

## **WVU LAW Fall 2018 Course Classifieds**

1. **LAW 621- Lawyers as Leaders- Professor Hardesty**

This perspective course (3 hours credit) is based on the premise that many lawyers achieve positions of leadership in the profession and in their communities during the course of their careers. The objectives of the course include exposing law students to leadership theory, leadership literature, and leadership skills not normally developed in traditional courses. Students are divided into groups of 8. They then explore the leadership talents of students in their groups using proven personality assessments. They also explore proven discussion techniques developed originally in our department of industrial engineering. Thereafter, on 8 separate days the students discuss a topic raised by the assigned readings, taking turns leading these discussions. Each student offers his or her own personal assessment of their performance, which is used to inform the faculty leader's assessment of performance. During the discussions, students are permitted to seek guidance. The faculty leader also may interject comments when problems arise. Students also create a journal on their reflections during the course, prompted by questions posed by the instructor. Simulation topics have included routine issues arising in the profession (opening a branch law office in another jurisdiction), challenging client problems (moving a hospital 15 miles), and crisis management problem (chemical spills in the local river during a game weekend).

2. **LAW 734- Intellectual Property- Professor Olson**

Intellectual Property is a comprehensive review of copyright and patent law, taught from the perspective of the application in business as well as a firm grounding in the statutory and constitutional underpinnings of these federal protections. The same casebook is used in Business Torts offered spring 2019.

3. **LAW 778-Antitrust- Professor Olson**

Antitrust law, offered as an element of a concentration in commercial law, provides a comprehensive review of a bedrock principle of competition law: antitrust. Antitrust law touches every aspect of a commercial law practice as it regulates pricing, product development, and trade associations. The course includes a problem approach to emphasize the practice dimensions of antitrust law

4. **LAW 726-Constitutional Law 2- Professor Bastress**

Constitutional Law II focuses strictly on the freedoms of expression and conscience contained or implied in the First Amendment to the United States Constitution. They include the freedoms of speech, press, assembly, petition, association, and religion – the fundamental rights that enable individuals to develop their faculties and to participate in society and in the democratic processes. In addition to defining the scope of protection accorded to individuals who engage in expressive activities, the course addresses modern issues relating to the mass media, the Internet, and campaign finance. Study of the First Amendment would be of considerable value to anyone who wants to work in government, civil rights, the media, or who wants to participate in public discussion or the political process. It is also useful to anyone who will be taking a bar

examination; forty to fifty percent of the multistate constitutional law questions historically have been based on First Amendment issues.

5. **LAW 763-Employment Discrimination- Professor Bastress**

As its name communicates, Employment Discrimination provides a detailed study of federal and West Virginia fair employment laws, including Title VII of the Civil Rights Act of 1964 (prohibiting discrimination in employment on the basis of race, color, national origin, sex, and religion), the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Equal Pay Act, the West Virginia Human Rights Act, and anti-retaliation provisions under all of them. The course is taught to prepare students for litigation on the anti-discrimination laws, which provide the largest number of litigated claims in all of employment law – and the most work for lawyers. The course would also prove useful for persons interested in human resources positions and in-house corporate work. Employment Discrimination is a bar exam subject in some states, including Pennsylvania.

6. **LAW 768- International Law- Professor Friedberg**

International Law plays a major role in many of today's most important public issues. We will address some of these issues as well as covering basic theory and doctrine of International Law. Topics will include war and peace, human rights, international environmental concerns, the United Nations, international tribunals, and the emergence of new states. We also will pay special attention to international current events, particularly conflicts that threaten global stability as they arise and are covered in the news. I look forward to working with you to make this course a worthwhile and enjoyable experience

7. **LAW 723-Immigration Law-Professor Friedberg**

Immigration issues dominate the news these days. This course will provide you with some significant expertise in this area and hopefully enable you to distinguish law from nonsense. The practice of immigration law will only grow in importance in the next few years with issues of asylum, refugees, borders, employment of non-citizens, deportation, etc. being critical both to national political dialogue and to your practice as attorneys. Knowing immigration law will put you in a valuable position for advising your clients and consulting to your colleagues. Obviously, it is a growing area of practice where employment opportunities are significant.

8. **LAW 791B- Stories in Law and In Life- Professor Elkins**

Why should you consider taking a course—in law school—on stories? You may, with so many fish to fry, suspect that reading and thinking about stories, and learning how stories work, could turn out to be a waste of time, having, one might think, little to do with being a lawyer. Before you go down this road, consider this: There is a story that brought you to law school and another story that you tell in becoming the kind of student you have become. You tell and listen to stories every day; you've grown up in the midst of stories and most of us cannot imagine a life without stories. You might even come around to thinking of your life as a story. Lawyers, in their professional work, hear stories from their clients, build a client's case around a "narrative," and create a relationship with a client by listening to and telling each other stories (legal and

otherwise). Judicial opinions are, oddly enough, stories, as are theories of jurisprudence. Lawyers are, to put it mildly, knee-deep in stories.

I have been teaching stories for something like 30 years now and what I can say is this: *becoming attentive to stories—and developing your story sensibility—can make you a better lawyer, and, perhaps more importantly, can enhance your life. Simply put: stories can save you from the ravages of boredom and stress in your professional life and provide a vital lift in your life.* The key here is to find good stories, learn to read them carefully, and puzzle over how they can be put to use in your life as a lawyer, and in the life you make for yourself beyond the law.

For a more extended presentation of this idea that stories have a central place in the education of lawyers, you can do a Google search using the terms that will take you to a chapter of a book I am writing titled *Cautionary Tales: A Backroads Tour of Legal Education*:

#### 9. **LAW 791W- Adv. Crim Law: Crime Film Documentation- Professor Elkins**

Tired of reading judicial opinions, skeptical about learning to be a lawyer by acquiring another basket heaped high with legal abstractions, you might consider a course like **Crime Film Documentaries**. In this course, our “texts” will be crime film documentaries—some of the best produced in the past 20 years. Our focus will not be on the technical and theoretical aspects of crime film documentaries, but the prosecutors and defense lawyers, trial court judges, and defendants (including innocent defendants who have been convicted) portrayed in the films. The documentaries selected for the course raise significant issues about faulty police investigation, prosecutorial misconduct, inept defense counsel, coerced false confessions, bogus expert testimony, and biased judges. The course exposes what might be called the “shadow” that accompanies our criminal justice system. If you are thinking about practicing criminal law, or find criminal law interesting for other reasons, this course will provide a realistic overview of the criminal justice system by documentary filmmakers who have no motive or desire to spare you from the brutal truth.

The course will meet late afternoon/early evening each week to screen a film, and then, the following day we will convene to discuss the film. The films now being considered for screening in the course include: “Murder on a Sunday Morning” (2001)(a 15 year-old African American high-school student in Florida is charged with murder, and is successfully represented by public defenders); “Brother’s Keeper” (1992)(a reclusive farmer in upstate New York is charged with killing his brother); “The Thin Blue Line” (1988)(Errol Morris’s seminal documentary investigation into the murder of a Dallas police officer that ultimately resulted in the defendant’s freedom); “The Staircase” (2004/2005)(a writer in North Carolina is accused of murdering his wife)(and is now free while he awaits a new trial); “Paradise Lost” (1996/1999)(three young men in Arkansas are convicted of killing three school boys in a case that became the most widely-known “innocence” case in the United States)(all three defendants have now been freed from prison after entering Alford pleas); “An Unreal Dream: The Michael Morton Story” (2013)(an insider’s account of a man’s living nightmare and his false conviction for murdering his wife); “Aileen Wuornos: The Selling of A Serial Killer—The 1992 Interviews” (1992)(an infamous serial killer executed in Florida in 2002; Wuornos was portrayed by Charlize Theron in an Oscar-winning Best Actress role in the film “Monster”); “Capturing the Friedmans” (2003)(the Friedmans, father and son, upper-middle- class Jewish family in Great Neck, New York, are charged with child molestation in a case that received extensive media coverage and

then this controversial film); “Incident at Oglala: The Leonard Peltier Story” (1991)(narrated by Robert Redford, the film chronicles events surrounding the shooting of two FBI agents on South Dakota's Pine Ridge Reservation in 1975 that resulted in the conviction of Sioux activist Leonard Peltier).

#### 10. **LAW 794Q- Firearms Law and Policy- Professor Rhee**

This seminar will (1) provide you with a survey introduction to US (and West Virginia) firearms law and policy and the Second Amendment of the US Constitution, and (2) help you write an original research paper of publishable quality about these issues. We shall explore often volatile “right to bear arms” issues in a safe, respectful, professional environment where *all* viewpoints are encouraged and examined. If you have any questions, please e-mail Professor Rhee at [william.rhee@mail.wvu.edu](mailto:william.rhee@mail.wvu.edu). Thank you.

#### 11. **LAW 689K- Sem: Civil Disobedience- Professor DiSalvo**

- This class will be offered fall semester – Tuesdays from 4:00 to 5:50 pm.
- It carries two credits, fulfills your seminar writing requirement, and is a perspective.
- The class asks a variety of questions: What is civil disobedience? What justifies it? Can it change the law? How? What view of conscientious lawbreaking should the legal system take?
- Topics include, among others, the woman’s suffrage movement, the civil rights movement, the anti-war movement, the movement for the liberation of colonial India, and the movement to stop mountaintop removal in West Virginia. We will read Gandhi, King, Thoreau, and many others.
- The class is operated as a guided discussion in which everyone is expected to participate. (No lectures, no student presentations.)
- There is no exam. Rather, there is a research-and-analysis paper.
- There is a fair amount of reading and film-watching.
- The course is a ton of work – and a ton of fun!
  - Questions? Please feel free to contact me at [cdisalvo@wvu.edu](mailto:cdisalvo@wvu.edu)

#### 12. **LAW 694A- Sem: Schools, Race, Money, or More- Professor Weishart**

This two-credit seminar explores the relationship of law and policy through select topics affecting most public school children: (1) the structure, hierarchy, and governance of public elementary and secondary education; (2) desegregation and resegregation; (3) school finance, including the state constitutional right to adequate and equitable educational opportunities; and (4) issues beyond schools, race, and money affecting educational outcomes. Students will prepare a research paper on an approved topic of their choice. Professor Weishart welcomes any questions you may have about this seminar, [joshua.weishart@mail.wvu.edu](mailto:joshua.weishart@mail.wvu.edu)

**13. LAW 624-Land Use/Sustainable Devlp Clnc 1 (LUSD Law Clinic)- Professor Garvey**

West Virginia is home to some of the world's most beautiful rivers and streams. Many of these waters are polluted, in part because of the way land is used in nearby areas. The LUSD Law Clinic provides legal services to local governments, landowners and non-profit organizations to develop land conservation strategies and practices. The LUSD Clinic is a 2-semester, 14-credit course offered to selected third-year law students. As a transactional and policy-based clinic, students develop research, drafting, negotiation and client counseling skills. Example projects include drafting zoning ordinances, conservation easements and title opinions. Students also engage in a weekly 90-minute classroom seminar, led by faculty and guest speakers. Students receive academic credit based upon their satisfactory completion of both casework and the classroom components of the course.

For more information on the LUSD Clinic's goals, projects, and student application procedures visit <http://landuse.law.wvu.edu>.

**14. LAW 798- Law-Environmental Protection- Professor Van Nostrand**

Environmental law has become an integral part of most law practices in the United States today, and is particularly relevant to the energy industry in West Virginia and in the surrounding region. In this survey course, students will be introduced to energy, environment, and sustainability law and policy issues. Students will examine the development of environmental law from its common law tort roots through the birth of the "environmental movement" and the enactment of federal environmental regulatory laws such as the Clean Water Act, the Clean Air Act, the National Environmental Protection Act, the Endangered Species Act, and laws governing hazardous wastes and toxic materials (including the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The course will also cover development-related issues such as the public trust doctrine and regulatory takings. Finally, the course will provide an overview of the convergence of energy and environmental issues and the environmental impacts of the energy industry, including a brief discussion of climate change issues. This course provides the generalist with a solid understanding of the legislative, administrative and judicial system of environmental law today. **[NOTE: This course is not open to students who previously completed Environmental Protection Law: Pollution with Professor McGinley, or Environmental Protection Law: Conservation and Natural Resources from Professor Van Nostrand. This course combined those two formerly separate courses.]**

**15. LAW 634- Energy Reg, Markets and the Environment- Professor Van Nostrand**

This course will focus on the economic regulation of the energy industry and developments in recent years to promote more sustainable energy policies. We will examine both the legal basis for regulation (as established in early court precedent and governing statutes) and the economic basis for regulation. In particular, we will review the process typically followed for utility rate proceedings, including an overview of the administrative law issues that come into play. To illustrate the various elements of the rate-setting process and the siting of energy facilities, each student will participate in a mock hearing exercise in which teams of students assume simulated hearing room roles. The course will also examine the resource acquisition process followed by electric utilities, and the manner in which they attempt to reflect the environmental impact of various generating technologies in making their resource selections. We will discuss the “greening” of America’s energy policies to encourage development of renewable sources of energy and increased investment in energy efficiency measures in response to climate change issues, as well as the decentralization of the electric utility industry as more customers install their own on-site generation (primarily solar photovoltaic (PV)). The course exposes students to the utility ratemaking process, energy resource planning, rate design, green markets, energy efficiency, distributed generation resources, renewable energy portfolio standards, climate change, and carbon management.

**16. LAW 767-Bankruptcy: Debtors and Creditors Rights- Professor Cardi**

When a person gains a right to recover money from another person by contract, tort, or other and is not paid, turning that right into actual money can be a difficult task. Often, though not always, the first step is gaining a court judgement. The second is having a sheriff seize and sell the judgement debtor’s property, and deliver the proceeds to the judgement creditor. When a creditor moves against the property, invariably other creditors of the debtor are also asserting claims against the property, and legal rules dictate which creditors have priority.

The first part of this course examines how creditors can improve their priority under state law by acquiring consensual and automatic pre-judgement liens, post-suit pre-judgement liens, and post-judgement liens against the debtor’s property, and how to turn the claims into money.

The remainder of the course examines federal bankruptcy law. When a person or business becomes so overburdened by debt that they find it difficult to move forward, federal bankruptcy law provides hope and relief, and a chance of a new start in a way that benefits the debtor and often its creditors. Students will learn how to file for bankruptcy, how to prepare a chapter 13 Bankruptcy Plan and the fundamentals of helping both debtors and creditors work through bankruptcy.

**17. LAW 766- Coal, Oil and Gas Law – Professor Whitney Kerns**

Coal and oil and gas industries remain a vital part of the West Virginia economy. Steam coal produced in northern West Virginia continues to provide a resource for power generation while high demand for steel has generated new investment in southern West Virginia where the highest grade metallurgical coal is found. New techniques for the development of oil and gas

have led to historic changes and new development and for the first time, energy independence and the United States. This course will cover the laws and principles that guide coal, oil and gas ownership, development, leasing and regulation, including issues making headlines of the legislature involving cotenancy and pooling and unitization. Perhaps more than any other area of land ownership, the unique principles relating to conveyances, ownership and leasing of mineral properties lead to a highly specialized area of law. The course will be taught by two practitioners, Whitney Kerns, who specializes in a mineral practice in Morgantown, West Virginia, and Tom Lane, who has practiced in Charleston, West Virginia, and taught this course from 1986 to 2006 and who compiled the teaching text that will be used for the course.

**18. Law 640- Parent/Child/State- Professor Kendra Fershee**

Parent, Child, and State focuses on the separate and overlapping legal interests of children, their parents, and the state. We discuss the parental right to withhold medical care, the right to direct and control the upbringing of children, juvenile justice, first amendment rights of kids, fourth amendment rights of kids, and the rights of the state to intervene in situations of abuse and neglect

**19. Law 622- E-Discovery- Professor Jennifer Mason**

This class is the practical class for which you have been looking. In this class you will prepare a preservation letter, research and draft a complaint, research and draft an answer, prepare a litigation hold to your client after conducting an investigation, prepare for and take a deposition with a court reporter who will provide the transcript to you, and prepare a motion to compel and response as well as argue the same. The activities all incorporate EDISCOVERY and each assignment deals with it. However, it is in a very practical application course.