

FALL 2017- Course Classifieds

1. **LAW 743- Patent Prosecution- Professor Tu**

This three-credit course gives students hands-on experience drafting and prosecuting a patent application. The course will be useful for anyone who is interested in practicing patent law. The first part of the course simulates drafting both a specification and drafting multiple claims for a patent application directed towards a simple invention (previous examples include inline skates, a gyroscope, and a Rubik's cube). The second part of the course simulates the negotiation process between patent examiner and inventor (patent applicant). The final part of the course covers specialized patent and client counseling issues. Topics include "freedom to operate" opinions, invalidity opinions, and non-infringement opinions.

Note: This year, Patent Law is not a prerequisite for this course.

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

The focus of this course is to: (1) introduce intellectual property law as a system of protection with an emphasis on patent and copyright law; (2) identify the commercial dimensions of intellectual property and the broad coverage available in business settings; and (3) the importance of emerging technologies which challenge traditional intellectual property protections.

3. **LAW 778-Trade Regulation- Professor Olson**

The focus of this course is to: (1) a comprehensive review of American antitrust law; (2) an analysis of the historical development of business regulation in the United States as exemplified by the Sherman Act of 1890; and (3) an evaluation of strategies and tactics that businesses may use to enhance a competitive position.

4. **LAW 626-International Trade Law- Professor Peck**

International Trade Law will give you the skills to assess the legality of changes proposed by the Trump Administration to international trade agreements like NAFTA, the WTO, and bilateral trade agreements. This course is a doctrinal overview of international trade rules using in-class problem solving. This is not a policy course, but we will use real-world current events to inform and contextualize our study of the law.

5. **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).

6. **LAW 650-Entrepreneurship & Innovation Law Clinic- Professor Baskaran**

The Entrepreneurship & Innovation Law Clinic is a year-long, 14-credit course. The EILC's goals are to provide first-rate legal services to enable our clients to transform their vision into reality, enhance the community, and contribute to the economic vitality of the region, while providing our students the opportunity to enhance their professional capabilities by doing actual "lawyering." EILC students engage in the supervised practice of law in a professional setting while refining transactional (corporate) practice skills like drafting, entity selection, advice on entity taxation, corporate governance, and intellectual property. Our clients include nonprofit organizations, micro-enterprises, social enterprises, and individual entrepreneurs. Business Organizations is a pre-requisite for the Clinic.

7. **LAW 794A-Seminar: Post-Conviction Remedies-Professor Beety**

What happens after an individual's criminal conviction becomes "final," that is, after he or she has exhausted the appeals process? This course aims to answer that question by examining the substantive and procedural law governing post-conviction remedies through the lens of actual cases of wrongful conviction. We will examine the causes or recurring features of wrongful convictions, including eyewitness identification error, false confessions, flawed forensic science, and others. The course then considers the way the legal system responds to such errors through examining legal avenues for post-conviction relief, including both state-based remedies and federal habeas corpus. By the end of the course, students should understand the procedural steps and legal standards applicable to post-conviction challenges to a conviction, and be able to critically evaluate our criminal justice system, assessing how it can function more reliably.

8. **LAW 794E-Seminar: Law & Forensic Science- Professor Oliva**

The relationship between forensic science and the law has long been both complex and uneasy. As Justice Blackmun aptly noted in *Daubert*, "there are important differences between the quest for truth in the courtroom and the quest for truth in the laboratory." The law tends to look to forensic science for definitive conclusions, while scientists frequently do—and must—qualify their determinations. Nonetheless, we increasingly rely on forensic evidence, often in the form of complex and competing expert testimony, reports, and studies, to resolve difficult legal issues. Although jurors have been groomed to perceive as conclusive forensic evidence, judges and attorneys often have little advanced training in science and statistics and, therefore, are not well equipped to assess the reliability of such evidence. As a result, developing

admissibility rules that are rigorous, straightforward, and adaptable to forensic evidence are a considerable challenge for the courts. Throughout this course, we will grapple with and gain an enhanced understanding of many of the numerous, complex issues—from the admissibility of bite mark and latent fingerprint evidence to the validity assessments that attend to clinical and actuarial assessments of violence—that permeate the rocky and ever-evolving terrain of forensic science and the law.

9. **LAW 794D- Seminar: Trends in the Legal Profession- Professor Hardesty**

Trends in the Profession explores the changing landscape of the legal profession brought about by what some commentators have called “disruptive” trends in the profession. The course will encourage and reward independent research and analysis. This two-hour offering will satisfy either the perspective or the seminar requirement, but not both.

During the first few weeks of the class, students will explore trends in the profession such as the following: the unbundling of legal services, intense competition, trends related in substantive areas of the law, competition from non-lawyers, outsourcing and other human resource issues, work-life balance issues, global practice implications, multi-jurisdictional practice in the United States, billable hours and alternative billing methods, multigenerational workplace issues, practice management trends, risk management (including avoiding malpractice), intense specialization, the global battle for legal talent, rapid infusion of technology, emphasis on agility and rapid response to new trends, increased demand for specialized services, and the implications of these and other trends on American law schools. The ultimate goal of the course is to better prepare the enrolled students for life as lawyers in what can sometimes be a turbulent profession.

During the first few weeks, students will explore, define, understand and categorize major trends in the profession. Practicing lawyers, faculty, and other experts sometimes will join in the discussion.

All students will be required to submit a paper at the end of the course describing their findings and observations. The paper will describe one major trend (and related sub-trends) and its implications for the ethical, business, and professional conduct of practice and the impact of these changes on legal education. **Each enrolled student will be required to (1) submit a topic selection memorandum, (2) orally present the topic they have selected topic to the class along with the reasons for its selection (3) make a subsequent class room presentation on the topics selected and research conducted, and (4) submit a research paper, which will be due on the first day of finals at the end of the semester.**

10. **LAW 689H-SEM:Bioethics and the Law- Professor Blake**

This seminar will survey hot topics at the intersections of bioethics and the law. Students will be expected to write a seminar-style paper in a topic related to that issue. Potential topics to be discussed in class include: assisted reproductive technologies, reproductive rights, organ transplant and reproductive tissue transfers (uterus, ovary transfers), human subjects research,

physician assisted suicide & euthanasia, genetics & privacy rights, LGBT health, and public health controversies.

11. LAW 777-Healthcare Torts- Professor Blake

The course is recommended for anyone who is interested in working in personal injury or healthcare law generally. Topics covered include initiatives to improve healthcare quality both domestic and internationally, healthcare privacy, physician professionalism, licensure, and credentialing, provider liability, hospital liability, and tort reform. The course will cover both national and WV-specific policies and laws. The course will also emphasize key lawyering skills including client communications.

12. LAW 794Q- SEM: 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.

Coursebooks:

- FIREARMS LAW AND THE SECOND AMENDMENT: REGULATION, RIGHTS, AND POLICY (Nicholas J. Johnson, David B. Kopel, George A. Mocsary & Michael P. O’Shea, eds. Aspen Publishers, 2012 & Supp. 2015) (required).
- STEPHEN V. ARMSTRONG & TIMOTHY P. TERRELL, THINKING LIKE A WRITER: A LAWYER’S GUIDE TO EFFECTIVE WRITING AND EDITING (Practicing Law Institute 3d ed. 2009) (either buy hardcopy or use free Bloomberg Law online version).
- Selected readings posted on TWEN (required).

Because you have to understand firearms to regulate them properly, the class will include visits to a firearms museum and the WVU Police’s firearms training simulator.

If you have any questions, please e-mail Professor Rhee at william.rhee@mail.wvu.edu. Thank you.

13. 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

14. 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.

This immigration lecture is a pre-requisite or co-requisite for WVU Immigration Clinic, which is one of the most valuable experiences you can have in Law School.

15. LAW 689K-SEM: Civil Disobedience- Professor DiSalvo

Up for a change of pace?

Fall semester – Wednesdays from 3:30 to 5:20 pm.

- Carries two credits, fulfills your seminar writing requirement, and is a perspective.
- Asks a variety of questions: What is civil disobedience? What justifies it? Can it change the law? How? What view of conscientious law-breaking 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.
- 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 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

16. 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/>

17. LAW 782-003- Legal Clinic 1 (Veterans Advocacy Clinic)- Professor Oliva

There are approximately 170,000 veterans that currently reside in the state of West Virginia, many with acute and unique legal needs related to their military service or return to civilian life. In the VAC, students will have the opportunity to represent West Virginia veterans in litigation before administrative agencies and courts, on benefits, discharge upgrades, employment claims and other civil and criminal matters. In addition, students will represent local and national organizations in non-litigation matters relating to the legal needs of veterans, including regulatory and legislative reform efforts, media advocacy, and strategic planning.

18. LAW 645-Water Law- Professor Richardson

Water is one of our most important resources – for life, societal development, economic growth, and environmental quality. All life depends on water for survival, as does our economy. Water scarcity has always been a fact in the arid western United States, but increasingly water scarcity has become a major issue in the eastern United States. Water quantity and quality are inextricably linked to energy production and use. The water-energy nexus has become a term of art.

Policies governing water allocation and conservation are some of the most critical in our society. How we use, manage, and protect water reflects our values and priorities.

This course provides a survey of the water allocation doctrines of riparian rights and prior appropriation, as well as five different legal rules that apply to allocation of ground water. The origins of federal power over water resources and controversies between the states and the federal government and between individual states over shared water resources will be discussed. We will also examine public rights and interests in water resources. The muddled case law involving water rights and regulatory takings will be studied. Water quality issues will be explored as well, including portions of the Clean Water Act and Safe Drinking Water Act. The water-energy nexus will be investigated

19. LAW 601-Lawyers, Poets, and Poetry- Professor Elkins

I want to make what may seem to be a preposterous claim: poetry may save your life, or some part or parts of you that you most definitely want to hold on to, as you become a lawyer. Poetry, so often ignored, may help you see something of the world, something both within you and beyond you that you might need to be aware of as you try to navigate the complexities of your personal and professional life. Most of us desire, in the ways we live, to have a level of awareness that keeps us on the path to becoming and being who we most want to be. Poetry can help keep you on the path.

In **Lawyers, Poets, and Poetry** you will not—repeat *will not*—be asked to write poetry or to study poetry in any formal sense or as an academic endeavor of the kind one might expect in Poetry 101. You will be asked to read poetry—all of it written by lawyers—and in doing so, seek out poems that give you a new way of thinking about your life and how you want to live it.

When we complete the course, I want you to be able to say: *Poetry—poetry written by fellow lawyers—is a pleasure to read. Poetry should have a place in our education as lawyers.*

The poetry you will be asked to read in the course will be provided by the instructor

20. LAW 602-Lawyers and Film- Professor Elkins

Here you are, in law school, becoming a lawyer. In addition, what does it mean to become a lawyer, live a lawyer's life? How can you study and try to understand what you have set out to become? Moreover, for that matter, what does it really mean to live a lawyer's life? This question about what it means to live a lawyer's life is unlikely to be the subject on the syllabus of any of your traditional courses (and yet, answers to this question are being addressed and pressed upon you, implicitly, in virtually every law school course). In **Lawyers and Film**, we will use the lawyers we find in popular films—some rather good lawyers and more than a few lawyers that allow us to see the living definition of *bad*—to make the question what does it mean to be lawyer a central focus in the course.

In **Lawyers and Film**, we will watch films created as a form of entertainment, and learn how to reread the films as instructive stories, stories that lie on the surface and in the depths of the film. I think you will enjoy watching the films, and I want to think that our discussion of what we discover in the films we screen in class will prompt real conversations.

Let me see if I can, in this summary statement, lay out how **lawyers' films** might be a central part of your education as a lawyer: You have become an inhabitant, during the course of your training and education as a lawyer, in the small world of law. Watching lawyer films, you are introduced to a world vastly larger than the small world in which your training has taken place. Lawyer films connect the small world of legal education to the larger world in which you will live and practice law. Lawyer films provide instruction on that world in which the story you are living is shaped and bent, directed and misguided, and often, deformed, by the fact that you are a lawyer. We learn how the world of law can take on a life of its own; a life that can take over the life you thought you were living. Lawyer films teach us that the law makes such great promises, and how it can sometimes fail to deliver what it promises.

Lawyer films provide a connective link of the small world we offer you as a student, a world in which you may have become comfortable (well . . . almost comfortable) to the larger world in which you will live and practice law. Lawyer films are an antidote to legal training, legal thinking, and the felt necessity to take on a legal persona. Lawyer films address what the law school and

its traditions ignore; lawyer films make it possible for us to address questions that your teachers do not know how to teach.

21. 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.

22. 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.

23. LAW 693C- Environmental Law: Natural Resources and Conservation- Professor Van Nostrand

Beginning with the 2017-18 academic year, the former Environmental Protection Law class law is being divided into two separate 3-credit courses, due to the breadth of the subjects covered, to allow a more thorough review of each subject. This course focuses on Natural Resources and Conservation issues, while the course in the Spring 2018—Environmental Law: Pollution—will focus on pollution control (including the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and common law tort remedies). This course, in turn, will examine environmental protections for land and natural resources (e.g., management of public lands, the Endangered Species Act, and the public trust doctrine), land use and comprehensive planning, and management of hazardous or toxic substances (Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (ToSCA)). This course also provides an overview of the legislative, administrative and judicial system through which environmental protections are implemented and enforced.

24. **LAW 663-Renewable Energy & Alternative Fuels- Professor Van Nostrand**

This course focuses on the energy industry of the future, with a particular emphasis on the convergence of energy and environmental issues. The course includes a review of renewable energy sources (solar, wind, hydro, geothermal, bioenergy) and low-carbon energy sources (nuclear, natural gas and coal with carbon capture and sequestration). The course will cover the federal renewable fuels standard—including the ongoing controversy about mandated production of advanced biofuels—and state and regional efforts to adopt low carbon fuel standards. The course will also cover the various approaches to encourage development of renewable energy and alternative fuels, including renewable portfolio standards, tax incentives, and utility programs such as net metering, feed-in tariffs and similar standard offer programs.