

1. LAW 793A- Healthcare Fraud and Abuse - Professor Blake

Our country is sharply divided over competing aims: how do we expand access to healthcare while also reining in government spending? One area where all agree that we can do better is in combating healthcare fraud, the wasteful and fraudulent practices accounting for a staggering \$100-\$170 billion annually. Healthcare fraud isn't simply a matter of accidental wrongful billing by hospitals or doctors-- we increasingly see organized crime families targeting healthcare money, and fraudulent healthcare practices were arguably the start of what is now the opioid epidemic.

Healthcare fraud is an ever-growing field with broad bipartisan support and increased federal funding. It requires skilled lawyers to fill a variety of roles: government prosecutors who seek to reclaim lost government funds, qui tam lawyers who bring suits for whistleblowers, lawyers who craft policy or shape compliance plans, and lawyers who defend hospitals, physicians, insurers, drug and device makers. Students who take this course will gain necessary expertise in civil and criminal, state and federal laws in order to investigate fraud and abuse, shape policy, and ensure compliance by hospitals and other health care entities.

Students do not need any prior experience in healthcare law to take this course.

2. LAW 738- Business Torts - Professor Olson

The focus of this class is to identify torts which arise within the commercial or business context with an emphasis on trade secrets (the most widely used form of intellectual property protection) and trademarks. The subject is amplified by a consideration of the law of publicity and the broad doctrine of unfair competition which has an overarching control of business conduct. The casebook used is the same as was used for Intellectual Property in the fall semester and no additional materials need to be purchase.

3. LAW 740 - Conflict of Law - Professor Olson

The focus of this class is to identify cases and transactions in which the law of more than one jurisdiction may apply – and to identify the rules by which the choice of law is made. This is a frequent issue in litigation as well in contractual situations. Conflicts is also tested on the bar examination and previous bar questions will be among the problems used in class discussion.

4. LAW 619- Criminal Procedure: Adjudication - Professor Trychta

Adjudication—also commonly called bail to jail—will follow the life of a criminal case from start (bail) to finish (jail). Students will learn how to argue a bail motion, draft pretrial motions, select a jury, and interpret sentencing guidelines. Adjudication is ideal for those students who actually want to practice criminal law after graduation, as either a defense attorney or as a prosecutor. The material covered in this course is NOT tested on the bar exam. Please take Criminal Procedure Investigation if you are only interested in learning criminal procedure for the bar exam.

5. LAW 667-MBE Skills Workshop - Professor Trychta

This is a two-credit bar exam preparation course open to any student in their final semester of law school. Students will learn how to dissect multiple-choice questions in preparation for the multistate component of the bar exam. Students will review select substantive areas of the law and then complete multiple-choice quizzes as homework. Students will also receive assistance and guidance as they complete their bar exam application and character-and-fitness inquiry forms. A sample syllabus will be posted to the TWEN “Bar Preparation 2018” page as soon as it becomes available. For Spring 2018, graduating students seeking to begin bar exam preparations may take the essay writing course, or the multiple-choice course, or both.

6. LAW 682-Essay Writing Workshop - Professor Trychta

This is a one-credit bar exam preparation course open to any student in their final semester of law school. Students will learn how to craft a bar-exam style essay response, which differs from a traditional law school essay. Students will review select substantive areas of the law, and then complete practice essay questions as homework. This course will NOT address the FAQs associated with the bar exam application process. A sample syllabus will be posted to the TWEN “Bar Preparation 2018” page as soon as it becomes available. For Spring 2018, graduating students seeking to begin bar exam preparations may take the essay writing course, or the multiple-choice course, or both.

7. LAW 756-Trial Advocacy - Professor DiSalvo

Would you like to go into practice feeling comfortable and confident on your feet, no matter what the setting? Take Trial Ad!

We’ll get those butterflies in your stomach to settle down and fly in formation. Whether you are before a judge, a jury, or a group of clients in a meeting, you’ll be the person in the room who is comfortable and confident. You’ll be the person folks will want to listen to.

Trial Advocacy has three phases:

- First two weeks: a little bit of the trial ad philosophy and other foundational elements of the course. We meet M-W-F the first week and W-F the second week.
- Next eight weeks: we focus on specific aspects of trial – opening, closing, direct, cross, etc. We meet M-W.
- Final four weeks: each student prepares for and puts on a trial. A wrap-up class at the end of the semester. No final exam.

Taking Appellate and Trial Advocacy simultaneously? Please know that I make every effort to accommodate requests to harmonize the date of one's trial with the date of one's App Ad argument. We have also successfully scheduled around weddings, pregnancies, and a variety of other events!

8. LAW 774-Local Government - Professor Bastress

This course, also known as State and Local Government Law, examines intergovernmental relations from both a vertical and horizontal perspective. The vertical relations are those between local governments and the state government and those between local/state governments and the federal government. Horizontal relations are those between local governments and those between the states. Issues include the distribution of powers between governments, the creation and significance of boundaries, voting rights, state and local finance, and the business of government (delivery of services, tort liability, and public employment matters). Most of the substance of the course is derived from state and federal constitutional law. The text and the classes will take a generic approach (*i.e.*, not specific to WV), although West Virginia law will frequently be used to elaborate on subjects covered in the text. It's interesting stuff and would be useful for anyone who works for a government, who represents local governments (cities, counties, school boards, special purpose districts), or who sues the bastards.

9. LAW 694A Seminar: Public Education Law and Policy (Pre-K to 12) - 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; (4) special education services for students with disabilities; and (5) the rights and responsibilities of teachers. 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.

10. LAW 762. Federal Courts - Professor Weishart

This is an advanced course in constitutional law and procedure which addresses when Article III courts may exercise jurisdiction and provide relief. If you are still reading this description after that first sentence, be encouraged that my approach will be practically oriented, designed for students planning to litigate in federal courts (odds are many of you) and those planning to clerk for federal judges. Representative topics may include the federal judicial function, justiciability doctrines, congressional control of federal court jurisdiction, judicial abstention doctrines, state sovereign immunity from suit, Section 1983, and the power of federal courts to enjoin state court proceedings. Basically, we will be discussing whether a case can be brought in federal court (instead of state court or an administrative agency), when a federal court must abstain from hearing a case, and the scope of a federal court's authority once it properly exercises jurisdiction over a case. I anticipate a short writing assignment and a take-home exam.

11. LAW 746- Lawyers and Literature - Professor Elkins

The basic idea for **Lawyers and Literature** can be simply put: A legal education provides you with a working knowledge of the law (more precisely, selected parts of it), and an understanding of how lawyers think, and how they put this thinking to work to solve problems for a client. A failing of legal education is that it can provide a distorted sense of what it means to be a lawyer, and your legal education comes with little warning of the cost that comes with your identification as a lawyer. In **Lawyers and Literature**, we ask, with the help of short stories, novellas, and a short foray into poetry: *What does it mean to be a lawyer?* Traditional law school courses provide a host of answers to this question. Yet, the present array of answers being offered is incomplete. Reading fiction—fiction in which we find law students, lawyers, judges—we see ourselves from a different perspective; we see ourselves in a different light. Thinking and talking about the lawyers we find in fiction, you are invited to learn something about your self, and about what it means to be a lawyer.

An archived version of the 2017 **Lawyers and Literature** course website can be found at: <http://myweb.wvnet.edu/~jelkins/lawyerslit/> [or you can find the website by using the Google search terms: lawyers and literature elkins]

12. LAW 607- Psychology for Lawyers - Professor Elkins

Lawyers work with, for, and among other people. People—including you—tend to be not only creatures of circumstance, biology, and evolution but of psychological orientation and disposition, emotion and identity. We must live with others, and with ourselves; we must live with the psychology that arises in our interaction with others, and with the psychology we find in the way we are now living. Lawyers, we are told, need to know something about economics and history, sociology and philosophy; they most assuredly need to know something about psychology. You may think it too late, now, to learn anything significant about

psychology, anything beyond what little you may now know about psychology or that you learned in psychology undergraduate courses you may have taken. In **Psychology for Lawyers**, I will try to convince you, with the help of psychologists and psychotherapists, that it is not too late to learn enough psychology to make you a better legal counselor, and enough psychology to help you better understand yourself.

Psychology for Lawyers will look at the fundamentals of psychodynamic therapy, Freudian and Jungian approaches to psychotherapy, neuroscience findings on emotions, and various “maps” of psychological concepts—the Johari window, transactional analysis, transference & countertransference, persona and shadow—that will inform your understanding of person-to-person interaction. The course will focus both on the lawyer as counselor, and the kind of self-awareness and self-understanding that aid you throughout your life.

The course website for the 2017 version of the course can be found at: <http://myweb.wvnet.edu/~jelkins/psy2013/> [or you can find the archived 2017 course website with a Google search using the terms: psychology lawyers elkins].

13. LAW 750 - Dispute Resolution – Professor Rhee

Dispute Resolution (DR) is a theoretical and strategic introduction to conflict resolution in litigation, lawmaking, democratic society, and life. While focused on negotiation, arbitration, and mediation, DR shall also examine individual conflict resolution, democratic policy deliberation and discourse, decision theory, game theory, group facilitation, and criminal dispute resolution.

DR’s goal is to help students understand that all lawyering involves conflict and that all lawyers therefore need to be comfortable with recognizing and resolving conflict. Although students shall participate in videotaped simulations with constructive feedback, such simulations are for familiarization only. What distinguishes DR from Interviewing, Counseling, and Negotiation (ICN) is that ICN is focused on skills (like Trial Advocacy) whereas DR is focused on strategy, tactics, legal doctrine, and theory.

Please email Will Rhee (william.rhee@mail.wvu.edu) with any questions.

14. LAW 794C – Trends in Energy & Environmental Law - Professor Van Nostrand

This course will focus on current developments in the intersection of energy production and environmental law. We will cover the following topics as part of the course:

- Shale oil development and its impact on oil markets and energy policies
- Shale gas development and its impact on natural gas markets, the electric utility industry and energy policies
- Environmental and public health impacts of shale gas development

- The decline of the coal industry
- The rise of distributed energy resources and the decentralization of the electric utility industry
- The rise of renewable resources and the decarbonization of the electric utility industry
- Regulation of greenhouse gases under the Clean Air Act in the Trump administration
- Jurisdiction of the EPA under the Clean Water Act, and status of the "waters of the US" rulemaking
- Nuclear waste disposal and the future of Yucca Mountain
- Federal land management policies and development of energy resources

As in the case of other seminars, this class will feature discussions geared toward the production of a substantial (i.e. at least 8,000 words / ~ 25 pages) written product supported by extensive research. Typically, the research seminar aims at the production of a law-review style research paper of publishable quality.