

LAW MINI COURSES (MINI)

MINI 3530 Becoming Lawyers: Applied Legal Analysis (1)

This course aims to promote the academic and professional success of 3L students transitioning into their post-graduation bar exam preparation. The course will focus on exam strategies and study skills; it will not explicitly teach content tested on the bar exam and is not designed or intended to be a substitute for a commercial bar review course. The course will be held jointly, with two class sessions split by jurisdiction to provide exam-specific instruction and targeted skills practice. Both sections will begin with an overview of the structure of the Uniform Bar Exam and Louisiana Bar Exam and the processes for admission to state bar associations. Following this initial lecture-based session, students are expected to be active participants in the course, which will require out of class assignments, in-class assignments, skills practice, mock exams, and other formative graded exercises. Students will receive hands-on studying and writing practice, peer evaluation, and individual feedback. Students will take at least one civil law bar course or one upper-class bar course in the same semester (unless the student has successfully completed three civil law or upper-class bar courses). The proposed course is in line with the overwhelming majority of our peer and aspirational schools. Of the twenty-four schools ranked between 60 and 80 by the U.S. News and World Report in 2023, nineteen have a bar preparation program. Of the ninety-one schools ranked between 1 and 80, only twenty-nine have no bar course or commercial partnership.

MINI 4000 Wind Law (1)

Wind is a major source of renewable electricity in use around the world. This course will focus on legal and policy factors that arise with this technology, using case studies, legal materials, scientific data, and other sources from the U.S. The course provides an in-depth study of most aspects of wind law in the US, with a focus on selected states, including the history of wind energy, the major elements of the wind energy lease, permitting, land law issues, the contractual framework for the sale of wind energy, offshore wind projects, government tax incentives, transmission issues and litigation.

MINI 4010 Competition Law in the Digital Economy (1)

The course explores the impact of digitalization on the application of competition law. On the one hand, competition has been tremendously intensified by the reduction of transaction costs, greater transparency and geographic market expansion. On the other hand, unprecedented economies of scale, network effects and control over big data create considerable barriers to entry and increase market power. Moreover, algorithms and artificial intelligence allow for new methods of coordinating market conduct with other players. Therefore, it does not come as a surprise that new competition law cases have emerged, including but not limited to the GAFAM platforms (Google-Alphabet, Apple, Facebook-Meta, Amazon and Microsoft). While the focus of the course is on European Union (EU) competition law, developments in US antitrust law will be considered comparatively. It will be shown that competition law – when adequately applied – does not stand in the way of innovation but has become indispensable for keeping markets dynamic, fair and open.

MINI 4020 International and Comparative Climate Law (1)

Emissions of greenhouse gases are known to cause widespread ecological, economic, and social consequences at a global scale. For over three decades, states have engaged in intense international negotiations and national efforts to address this issue, in particular by limiting and reducing greenhouse gas emissions. This course will consider what has been done, what is being done, and what could be done to address climate change through law and policy at the international, national, and local scales.

MINI 4030 International Sports And Human Rights Law (1)

The intersection of sports with human rights law is a complex and multifaceted realm, encompassing individual physical exercise, competitive games, global competitions, and mega sporting events such as the Olympic Games and the FIFA World Cup. Despite sports' historical autonomy and the court's traditional deference to sport's governing bodies, national and international human rights regimes are increasingly paying attention to abuses taking place in the sports field. Sport relies on a rules-based system in all its facets, including athletes, fans, workers, volunteers, and local communities, as well as governments, businesses large and small, the media, and sports bodies. This seminar examines and unpacks human rights standards and legal commitments to show the diverse actors involved in sports business and/or governance and their human rights responsibilities and obligations. Understanding the diverse actors involved in sport business and/or governance and their human rights responsibilities and obligations. how human rights are impacted by sporting events or sports activities. Sports operate within a meticulously structured system, involving athletes, fans, workers, volunteers, communities, governments, businesses, media, and sports bodies, all bound by rules. The seminar will address issues such as the human rights of athletes, the basic right to participate in sports and physical activity, remedies for victims of human rights abuses tied to major global sporting events; discrimination against women, LGBTQI+ people, and persons with disabilities in sport; campaigns against racism and apartheid in sports; the existence of disciplinary systems in the sports movement and the growing number of situations and cases of potential or actual clashes between the running of competitions and human rights standards (e.g. individuals rights in the context of anti-doping, corruption, and match-fixing). In particular, the seminar will discuss cases decided by human rights courts, such as the European and Inter-American Courts of Human Rights (ECHR and IACtHR), and specialized sports arbitration mechanisms, notably the Court of Arbitration for Sport (CAS).

MINI 4040 Climate Change and the Law (1)

This one-credit course aims to provide an overview of the legal implications and consequences of one of humankind's most pressing existential challenges – climate change – and thereby to expose Tulane Law students to a fundamental theme of modern life that will increasingly influence, if not shape their future professional activities. The course consists of ten substantive sessions, eight of which address distinct topical issues and will be taught by different members of the Tulane law faculty as well as by two or three guest lecturers, specialists on the topics concerned – either on-site, in person or by Zoom. Both introductory and concluding classes will be taught collectively by Tulane's in-house faculty.

MINI 4810 Socio-Economic Rights (1)

Socio-economic rights play an important role in many societies. Demands for jobs, food, water, housing/shelter, education, health care or – more generally – dignified living conditions are as important as classical liberal ("first generation") rights to equality, free speech, assembly, political participation or religion in countries like South Africa or India and continue to influence the human rights debate across large parts of South America. The Arab Spring is the most recent battleground over constitutionally entrenched socio-economic demands and greatly expanded the scope of such entitlements in systems like Iraq or Egypt. Other societies, including the United States and many countries in Europe, provide assistance for citizens in need but take a much more cautious stance on the constitutional protection of the socio-economic sphere. This course identifies different approaches to the protection of socio-economic entitlements. Drawing on the origins of social welfare states, including the German and French models, students will be alerted to the tensions that exist between the desire to provide a constitutional basis for the most fundamental needs of citizens and the limited resources available to most societies when it comes to the creation of job opportunities or the provision of social welfare benefits. Options range from ordinary social welfare legislation without a constitutional safety net, constitutional principles that direct public policy and resources towards the development of socio-economic safeguards, constitutional provisions that guarantee a minimum standard of life, to the constitutional entrenchment of ambitious individual rights to socio-economic benefits. Students will explore these options on the basis of selected academic writings, socio-economic data from national sources and international organizations, court decisions, and constitutional texts from a variety of systems including Ecuador, South Africa, India, Egypt, Germany and the United States. Particular emphasis will be placed on the role that constitutional law can play in socio-economic development and the distribution of limited resources between competing societal needs. This will include the difficult question of judicial enforcement and the implications of constitutionally entrenched rights for the separation of powers in democratic systems of government.

MINI 5040 Legal Scholarship Workshop (1)

This "workshop" will feature presentations by four or five visiting authors of their works-in-progress on regulation of economic activity, broadly construed. Students formally enrolled in the workshop will meet with one or more of the faculty conveners the week before each author's presentation to discuss the paper. Students will prepare brief (one-page) response papers for each paper for discussion in the prior meeting; those response papers will be shared with the authors. In addition, students will be expected to attend two additional approved lectures at the law school or elsewhere on campus and submit a brief (one-page) response paper. The workshop is designed for students who are interested in legal scholarship in general and for those with particular interest in issues related to regulation, economic regulation, and international coordination of economic policies. The author presentations will be open to students who are not formally enrolled in the workshop. The faculty conveners are: Adam Feibelman (Tulane, Law) Blair Druhan Bullock (Tulane, Law), and Steve Sheffrin (Tulane, Murphy Institute). 1 credit, pass/fail.

MINI 5041 Legal Scholars Wkshp, Advanced (1)

Continuation of Legal Scholarship Workshop.

MINI 5110 Freight Forwarders & NVOCCs (1)

This course will examine the role of intermediaries with respect to the negotiation and conclusion, or "fixing" of contracts for the carriage of goods by sea. The course will specifically examine the procedure for negotiating contracts including charter parties, the applicable chartering terms, the relationship between the intermediaries and the merchants, charterers, carriers and owners, and the relevancy of agency law. The course will explore multimodal transportation and liability regimes in EU and US. The course will be taught by Andrei Kharchanka, Manager of Risk, Claims and Litigation for BBC Chartering GmbH of Leer, Germany. BBC specializes in project cargo and is the world's largest operator of heavy lift multipurpose vessels.

MINI 5120 Adm: Charter Parties (1)

In this course, the student will become familiar with the different types of charter parties utilized by the shipping industry for chartering both cargoes and vessels. The main focus of the course will be on the duties of the owners and charterers under time and voyage charter parties, and the legal basis for disputes under both U.S. and English law. The course will be taught by Jason P. Waguespack (L'91) of the firm Galloway, Johnson, Tompkins, Burr & Smith.

MINI 5300 Corporate Governance: Hot Topics in Corporate & Personal Governance (1)

This mini-course carries one semester hour of credit and meets for six two-hour sessions. It is graded on the "P, D, F" basis. It considers selected topics in corporate governance and cases in which governance failures contribute to business failures. Because a significant portion of the course is current events, which are not predictable, newspapers are part of the assigned reading. Please choose either The New York Times or The Wall Street Journal. Editorial content will not be assigned. The course outline may change with little or no notice. Adjunct Professor Fishman is of counsel to Fishman Haygood, LLP, a New Orleans boutique law firm. Adjunct Professor Gershanik is a partner of Fishman Haygood, LLP. A student's background in corporation and securities law will be useful, but not prerequisite. The course is most appropriate for 3Ls, but 2Ls are also welcomed.

Prerequisite(s): 2LAW 2070.

MINI 5490 EU Competition (Antitrust) Law (1)

The course will consider a critical area of European Union business law: competition/antitrust law. It begins with a sketch of European Union law with specific reference to how the Union regulates trade, corporate establishment and the institutions that enforce these policies. It then turns to the two relevant European Union treaty articles: Article 101, which governs multi-firm conduct (agreements between business entities), and Article 102, which observes single firm conduct (abuse of dominant position). It is not necessary to have taken either Antitrust or European Business Law to enroll in the course.

MINI 5620 Human Rights Discourse (1)

This course will explore key themes of human rights protection through the lens of U.S. and foreign court decisions.

MINI 6040 Anti-Racist Lawyering (1)

Amidst the twin pandemics of corona virus and longstanding structural racism, this mini course will immerse students in readings, analysis and conversation about how law is frequently used to perpetuate anti-black racial harms and hierarchies and how students might use their legal education to disrupt those hierarchies. In a series of workshops, leading scholars, practitioners, organizers, and community members will address both historical civil rights barriers as well as current proposals for eliminating structural racism across the criminal justice, voting, education, housing, health/ environmental and other sectors. Students will be assigned a series of prompts for preparation of reflection papers and essays.

MINI 6080 Roman Law (1)

Peace, liberty guaranteed by clear-cut rules, social interaction guided by value-laden principles-it is by these ethical and rational contents, deeply grounded and diligently elaborated in its religious, philosophical, and political history, that Roman Law has become part of the common heritage of the world's jurisprudence. As the course will illustrate in telling detail and general overview, Roman Law is in fact inspired from its beginning by the humanly valid idea that human life has to realize and to reconcile two seemingly contradictory ends, individual freedom and the reliable cooperativeness. Notably, slavery, omnipresent in its day, was branded by Roman lawyers an institution against human nature, thus paving the way for its abolition in modern times.

MINI 6150 Int'l Anti-Corruption (1)

This course will cover the basics of international anti-corruption laws such as the U.S. Foreign Corrupt Practices Act, the U.K. Bribery Act, international conventions against corruption, and similar anti-bribery laws of other countries. These anti-corruption laws generally prohibit direct and indirect corrupt payments to foreign officials. Enforcement has increased significantly in the last few years and will continue to be a major factor to any organization operating globally. The course will use recent SEC and DOJ investigations (such as the case against former U.S. congressman from New Orleans, William Jefferson) to illustrate the basics of these anti-corruption laws. The course will also cover other areas in the international trade regulatory regime such as export controls, anti-boycott, anti-money laundering, and fraud prevention. Other areas addressed by the course include the scope of international anti-corruption laws, identifying a government official, identifying red flags in business partners, conducting due diligence, exceptions to the laws, assessing third party risk, and other areas that play an integral role in counseling clients doing business abroad. We will review the elements of a comprehensive corporate compliance program and mechanisms used to implement compliance procedures and internal controls in an organization. The course will also address the cultural challenges presented by certain countries and industries. Students will be expected to participate in case studies and exercises designed to apply legal principals to situations that arise in the practice of law.

MINI 6180 Real Estate Contracts (1)

This course will examine the negotiation of a number of real estate contracts and the skills and methods of lawyers who handle transactions. The contracts include a purchase agreement, a construction loan commitment, purchase and remediation agreements for a brownfield site, a workout (loan modification) agreement and a management agreement for a senior living facility. The course materials will include a case study for each transaction and a form of the agreement, with an indication of the matters that most concern the party that receives the initial draft. The course will take up the rules of law that motivate and constrain the contents of particular agreements.

MINI 6181 Real Estate Contracts II (1)

This course will examine the negotiation of a number of real estate contracts and the skills and methods of lawyers who handle transactions. The contracts include an office lease, a shopping center lease for a small tenant, a reciprocal easement agreement for a shopping center, an LLC agreement between a developer-manager and high net worth investors, an owner-architect contract and an owner-contractor agreement. The properties will include an office building, a shopping center, a warehouse and one to be determined. The course materials will include a case study for each transaction, a form of the agreement, and the response of the party that receives the first draft. The course will take up the rules of law that motivate and constrain the contents of particular agreements.

MINI 6190 Representing Physicians (1)

This course will begin with an overview of general issues in healthcare law but will focus primarily on practical legal issues physicians face in the current healthcare world and how lawyers can be prepared to counsel the physicians facing those issues. This mini-course will address issues as diverse as anti-trust and ERISA to medical staff and peer review, from the viewpoint of a practitioner who specializes in representing physicians. Tulane medical students will also attend several of the classes, and there will also be several attorney and physician guest instructors.

MINI 6250 Corp Law & Hostile Acquisition (1)

This is an advanced corporate law course focusing on state corporate law, corporate governance, the fiduciary duties of directors and the rights of stockholders in the context of hostile acquisitions. This course will emphasize the practical aspects of corporate law and will cover hostile acquisitions from a bidder's perspective (which will include takeover approaches, takeover negotiations, takeover techniques, and the structuring and pricing of offers), hostile acquisitions from a target's perspective (which will include advanced preparation, structural changes to reduce vulnerability, and responding to acquisition offers), proxy con-tests and stockholder activism. Business Enterprises is a prerequisite for 2L students and a prerequisite or co-requisite for 3L students. The course will be taught by Michael Maimone who is an experienced corporate attorney and litigator who practices primarily in Delaware and New York.

MINI 6370 Political Investigations & Impeachment (1)

This course looks at issues at the intersection of politics and law that arise in investigations of public officials, including in impeachment proceedings. Topics will include criminal investigations, congressional inquiries, the role of defense counsel, and standards and processes for impeachment and removal of a U.S. president and other high-level government officers. Both the legal framework and practical political considerations will be considered. This course will be taught by Ross Garber, chair of the Government Investigations and White Collar Crime Group of Shipman & Goodwin LLP (Washington, D.C.), whose practice concentrates on representing government officials in investigations and who has served as lead defense counsel to three U.S. governors facing impeachment.

MINI 6450 Intro to Chinese Maritime Law (1)

This introductory course aims to convey to the student the primary knowledge of the shipping law and practice of the Mainland of China. The key sectors which are to be covered include Chinese legal system, setting up in China, contracting with Chinese entities, carriage of goods by sea, shipping contracts, ship and ship-related rights, marine casualties, marine insurance, agency, dispute resolution and maritime procedural law. This course intends to present the unique features of Chinese shipping law and tries to prepare the students for recognizing and dealing with uncomplicated legal issues in relation to Chinese shipping industry.

MINI 6480 Climate Change: Underlying Drivers & Potential Solutions (1)

In Climate Change: Underlying Drivers and Potential Solutions, students will explore major sources of greenhouse gas (GHG) emissions, understand drivers to reduce GHG emissions (including voluntary and mandatory mechanisms), assess the effectiveness of various GHG reduction efforts, evaluate available GHG reduction technologies, and review various U.S. government initiatives to accelerate GHG reduction efforts.

Prerequisite(s): 4LAW 6040, 4990, 6080 or minimum score of PASS in 'Law Graduate Student'.

MINI 6490 Transnational Litigation (1)

The rapidly growing number of disputes involving foreign parties and transactions present distinct problems that do not arise in purely domestic litigation or arbitration. The course will address these problems and the emerging solutions as developed by American courts, and it will compare these developments with approaches that prevail in other legal systems. Areas that will be covered include the extraterritorial application of U.S. laws, taking evidence abroad, personal jurisdiction over foreign defendants, and the enforcement of foreign judgments.

MINI 6620 Space Law: Jurisd Int Treat (1)

This course focuses on the question of what rules apply in outer space and examines the five current international treaties that govern outer space: the Outer Space Treaty, the Rescue Agreement, the Liability Convention, the Registration Convention, and the Moon Agreement. Comparisons to issues of jurisdiction in admiralty law will be made throughout the course, though no prior knowledge of admiralty law is required. This course is taught by Jeanne Amy from the Department of Justice's Aviation, Space, and Admiralty Division.

MINI 6630 Space Law: Property, Tort, and the Environment (1)

This minicourse examines three interrelated areas to consider in space: delict (tort), property, and the environment. In terms of tort law and space, undertaking outer space activities is inherently a risky business. Things blow up, fall down, smash into one another – bottom line, things can go very wrong. And when they do, someone will be liable. How tort law principles apply in outer space will be the first area of focus for the mini course. Property rights, the second area of focus, also are important in space. While existing treaties provide that States cannot take ownership of celestial bodies, there is room for interpretation as to whether a private person (or institution) might acquire such ownership. Moreover, there are property rights already in outer space given the existence of man-made objects, such as satellites, spacecraft, etc. How property law impacts space law is the second topic for our discussion. Finally, we will examine space and the environment. There are environmental impacts of outer space activity not only in space, but also on Earth, including pollution created during launch operations, importing new microbes onto Earth during space activity, and objects falling into Earth's atmosphere from space. Issues of the environment within outer space will also be discussed in the context of space debris, satellites, space stations, the future of possible space hotels, and more. The course will be taught by Professor Wian Erlank of North-West University in South Africa and will be graded in a Pass/C/Fail basis

MINI 6650 Public Co Reporting Practicum (1)

This course is designed to provide a hands-on and practical introduction to disclosure issues and practices of publicly traded companies. The course will address disclosure issues and topics under the federal securities laws and the various rules and regulations thereunder. The course will also cover select corporate governance issues, such as director independence, committee composition and duties, shareholder approval of certain matters, and other exchange listing requirements (NYSE and/or NASDAQ rules). This is an advanced course that is designed to teach students how to approach and solve problems relating to public company disclosure issues, focusing on the structure and content of disclosure and available resources. The course will be designed to simulate the issues and tasks that an attorney would perform in representing a public company in practice. It is primarily designed for students who intend to practice corporate or securities law and represent companies in connection with public filings with the Securities and Exchange Commission and the sale of securities.

MINI 6660 Plea Bargaining (1)

Only about 2% of all federal criminal defendants go to trial, and only about 6% of state criminal defendants do so. Yet the vast majority of the training received by prosecutors and defense attorneys, both in law school and after, focuses on trials. This mini-course will instead address the mechanism(s) by which most criminal cases are actually resolved, (with a particular emphasis on the federal courts) and will attempt to provide future criminal lawyers with some of the tools needed to achieve just and fair resolutions in those cases. For the last class, students will be put into pairs (prosecutor-defense attorney), and required to conduct plea negotiations in a hypothetical case, and ultimately reach a resolution that does not involve a trial. The roles of the participants will then be reversed, and the exercise will be conducted again.