

Course Classifieds Spring 2019

1. Law 738- Business Torts-Professor Olson

The focus of the course is the protection of commercially valuable information. After an overview of the various components of intellectual property law, the focus is on trade secrets (the most commonly used method of protection in American business) and trademarks (often the most valuable type of protection for consumer-oriented businesses). Additional forms of protection including the protection of the right of publicity are also considered. The casebook used in Intellectual Property (Fall, 2018) is used for this course – no additional materials are required.

2. Law 740- Conflict of Law- Professor Olson

Choosing the substantive law applicable to a cause of action may transcend the law of the forum that is the law of the place where the action is brought. Similarly, multiple sources of law are potentially applicable to a cause of action. Against the often abstract policies which control the determination of the choice of law, and the identify of a conflict which justifies this analysis, a framework exists to resolve this complex issue. Conflict of laws is a bedrock doctrine in litigation with particular focus in tort law, contracts and domestic relations cases. The course also evaluates bar examination questions which have focused on conflicts issues.

3. Law 728- WV Constitutional Law- Professor Bastress

This two-credit course will examine the text, history, and interpretation of our State Constitution. The course will be useful for anyone practicing in West Virginia and particularly so for those who plan to work in – or against – government. While there are certainly overlaps between state constitutions and the federal constitution, there are also significant differences. Those differences will be explored in the course, but there will also be consideration of provisions that have federal counterparts. While focused on the West Virginia Constitution, which is a typical state constitution, the course provides a model for state constitutional law generally that would be of value to persons who practice in any jurisdiction. The course is much enlivened by the State's rich history and colorful cast of characters.

4. 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 week: a little bit of the trial ad philosophy and other foundational elements of the course. We meet M-W-F the first week.
- Next eight weeks: we focus on specific aspects of trial – opening, closing, direct, cross, etc. For almost all weeks, we meet M-W.
- Final four weeks: each student prepares 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!

Questions? Send them my way – cdisalvo@wvu.edu

5. Law 607-Psychology for Lawyers- Professor Elkins

In **Psychology for Lawyers** many of you will be working with ideas and materials that are new to you. There is no expectation that you will have a background in psychology, or that you will have ever taken a psychology course of any kind. We will, in essence, be looking at psychology from the ground up. The idea is to find ways of thinking about psychology that help you better understand yourself, and your clients, and in doing so, better understand the psychological dynamics that swirl around and in your life. The purpose of the course is to help you develop an understanding of psychology that you can put to use: as a student, in the practice of law, and in your everyday efforts to understand yourself and others. Psychology for Lawyers offers a new way of thinking about your work, yourself, your clients, and the psychological undertows you can expect to face in professional life.

Lawyers, by the nature of the work we do, are called on to be counselors as well sources of information about legal rules and legal problem-solvers. The best source of ideas (and underlying theories) about what it means to be a counselor turns out to be psychotherapy and psychological counseling. In being a counselor, you need to know something about yourself—you need a modicum of self-awareness and self-insight. One source (among others) that prompts self-awareness and focuses on self-understanding is what we learn about ourselves from psychotherapy, psychoanalysis, and analytical psychology. In class, we will spend considerable time reviewing video materials of psychotherapists, psychologists, psychiatrists, psychoanalysts and Jungian therapists, talking about psychology and how they use psychological concepts in treating their patients. We are all, in some sense, patients in need of what we can learn from psychology. [An archived version of the spring | 2018 course website can be found at: <http://lawlit.net/psy2013/>]

6. 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. One concern about legal education is that presents a distorted view of what it means to be a lawyer, and your legal education comes with little warning of what it means to adopt legal thinking and invest your life in a *legal persona*. 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 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 will be invited to learn something about your self, and about what it means to be a lawyer. [Lawyers and Literature is not a literary theory course, and there is no requirement of any previous study of English literature, or enrollment in any literature courses, to take this course. This said, literature students are welcome to take the course.] An archived version of the 2018 **Lawyers and Literature** course website can be found at: <http://lawlit.net/lawyerslit/> [or you can find the website by Google search using the search terms: lawyers literature elkins]

7. Law 750:Alternative Dispute Resolution- Professor Rhee

Dispute Resolution (DR) is a theoretical and strategic survey introduction to conflict resolution in litigation, lawmaking, democratic society, and life. While focused on negotiation, arbitration, and mediation, DR shall also examine emotional intelligence, 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.

8. 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.

9. 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 for those planning to clerk for federal judges. Essentially, 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 should abstain from hearing a case, and the scope of a federal court's authority once it properly exercises jurisdiction over a case. Representative topics may include separation of powers, federalism between federal and state courts, justiciability doctrines (standing, mootness, ripeness, political questions), § 1983 claims against state officials, and state sovereign immunity. I anticipate a short writing assignment and a take-home exam.

10. Law 733-Education Law-Professor Taylor

This course will introduce you to some of the most important legal issues relating to primary and secondary (K-12) education in the United States. Some topics we will certainly cover include:

- Gender discrimination (constitutional issues and Title IX, including sexual harassment/assault)
- Student discipline and Fourth Amendment issues
- Speech rights of students and teachers (including online speech)

- Curricular controversies

Additional topics may include:

- racial discrimination (including the rise and fall of *Brown v. Board*)
- the “right to education” and school finance equity
- religion in the schools
- special education
- -- federal education policy (NCLB, Obama’s “Race to the Top” program, and the “EveryStudent Succeeds Act”)
- policy questions regarding school choice programs (vouchers, charters, etc.)

Where we focus among the additional topics will be a function of student interest, which may in turn be affected by how many students have already taken my seminar on “Religion and the Constitution” and/or Professor Weishart’s seminar on “Schools, Race, Money, or More” – each of which cover some of the “additional topics.” We will sort that out together on the first day of class.