

## LAW UPPERCLASS ELECTIVES (3) (3LAW)

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### **3LAW 3110 Civil Lit:Strategy&Pract (2)**

This course will provide the student with a realistic understanding and appreciation of handling litigation matters in private or corporate practice and the type of work and situations they can expect to deal with on a daily basis. The course will provide a practical application of how to take a lawsuit from the initial client contact through trial and appeal. Students will discuss and prepare pleadings, including Complaints/Petitions, Discovery Requests and Responses, Motions, and Judgments, and will be provided with a practical understanding of what is expected of them by judges and how the rules of civil procedure are applied in the real world. The course will be taught by Robert L. Redfearn, Jr. a partner with Simon, Peragine, Smith & Redfearn, L.L.P. Because of the substantial overlap in content, students enrolled in Civil Litigation: Strategy & Practical Skills may not enroll in the Pre-trial Civil Litigation Winter Intersession.

### **3LAW 3130 Coml Law-Civil Sec Rghts (3)**

This is a course in credit transactions under the civil law of Louisiana. Topics include suretyship and secured transactions as to movables and immovables. Article 9 of the Louisiana version of the Uniform Commercial Code is considered, together with mortgages on immovables, and codal and statutory privileges. Problems of ranking or priorities are studied.

### **3LAW 3200 Contract Drafting (2,3)**

This course introduces students to the principles, processes and techniques for drafting business contracts. Students will learn how transactional lawyers translate a business deal into contract provisions. Students will draft commercial agreements with a focus on managing risk, minimizing ambiguity, drafting with clarity, using contemporary commercial drafting techniques, and solving problems through effective drafting. Students will also learn to read, review and analyze contracts with an eye toward both legal and business risk issues. The course is presented through a combination of lecture, drafting and editing assignments, and in-class exercises. Students draft sample contract provisions, draft contracts from scratch, analyze term sheets, and review and revise contracts. Grades will be based upon drafting and editing assignments, participation in in-class exercises, and good faith completion of ungraded assignments.

### **3LAW 3210 Coml Law-Secured Trans (3)**

This course deals in depth with the creation and perfection of security interests in personal property, priority of claims, and remedies upon debtors' default under Article 9 of the Uniform Commercial Code. In addition to full coverage of Article 9, the potential risks of the secured creditor under the Federal Bankruptcy Code are considered. Substantial consideration is given to the policies and commercial equities which underlie doctrine in this area of law.

### **3LAW 3280 Com'L Law-Bankruptcy I (3)**

After a brief study of individual debt collection under state law, this course will focus on federal bankruptcy law. It will provide an overview of fundamental aspects of consumer and business bankruptcy law and practice. It will also explore a number of current and ongoing policy debates related to bankruptcy law. Thus, the course should be of interest to students who expect to be involved in the practice of bankruptcy law as well as any students who wish to explore broader themes related to economics, financial markets, politics, legislative process, and public policy.

### **3LAW 3350 Common Law Trusts & Ests (3)**

This course examines the law governing the transmission of property at the owner's death. Topics emphasized are intestate succession; the substantive and formal requirements for the validity of will; interpretation of wills; the creation of private trusts; the nature of the beneficiary's interest in a trust.

**3LAW 3370 Comparative Law in Action (1,2)**

This course highlights the fact that large areas of national law are influenced (and sometimes even driven) by developments outside our country's borders, and that 'local' legal practice will often require lawyers to engage with foreign and/or international law – or to apply comparative legal techniques – in their daily work. The focus is very much on the practical application of foreign/comparative/international law in areas such as contract law, torts, constitutional law, human rights protection, public international law, environmental law, development, employment law, criminal law, or economic regulation. The course is based on a background hypothetical involving a U.S. company which seeks to expand its operations – both in terms of production, distribution and administration – to various foreign markets across the globe and/or import to and sell foreign goods in the U.S. Week by week, different legal questions and difficulties arise. These will touch on, e.g., contractual issues, products liability, employment law, environmental regulation, taxation, health and safety (consumer protection), or conflicts of law. International treaties such as TRIPS might also come into play. In one of the two weekly classes the instructor will set out the (new) facts and discuss the core aspects of the relevant area of law. Students will then be asked to research the issues raised in the hypothetical (individually or in groups) and to present in the second weekly meeting their substantive findings as well as any practical difficulties they encountered in the course of their work (language barriers, access to foreign legal materials, or possible non-legal trade-offs between the advantages and problems that foreign jurisdictions might offer or pose in a particular field). The assignment will always require the production of a concise legal memorandum that sets out the issues and possible solutions, and suggests a way forward for the client company. Students should expect a few surprises (such as sudden changes of the situation 24 hours prior to the deadline for completion of the memorandum) and be prepared to present their work in a professional format (both orally and in writing). Successful completion of the course will require submission of the entire portfolio of assignments. Assessment is based on a three-hour final exam. The course will start off with an introduction to comparative methodology, research methods, and an explanation of the background hypothetical, cover 5 distinct problems in selected areas of the law, and close with a final debriefing/review. Students will receive a course package with selected texts about comparative methodology and, in preparation for each problem, substantive background reading that covers the relevant legal topic. The weekly handouts that set out the (developing) narrative of the hypothetical and research assignments may contain additional specific materials such as model contracts, newspaper clippings, or traditional references to cases, statutes, international treaties and legal articles or book chapters.

**3LAW 3380 Community Property (2)**

This course is a comparative study of marital property regimes that involve the distinction between the separate and community property of spouses. The course examines the law of the eight community property states and Wisconsin, which has a version of community property based on the Uniform Marital Property Act. Special attention will be given to Louisiana law.

**3LAW 3400 Conflict of Laws (3)**

This course explores how courts in the United States determine the governing rules and doctrines in cases that implicate the laws of more than one jurisdiction. Students will learn the various approaches courts take to resolving conflicts of law when they arise, including the historical and theoretical foundations for those approaches.

**3LAW 3450 Family Law: Civil & Common (3)**

This course is a study of the formation, rights and obligations in formal and informal family relationships, and the breakdown of marriage and its incidents such as nullity of marriage, divorce, division of property, support, and custody. The course will treat the family law of both the civil law and common law jurisdictions of the United States.

**3LAW 3460 Employment Law (3)**

The employment relationship serves an important role in structuring the lives of most adults in the United States. Employment provides wages, and often, a slew of benefits including health care and retirement pensions. It also provides a sense of stability and routine, and can even serve as the foundation of our identities. Legal disputes about the employment relationship occupy a significant segment of the legal market and consume a significant proportion of legal resources. This course offers students an overview of the important legal issues that are raised in the context of the employment relationship. It examines the law governing the employment relationship, including the establishment and termination of that relationship. The course will discuss employment issues, such as contractual employment agreements, wrongful discharge, regulation of wage and hour laws (FLSA), leave (e.g., FMLA), safety (OSHA and workers comp), unemployment insurance, privacy and freedom of speech, intellectual property issues (such as R&D ownership, trade secrets and noncompetition clauses), the developing concept of unjust discharge, and regulations providing protection of retirement benefits. Throughout the course, students will be able to deepen their study of contract law, torts, and statutory and regulatory processes through the context of the law of the work. The course does not cover either Employment Discrimination or Labor Law, both of which are offered as separate courses.

**3LAW 3490 E-Discovery (2)**

Modern discovery increasingly concerns the production and retrieval of information that is electronically stored in computer systems, email, text messages, social media, cloud applications, and varying other methods. This course will focus on the new issues, rules, and practices involving the application of e-discovery, digital evidence, and computer forensics. It will explore not only the application of the federal rules of civil procedure and evidence to electronic discovery but also the appropriate handling and treatment of electronically stored information in the litigation process. The course is taught by the Hon. Karen Wells Roby, Chief Magistrate Judge, U.S. District Court for the Eastern District of Louisiana, and Lynn M. Luker, Of Counsel at Stanley, Reuter, Ross, Thornton & Alford.

**3LAW 3495 Info Technology for Lawyers (2)**

The trial lawyer's craft lies in marshaling the evidence that enables the parties to weigh the risks and benefits of litigation and the court and jury to determine the facts and resolve disputes. Evidence is information; and, apart from testimony, nearly all information is created, collected, communicated and stored electronically. Thus, the ability to identify, preserve, interpret, assess, authenticate and challenge electronically stored information (ESI) is crucial advocacy skill. Students will explore information technology (IT) and digital evidence through the lens of trial practice. You will learn the language of IT and acquire hands-on-training in the tools of ESI and computer forensics. We will explore information management and storage and the forms ESI occupies as it bears on emerging standards of lawyer competency. You will cover challenges of acquisition, authenticity and admissibility unique to modern digital evidence. This course will be taught by Craig Ball, a trial attorney and consultant in computer forensics and e-discovery.

**3LAW 3500 Federal Courts (3)**

Federal courts occupy a strategic place at the crossroads of the foundational constitutional principles of separation of powers, federalism, and individual rights. This course examines the constitutional and statutory power of federal courts from that vantage point. Topics planned for the course include case-or- controversy and justiciability limitations on the federal judicial power (with an emphasis on standing doctrine), congressional power to control the jurisdiction of the Supreme Court and lower federal courts, the role of state courts in the enforcement of federal rights, state sovereign immunity under the Eleventh Amendment, and abstention doctrine.

**3LAW 3510 Federal Prac&Proc:Appeal (2)**

This course covers the Federal Rules of Appellate Procedure and their application in litigation before the federal courts. Substantive topics may include, but are not limited to: post-trial motions preparatory to appeal, perfecting an appeal, standards of review, drafting of briefs, presentation of oral argument, and post-argument petitions. The course includes an experiential learning component of writing a brief and presenting oral argument. The course will be taught by Deborah Pearce-Reggio, a 1993 graduate of Tulane Law School. Final grades will be based on the brief and oral argument, with potential extra points to be earned through small written/oral exercises relevant to appeals. Professor Pearce plans to invoke a rule penalizing students for lack of preparation and/or excessive absenteeism. Students who have taken Advanced Appellate Advocacy may not register for this class.

**3LAW 3520 Gov't Contract Law in 21st Cen (2)**

This is a two-hour weekly class survey course in lecture and/or seminar format of the many issues involved in federal contract law, not contract law in general. Federal procurements boast of a multi-hundred billion \$ marketplace annually. State run procurements often are modeled after the federal sector and add to this value. Bid protests, contract changes, special clauses in the Federal Acquisition Regulation, False Claim Act, contract terminations, and claims are covered. Class attendance and participation (10%) are required. Normally, a take-home exam option is used for final grading (90%). Tulane and Loyola students are invited to register. Course site this semester to be announced.

**3LAW 3530 Dignity and Belonging (3)**

There are about 12 million people around the world who are de jure stateless or who are at risk of being stateless. A stateless person is defined as one "who is not considered as a national by any State under the operation of its laws." One of the consequences of statelessness is the lack of a place to belong and the loss of protection that comes with belonging. In a world of states where everyone is supposed to belong to one or another nation-state, the stateless becomes the "extra," the surplus product of the international order of states. This seminar focuses on the condition of the statelessness to explore the general issue of what it means to belong and the consequences of being denied the opportunity (or the right) to so belong. Using interdisciplinary material (law, political theory, geography and sociology) the seminar will provide the opportunity to examine the conditions that lead to statelessness, to assess the existing national and international responses that are meant to deal with statelessness, and to explore alternative ways in which belonging could be conceived so that incidences of statelessness are minimized. The seminar will explore the dignity that membership provides through a close study of its opposite, the indignity of displacement and statelessness.

**3LAW 3560 Gift & Estate Tax Planning (3)**

The course focuses on techniques for the transmission of wealth to a person's successors with emphasis on methods of minimizing federal estate, gift, and generation-skipping taxes under the Internal Revenue Code. Appropriate consideration is also given to the federal income tax consequences of wealth transfer transactions. Both inter vivos and testamentary planning techniques are covered, as is the use of trusts to meet estate-planning objectives. Other topics include the valuation of property included in the transfer tax base, transfers to minors, life insurance planning, planning for jointly-held property and community property, charitable gifts and bequests, retirement benefits planning, and deductions (particularly the marital deduction) from transfer taxes. The basic course in income tax is not required, but is a desirable preparation. The course is taught by Kenneth Weiss, a board certified specialist in both taxation and estate planning.

**3LAW 3640 Louisiana Civil Procedure (2)**

The objective of this course is to provide a basic and practical knowledge of the Louisiana Code of Civil Procedure necessary to successfully pass the Louisiana Civil Procedure section of the Louisiana State Bar Exam, as well as to draft pleadings and litigate in Louisiana state trial and appellate courts. This course will emphasize practical skills training, in conjunction with theory, and when possible use examples of pleadings, memoranda, briefs and jurisprudential authorities that focus on Louisiana Civil Procedure Law. When practical, students will be exposed to the application of certain provisions of the Code through experiential learning, by viewing one or two rule days at Civil District Court for the Parish of Orleans. Upon completion of this course, students will have a thorough working knowledge of Louisiana Civil Procedure, as well as be trained to handle all aspects of civil litigation. This course will be taught by the Hon. Regina Bartholomew Woods, Louisiana Fourth Circuit Court of Appeal. (2 Credits)

**3LAW 3650 Legl Aspect Int'l Monetary Sys (2)**

This seminar will explore current issues in international monetary law and related legal topics. It will focus primarily on the International Monetary Fund and its evolving role in international monetary law, global governance domestic law reform and economic development. Among other things, the seminar will cover the history of the Fund, its internal governance, its surveillance of member states' obligations under the Fund's articles, its lending facilities and practices, and the technical assistance it provides sovereign states. Particular attention will be given to legal and practical issues related to the Fund's role in addressing the ongoing economic and financial fallout from the Covid pandemic and from Russia's attack on Ukraine.

**3LAW 3660 Legal Writing for Lay Audience (3)**

Lawyers routinely communicate with audiences who are not trained in law, including clients and prospective clients and other target audiences through public advocacy, media commentary, and marketing. This rigorous writing course will introduce students to the fundamentals of effective, accessible writing about legal topics for such audiences (writing that can also ultimately help better legal memoranda and briefs). Students will research, write, and share both short and longer essays and other written work on legal topics geared mostly toward a general audience; students will also learn to present such work to prospective clients in client presentations and broadcast interviews. By the end of the seminar, each student will produce a long-form magazine article about a law-related subject ready to submit to a bar magazine in the jurisdiction of his or her choice. This seminar does not qualify for the upper-level writing requirement.

**3LAW 3680 Solo & Small Firm Practice (2)**

Solo and small firm practice is the most common organizational form in the legal profession today. This course will focus on the essential elements of forming and operating a small firm or solo law practice. Although many of the topics covered in this course could be translated into law practice skills in general, the course will give particular emphasis to those issues that are frequently encountered by solo and small firm practitioners, including setting up a law practice; developing business; hiring, managing, and effectively using support staff; financial planning, billing, and fee management; issues of ethics and professionalism; leveling the playing field through practice skills and management; and many others. Students will be graded on a P/C/F basis and will be assessed on quality of their involvement and participation in both individual and group exercises. Students will also be evaluated on the quality of their critiques of fellow students' performance. There will not be a final exam in this course. Attendance and participation are required. The course is primarily geared toward 3L students who will be given preference. 2L students may be accepted, with permission of the professor, provided they have taken or are enrolled in legal ethics.

**Prerequisite(s):** 2LAW 2800.

**3LAW 3690 Successions Donations Trusts (4)**

A course in the Louisiana civil law governing the transfer of property by inheritance, testament or gift during life. Topics include rules of inheritance, rights of surviving spouses, acceptance and administration of successions; collation and partition; the making of wills, kinds of legacies, and forced heirship limitations on gratuitous dispositions. The course also considers the Louisiana Trust Code's provisions concerning the creation, modification, and termination of trusts; limitations on dispositive provisions; and the powers and responsibilities of trustees.

**3LAW 3770 Oil and Gas (2)**

This course covers the law relating to oil and gas exploration, development, and production. The class will largely focus on issues related to oil and gas leases but will also cover the nature and classification of other mineral rights and related issues. The course will include common law doctrines as well as certain Louisiana law concepts. The course will be taught by Aimee Hebert, a partner in the law firm Kelly, Hart & Pitre.

**3LAW 3830 Protect of Cultural Property (3)**

Notwithstanding the critical role cultural heritage plays in forming our national and ethnic identities, and in inspiring us as civilizations, protecting it has never been a legal priority. Through an examination of the legal history of cultural property, this seminar will attempt to explain why that has been the case, and what is now being done to change that historical trajectory. The seminar will focus on the relevant international conventions, and on significant actions by the European Union and Arab League, along with those federal laws of the United States that seek to preserve and protect different forms of cultural property. In addition, selected state and local laws and cases will be addressed, as part of a discussion of the efforts (and accompanying litigation) that have been made in New Orleans to protect the city's unique art, architecture, and traditions. Each student will be required to select a paper topic, one that directly relates to a cultural property issue arising from his or her location - e.g., a student located in New York City will be required to write about a "New York" cultural property issue. In addition to writing the paper required for 3 credits, students will be required to give a 15 minute in-class presentation regarding their paper. The course will be co-taught by Prof. Herbert Larson and Ms. Terressa Davis, who is the executive director of the Antiquities Coalition.

**3LAW 3900 Empirical Legal Methodologies (2)**

Statistics are playing an increasing role in court decisions, public policy regulations, and legal scholarship. This course provides and understanding of the most common statistical methods and examples of the use of those methods by courts, administrative agencies, and scholars. Students are not expected to come to class with any knowledge of these methods or mathematic expertise, but will leave with the understanding of them and their role in legal analysis.

**3LAW 3920 Tax - Adv Corporate Tax (2,3)**

The course will use a transactional approach to examine the corporate tax law issues associated with business operations and acquisitions. Major topics include spin-offs, taxable acquisitions, reorganizations, consolidated returns, tax attributes, contributions, distributions, redemptions, and liquidations. Some partnership, international, and tax procedure issues will also be discussed. There will be assigned readings for each class (generally cases, rulings, articles, and brief passages from the treatises). Class will consist of a short lecture followed by a discussion of problems. Students will be evaluated on the basis of class participation (in the form of a half-page to full-page memorandum on an assigned issue with a brief oral explanation to the class), two short writing assignments, and a final writing assignment. This course will be taught by Joseph Henderson, Senior Vice President and General Tax Counsel, Entergy Corporation.

**3LAW 3960 Taxation of Business Entities (3)**

The course covers federal income taxation of C corporations, S corporations, partnerships, and limited liability companies ("LLCs") and the holders of ownership interests in such entities, including the federal income tax consequences of operations; contributions of capital to the entity; distributions by the entity; and acquisitions, dispositions, and rearrangements of the entity. The course also will address choice of entity considerations under the new tax law. Prerequisite or Co-requisite: Federal Income Taxation.