, discovery motions, motions attacking the indictment, motions for bills of particulars, motions to sever, practical application of the rule of Brady v. Maryland, and charge and plea bargaining under the Federal Sentencing Guidelines, and is intended to provide students with an overview of pretrial procedures they can expect in federal court, both in defending and prosecuting cases.

L-918 FEDERAL TAX PRACTICE & PROCEDURE – Deborah Muhlbauer/Gary Bluestein**2 credits**

This course is designed to introduce law students to basic concepts of Federal Tax Practice and Procedure. The course will address these concepts in the sequence of an average tax controversy; audit, appeals, Notice of Deficiency, Tax Court, and collection. We will also discuss particular procedural issues such as the Trust Fund Recovery Penalty, innocent spouse, and bankruptcy.

L-919 INTELLECTUAL PROPERTY LITIGATION – Kenneth Africano**1 credit**

This one-credit course will involve case studies of actual litigated matters including copyright infringement actions over the films *Backdraft* and *Shakespeare in Love*, as well as an alleged sampling case involving Ice Cube's song "Gangstas Make the World Go Round." Students will review actual pleadings, expert reports and other evidentiary material presented in these cases and will engage in a "hands-on" analysis and comparison of allegedly infringing works of art, films and music. The course will also explore the use of expert witnesses, the benefits and pitfalls of seeking preliminary injunctions and the evidentiary challenges of proving damages and lost profits. There will be a review of the fundamental concepts of patent, trademark and copyright infringement cases, as well as a brief overview of unfair competition and trade secret misappropriation claims. Students will be expected to learn to distinguish between these broad areas of intellectual property law so as to be able to recognize and analyze potential infringement cases.

L-923 PROFESSIONAL SPORTS CONTRACT NEGOTIATION & ARBITRATION - Helen Drew**1 credit**

This will be a hands-on experience in the legal and practical skills necessary to negotiate and arbitrate a professional sports employment contract. The class will be divided into two-person teams representing management and players. Each team will research, prepare and actively negotiate and arbitrate a professional athlete's contract. Class limited to 12 persons.

L-925 SOCIAL SECURITY DISABILITY LAW & PRACTICE - Catherine Callery**1 credit**

This course will provide an overview and in-depth study of social security disability law and practice. Topics will include: 1) eligibility for Social Security Disability and Supplemental Security Income benefits; and 2) the appeal process when an individual is denied benefits, with an emphasis on appeals to the U.S. District Courts. Students will write one short paper.

L-928 COMMERCIAL LITIGATION UNDER THE UCC - FROM CONTRACT TO COURT - William Savino**2 credits**

This course explores the options, tactics, and procedures for commercial transactions which turned adversarial. We follow the subject equipment from purchase order, contract and delivery through malfunction, dispute, and litigation. Working from a record from an actual action (plus miscellaneous samples), we apply Article 2 of the Uniform Commercial Code to pleading, discovery, motion and appellate practice. EACH STUDENT WILL CONDUCT AND DEFEND MOCK DEPOSITIONS AND APPELLATE ARGUMENT AS WELL AS DRAFT DISCOVERY DEMANDS AND PROPOSED DECISIONS. The goal: crafting practical skills through real world case study.

This course fulfills the professional skills requirement.

L-934 BUFFALO FINANCIAL CONTROL BOARD – James Magavern**1 credit**

The City of Buffalo has been subject to severe economic and fiscal stress since the 1950's. In 2003, the Governor and the State Legislature created the Buffalo Fiscal Stability Authority, commonly known as the Control Board, with two principal functions: to oversee and regulate the City's financial functions; and to borrow on behalf of the City with an effective pledge of City revenues to support its debt.

The fundamental question to be considered in this four-week course is the amenability of economic and fiscal problems such as those of the City to resolution by subordination of democratic politics to control by a board of appointed experts. More particularly, we will consider the state constitutional basis for the Control Board, the context of state-local fiscal relations during the last fifty years, the origins of the fiscal crisis leading to the creation of the Control Board, the political context in which the Board was created, the assumptions and objectives of the statute creating the Board, and an assessment of the accomplishments of the Board as against those objectives.

We will meet in eight 90-minute class sessions. We have invited Prof. Nils Olsen, the current Chair of the Board, to participate in our class sessions as fully as he deems appropriate. We may invite one or two other guests to join us for particular sessions. Grades will be based on a paper responding to a broad question posed at the outset of the course, drawing on knowledge of the course materials and class discussions, and demonstrating depth of understanding of basic issues.

L-936 WHEN THE VICTIM IS A CHILD – Ann Marie Tucker**1 credit**

Crimes against children pose unique challenges and issues for criminal and civil legal systems. Shame, fear, and developmental capacity all contribute to delayed, confusing and gradual disclosure of victimization by children.

Significant legal changes culminating in the last two decades address corroboration, statutes of limitations and competency in an attempt to increase fairness and court access for child victims. This course will examine legal issues affecting children's access to the court system. Accommodations for children will be examined from a theoretical, practical and ethical perspective and will include legal, procedural and programmatic approaches.

L-938 THE TRIAL OF A DEATH PENALTY CASE - James Harrington/William Easton

1 credit

This course will be an introduction to a death penalty trial. The course will be based upon a hypothetical case using the Federal procedures. This will be used for learning the death penalty process from the commission of the homicide through the end of the trial. Pretrial preparation, investigation, critical decisions of the prosecution and the defense, grand jury proceedings, pretrial motions, pretrial procedures, tactics, and the bifurcated trials of guilt and sentencing will be analyzed. The special development of sentencing mitigation evidence, the use of experts, the differences between regular criminal trials and capital cases, such as jury selection and the penalty phase of the trial, will be examined. Each student will do a mock jury selection. The final exam will be the delivery of a closing argument for the penalty phase of the trial. Each student will select either a prosecution or defense closing argument.

L-946 INTRODUCTION TO NYS ADMINISTRATIVE LAW - Jane Cameron and Stephanie Calhoun

2 credits

New York State's administrative agencies, which include the Departments of Motor Vehicles, Environmental Conservation and Corrections, wield significant power and are often the venue where citizens interact with government. State agencies must comply with substantive and procedural due process requirements. This course explores the sources and limits of agency authority; procedures agencies must use in investigation, rulemaking, and adjudication; and the availability and scope of judicial review of agency actions. This short course uses a simulation model to teach the practical application of administrative law. You will create a set of regulations, conduct a public hearing and challenge regulations in court. The course is fun, intense and educational. **This course fulfills the professional skills requirement.**

L-947 DISCOVERY STRATEGY & DEPOSITION TACTICS - William Altreuter

1 credit

This is a course on methods, and as such our emphasis will be on (a) the statutory materials which form the basis for the taking of discovery in general; and depositions in particular; and (b) working with the "working papers" we have assembled, which are intended to provide a jumping off point for the discussion of the tactics and strategy of conducting discovery generally, and depositions in particular. Our goal will be to work towards an understanding of the overall context of discovery practice. We will cover both the Federal Rules of Civil Procedure and the New York Rules of Civil Procedure provisions that are pertinent, in the hope that the contrasts and similarities between the two sets of rules will provide some illumination.

As suits a course on methods we will be proceeding with a minimum amount of lecture, and as much participation as possible. In general we will devote the first portion of the class to a discussion of practical approaches to the taking of discovery, referencing the relevant statutory provisions as we proceed. The second portion of each session will consist of a pair of depositions: a student will be assigned to take the deposition of the plaintiff, and a student will be assigned to take the deposition of the defendant in one of the example cases. We will critique as we go, and will look to the class to do likewise.

Students enrolled in this class may not enroll in L906 – Taking and Defending Depositions.

L-957 CURRENT TOPICS IN LOCAL GOVERNMENT - Susan Grelick/Michael Risman
2 credits

Provides an overview of the issues involved in the operation of local government by focusing on current controversial issues confronting Western New York municipalities.

The first and second sessions review the structure of local governments and will study: differences in city vs. town structure; advantages and disadvantages of elected vs. appointed positions; strong executive form of government vs. County, City or Town manager form of government; term-limits, and downsizing of legislative bodies. It includes an overview of the concept of Regionalism and how it has been applied to local governments. Sessions include presentations by elected and/or appointed officials on a current governmental structure issue before their municipality.

The third and fourth sessions examine the fiscal roles and responsibilities of municipal officials and ethics in government. The sessions will study tax rates, assessments, bonding for capital projects, purchasing practices and procedures, credit ratings, public/private partnerships, privatization, lobbying reform and debt management. The sessions include presentations by a Town, City or County Comptroller, Finance Director, Member of a Fiscal Stability Board or Assessor.

The fifth and sixth sessions focus on Planning, Zoning, Environmental and Economic Development Issues. It includes a review of the various municipal planning, zoning and economic development boards and their interrelationship. It will cover land use moratoria, "sinking homes", deer management control, the "Kelo" eminent domain case, impact of adoption of comprehensive plans on land use decisions, brownfields funding and legislation, the role of the IDA in economic development, "big-box" stores, Wal-Marts, Waterfront Revitalization and historic preservation commissions. The class includes guest speakers from a Municipal Planning Board and/or a Planning Official and/or an Economic Development Official.

The seventh and eighth sessions cover labor relations, personnel management, municipal liability issues, and access to governmental information. It covers the Taylor Law, Civil Service System, employee relations, general municipal liability, Freedom of Information Act and Open Meetings Act. It includes speakers from organized labor and/or a Human Resources manager.

L-958 CHOOSING THE RIGHT JURY (Criminal Voir Dire) - Stuart Austin
1 credit - Meets on 1/16, 1/17, 1/23 and 1/24 from 9:30-12:30.

Turn the TV to any high profile case and you will see jury consultants and "experts" critiquing the jury and selection process. It is becoming chic for attorneys to pawn off the voir dire to non-lawyers or to be assisted in their jury selection. Defense attorneys who once "relied on their instincts" are now realizing that a poorly picked jury is more harmful to their case than a murder weapon with fingerprints. This course will eradicate the notion that when picking a jury, an attorney is looking for fair and impartial people. A practiced attorney is trying to find people who will be receptive to his/her theory of the case. You will learn how to recognize favorable jurors, persuade some jurors and mold others.

We will highlight the skills necessary to conduct a meaningful and constructive criminal jury selection given the time limitation of 20 minutes imposed by many State Courts. You will learn to become your own jury expert. Through case scenarios and simulations, students will learn what to say, what not to say and most importantly...how to say it. Students will learn when to use a peremptory challenge and how to effectively execute cause challenges.

The course will be comprised mostly of role playing and learning through example. Students will deal with the applicable law, the psychology of behavior and even a little bit of acting. Using fact patterns based on actual trial cases, students will simulate the roles of defense counsel, prosecution and prospective juror in order to gain a practical understanding of the theories of voir dire. Student performances will be critiqued by both instructor and students and, along with class participation, will form the basis for grading.

L-959 SEXUAL HARASSMENT MEDIATION – Lindy Korn

1 credit

- What makes a sexual harassment case different than other claims of discrimination?
- What role does retaliation play?
- What are the advantages of mediating these cases for all parties?
- What special skills are needed in such a mediation?
- Who should be present at the mediation?
- How does an advocate participate in a sexual harassment mediation?
- What role does medical evidence play?
- Is a Joint Session appropriate?
- What does an agreement in a sexual harassment mediation case include?
- How does a Motion for Summary Judgment encourage mediation?
- What consideration can the attorney's fees play in reaching a settlement?
- What techniques can one use to have the difficult conversation that matters?

These are some of the issues that we will cover in the Sexual Harassment Mediation Bridge Course. Case studies will be a crucial method for analyzing information in a dispute resolution process such as mediation.

There will also be emphasis on the ways to mediate in a sexual harassment case, and an examination of what is unique to those disputes.

Recent Supreme Court Decisions will be discussed and applied to the mediation process. Since this area of law is “young” and still being shaped by the Courts, recent trends will be identified.

L-964 MENTAL ILLNESS AND THE CRIMINAL JUSTICE SYSTEM –E. Jeannette Ogden

1 credit

To provide students with a foundation for understanding the role and function of the Court as it relates to criminal proceedings involving an accused with a mental disease or defect. To enable students to recognize the impact that persons with mental disabilities have on the legal system and to enable students to apply legal strategies to factual scenarios.

This course will focus on issues relating primarily to Article 730 of the Criminal Procedure Law. The course will be conducted in lecture form. The use of guest speakers will be included to enhance the student's understanding. Distinctions between related theories such as “not responsible by reason of mental disease or defect/ insanity”, “extreme emotional distress”, “diminished capacity”, and “developmental disability” will be discussed. Copies of relevant case law and statutes must be obtained by the students.

Successful completion of Criminal Law and Criminal Procedure is required as a prerequisite to taking this class.

L-970 CHILD DEVELOPMENTAL RIGHTS: THE CHILD AS A LEGITIMATE CITIZEN - Bruce M.

Gilberg

1 credit

The purpose of this course is to describe on an introductory level how the rights of children are evolving within the U.S. legal system. Children are identified as a minority group whose freedoms have been both advanced and thwarted based on interpretations of the constitution as well as the ongoing legal conflicts between parental rights and the rights of the child. We will investigate how the courts' judgements help or hinder when government protects the rights of the child. A pervasive concern remains as to how the legal system may both protect children's capacity or developmental rights while protecting children's vulnerability in circumstances that fall beyond their control.

This course will provide a perspective (a small sample) on how child development, the law and children's rights influence or form legal decisions regarding four issues: the child's right to medical care, the child's status in a family (foster care, adoption, custody), the juvenile criminal justice system and public education.

L-973 ANATOMY OF A PERSONAL INJURY CASE – J. Michael Hayes**1 credit**

Accident claims comprise the civil litigator's practice. Recognizing the strengths and weaknesses of each individual accident is the first priority for any practitioner. Misjudging a potential liability case can result in the loss of hundreds of thousands of dollars in income while accepting a case without merit will result in wasted time and lost revenues. This course will provide an overview of selected high points in the handling of such cases. This is a practice driven course, beginning with the initial client contact and continuing through pre-trial strategies, procedures and techniques. The students will be expected to consider and confront practical issues and questions that attorneys face on a daily basis. Drafting and evaluating pleading, motions, releases, lien notices and other standard documents will be a part of the course.

L-978 NCAA REGULATIONS – Bridget Niland**1 credit**

College athletics has grown increasingly popular to American society and has become an important element to college campuses across the nation. This course reviews the organizational structure, administrative regulations and appellate mechanisms that have developed to ensure fairness on the playing field and progress in the classroom.

L-986 SEX OFFENSE REGISTRATION & COMMITMENT STATUTES- Gary Muldoon**2 credits**

In recent years, sex offenders have been the subject of post-conviction restrictions that courts and legislatures consider to be "civil" in nature: sex offender registration and civil commitment, principally. This course will address Megan's Laws, which exist in every state, other post-conviction restrictions, and the cost and efficacy of efforts to address recidivism in this area. **This course satisfies the skills requirement.**

L- 987 DIRECT AND CROSS-EXAMINATION OF EXPERT WITNESSES IN A CIVIL TRIAL - James Scime**1 credit**

This course presents the theory and practice of preparing (and preparing for) and examining (direct and cross) the expert witness in a civil case. The course deals with diverse experts including, but not limited to, doctors, accident reconstructionists, economists, and product analysts. Students will directly examine their own expert; cross-examine the adversary's expert witness; address matters of evidence, motions in limine and the notice requirements regarding expert testimony; and submit a written memorandum analyzing the witnesses and setting forth their goals for direct and cross-examination. **Trial Technique is a pre-requisite for this course.**

L-994 TRANSACTIONAL ENTERTAINMENT LAW- Anthony Jones**2 credits**

Transactional Entertainment Law surveys the many legal aspects behind the transactions in entertainment industry and endeavors to give students a practical approach to entertainment practice. Topics of the class include current and foundational transactions that have formed music, film and television norms as well as the implementation of how those transactions fit within a new digital reality. The course will breakdown several types of entertainment agreements including content creation agreements, 360 recording deals, publishing, sub-publishing and co-publishing agreements, staff producer agreements, above and below-the-line film agreements and TV production agreements. The course will also explore practical approaches to client counseling related to representing an artist or performer to representing a record label or media company. Students will also be taught to identify litigation issues and theoretical questions raised by the interplay of federal law, state law and the rules of ethics.

PRE REQUISTIES PREFERRED: IP Law or Copyright Law

GRADING

Students will be graded on written responses to essay questions on a final exam. The exam will consist of fact patterns based on relevant cases and issues discussed throughout the course of the class

L-995 DIRECT AND CROSS-EXAMINATION OF EXPERT WITNESSES IN A CRIMINAL TRIAL – Diane LaVallee
1 credit

The course deals with experts including DNA specialists, forensic pathologists, forensic psychologists, fingerprint experts, and/or forensic pediatricians. Students will perform a direct examination on their expert and cross-examine opposing counsel's expert witness; address matters of evidence, motions in limine, and the notice requirements under the CPL. Students must also submit a written memorandum analyzing the witness and their goals for direct and cross-examination. **Trial Technique is a pre-requisite for this course.**