

Fall 2015 Course Descriptions

402 Advanced Appellate Advocacy (2 Credits)

This limited enrollment course is open to students on the Western State College of Law Honors Moot Court Team and prepares team members to participate in outside moot court competitions. The course focuses on developing students' research, writing and oral advocacy skills in an appellate setting. Appellate procedure, ethical considerations in appellate practice, and practical moot court competition strategies are also introduced.

Prerequisite: Legal Writing and Research II

408 Advanced Trial Advocacy (2 Credits)

This course will enhance the trial skills learned in the Trial Practice course using the case materials provided by established, external mock trial competitions as well as recognized trial advocacy materials. In class and in preparation for the competitions at the end of the semester students will make and respond to motions in limine, give opening and closing arguments, examine witnesses and make and respond to evidentiary objections.

Prerequisites: Permission of the Instructor

228 Basic Bar Studies (3 Credits)

This course focuses on subject organization and essay writing for the California Bar Examination. The course covers how to create organized answer structures for the most frequently tested issues within each of the California and Multistate essay tested subjects; essay writing and legal-analytical skills necessary for California Bar Exam writing versus law school exam writing; and how to use issues checklists, BarBri outlines and pre-written material to write well-organized answers to each of the California and Multistate essay tested subjects.

Prerequisite: Constitutional Law II

234 Business Associations (4 Credits)

This course covers the law of agency and alternative models for business formation, including sole proprietorships, limited partnerships and limited liability companies. It also covers the formation, financing, structure, control, and management of the corporation, emphasizing the distinction between closely held and publicly held corporations and selected provisions of the Securities Exchange Act of 1934.

Prerequisites: Civil Procedure II, Principles of Agency and Partnership

618 Business Law Ethics (1 Credits)

This course will focus on legal ethical issues that lawyers practicing in our technologically advanced society currently confront, with emphasis on issues of particular concern to lawyers representing businesses. Topics will include the duty of confidentiality, attorney-client privilege and the lawyer's work product immunity in the corporate context and on the Internet; ethical issues related to legal fee arrangements with businesses, including taking a client's stock as payment for legal fees; conflicts of interest in a mobile profession; unauthorized practice of law; and the potential ethical ramifications of the legal profession's adoption of the ABA's proposed initiative on Multidisciplinary Practices (MDP's).

Prerequisites: Civil Procedure II; Business Associations (or concurrent enrollment)

416 California Civil Procedure (3 Credits)

This course covers California rules, statutes, and cases relating to statutes of limitations, jurisdiction, venue, service of process, pleadings; res judicata and collateral estoppel, the Demurrer, motions related to pleadings, cross-complaints, joinder of claims and parties, discovery, summary judgment, and trial-related motions, emphasizing practice-ready application of the above as well as the differences between California civil procedure and the Federal Rules of Civil Procedure.

Prerequisite: Civil Procedure II

518 Civil Litigation: Pre-Trial (2 Credits)

Through a series of simulation exercises students learn lawyering techniques used at each stage of litigation from initial client interview through preparation of the trial brief. (This is the same course as Pretrial Practice).

Prerequisite: Civil Procedure II

141 Civil Procedure I (3 Credits)

This course, combined with Civil Procedure II, covers rules, statutes, and cases relating to jurisdiction and venue, notice and opportunity to be heard, pleadings, choice of law in federal court ("Erie"), discovery, motion practice including summary judgment and trial-related motions, right to a jury trial, appellate jurisdiction and res judicata and collateral estoppel.

Prerequisite: None

308 Community Property (2 Credits)

This course studies the classification of separate and community property, management and control of community property, including liability for debts, and problems arising from the dissolution of the community or death of a spouse.

Prerequisite: Property I

201 Constitutional Law I (3 Credits)

This course focuses on the federal system and scope of federal powers including judicial review, authority of Congress, powers of the President, and separation of powers as well as the Equal Protection clause of the Fourteenth Amendment in the first semester. In the second semester, the course examines selected historical and contemporary controversies arising under the First Amendment (free speech and press clauses, and free exercise and establishment of religion clauses), and the Due Process clauses of the Fifth and Fourteenth Amendments to the United States Constitution.

Prerequisite: Contracts II

111 Contracts I (2 Credits)

This course, in combination with Contracts II, introduces students to the law governing private agreements. Topics include contract formation and defenses to contract formation, contract interpretation, liability for breach of contract, including the law of conditions and discharge, third-party contractual relationships, assignment of rights and delegation of duties, and contract remedies. Students are also introduced to Uniform Commercial Code provisions and related remedies.

Prerequisite: None

423 Contracts Drafting (1 Credits)

This course instructs the student, through written exercises and drafting assignments, in applying the principles of contract law to planning, organizing and preparing a written agreement that effectuates a client's intentions. It also provides instruction on issues of legal ethics related to transactions.

Prerequisite: Contracts II

460 Corporate Finance and Accounting for Lawyers (2 credits)

This course serves as an introduction to the fundamental financial and accounting practices used by lawyers, including topics such as the time value of money, debt and equity financing, balance sheet structure and accounting basics. It will provide an introduction to fundamental financial practices used in Contracts, Corporations, Commercial Law, Remedies and other subjects.

Prerequisite: Business Associations (or concurrent enrollment)

619 Criminal Justice Ethics (1 Credits)

This course examines the ethical considerations faced by prosecutors and criminal defense attorneys in the practice of criminal law. Areas covered include Conflicts of Interest, Public Statements, Prosecutorial Discretion in Filing Charges, Advising the Client, Discovery Rules and Obligations for Prosecutors and Defense Counsel, Plea

Bargaining, Client Decisions vs. Attorney Decisions, Jury Selection, Ethical Landmines during Trial, Presenting Perjured Testimony, and Improper Closing Argument.

Prerequisite: Criminal Law

110 Criminal Law (3 Credits)

This course focuses on the case and policy analysis of major common law and modern law crimes against both person and property, including inchoate offenses and common law defenses. The basic components of actus rea, mens rea, causation, and social harm are also discussed.

Prerequisite: None

519 Criminal Litigation: Pre-Trial (2 Credits)

This course is highly interactive, designed for students who are interested in practicing criminal law or learning the significant pretrial stages of a criminal proceeding. Students will walk through pretrial stages, covering topics such as bail, arraignment, preliminary hearings, pretrial motions, discovery, plea bargains, and speedy trial rights.

Prerequisites: Criminal Procedure; Evidence (or concurrent enrollment)

311 Criminal Procedure (3 Credits)

This course studies the constitutional analysis of search and seizure, self-incrimination, confessions, suspect identification, and the right to counsel. The course focuses on the role of the 4th, 5th, and 6th Amendments in balancing individuals' rights with governmental interests.

Prerequisite: Criminal Law

615 Death Penalty (3 Credits)

This course explores the history of capital punishment in the United States, as well as arguments for and against the death penalty. Particular focus is also directed to trial issues that are unique to death penalty cases, including jury selection and penalty phase evidentiary issues and argument. The seminar concludes with discussion of appellate and writ remedies, methods of execution and the imposition of the punishment. The seminar grade is based upon student participation and a written paper that addresses one of various issues involving capital punishment.

Prerequisite: Criminal Law; Legal Writing and Research II

497 Estates (3 Credits)

This course surveys the law relating to the donative transfers of property through creation of trusts and wills. Students examine the formalities of will and trust drafting, analyze the powers and fiduciary duties of the trustee and executor, and study court enforcement and interpretation of estate planning documents.

Prerequisite: Property I

213 Evidence (4 Credits)

This course studies the laws of evidence relating to relevancy, special exclusionary rules, the hearsay rule and its exceptions, judicial notice and privileges, the opinion rules, authentication and the best evidence rule, impeachment and rehabilitation, presumptions, burdens of proof, and character evidence.

Prerequisite: Civil Procedure II

521 Externship Seminar: Civil (2 Credits)

Civil Practice, Judicial Appellate and Judicial Trial Externships. Your work at an externship can be a heady experience. Much happens quickly, and you will feel there are not enough hours in the day to do everything you must do to adequately represent a client or assist a judge. Sometimes you just need to step back and reflect on what you are doing. That is the function of the Classroom Component of each Externship. Taught by the Externship Faculty Director, the classroom component allows you to reflect on your placement experiences, to enhance your awareness of the professional responsibility issues you will encounter in the Placements, and to take advantage of additional opportunities to improve specific professional skills. A key component of this reflection is the journal each student is required to keep during the course of the semester. You must satisfactorily complete the Classroom Component of an Externship to receive any credit for the Placement.

Prerequisite: concurrent enrollment in Externship

517 Externship: Civil Practice 3 credits

Students work 11-12 hours per week under the supervision of practicing attorneys at approved placements in law firms, public law agencies and other venues, exposing students to lawyering skills through participation in interviewing, counseling, negotiation, investigation and formulation of case strategy, and develops their legal writing and drafting skills through the preparation of pleadings, letters, contracts and other legal documents, to gain practical experience in specialized areas of the law and exposure to issues of professional responsibility within the context of actual legal practice. WSU offers evening placements at public agencies or law firms so that students who work full-time can obtain Externship experience. Students are exposed to the same kinds of lawyering skills as in day Placements, and earn the same number of credits. The same work requirements, 50 hours at the Placement for each unit earned, apply to these evening Placements. Students earn 3 pass-fail credit units for the Placement and must concurrently enroll in and successfully complete the 2-unit Civil Practice Seminar.

Prerequisite: Civil Procedure II

511 Judicial Appellate Externship (3/8 Credits)

This course requires students to work in the chambers of an appellate judge at the state level. The educational objectives of the externship include introducing students to the appellate process, enhancing students' research and writing skills through drafting legal memoranda and opinions, and exposing students to civil or criminal matters in a "real world" setting. Students will work with judges and/or attorney staff members who will introduce them to civility and ethical issues in practice, as well as the importance of the court case record.

Prerequisite: Constitutional Law I

514 Judicial Trial Externship (3 Credits)

This course requires students to work in the chambers of a trial judge at the state level. The educational objectives include exposing students to the judicial process, allowing them to gain a better understanding of what judges and attorneys do in a litigation setting and the judge's role as arbiter of disputes. Students will enhance their research and writing skills through drafting legal memoranda and orders, as well as gain understanding of the practical use of the rules of evidence and trial techniques.

Prerequisite: Constitutional Law I

520 Externship Seminar: Criminal (2 Credits)

This seminar is structured to enhance the ongoing learning experiences that students will receive in their Criminal Law Externship placements. Students share and discuss placement experiences, including ones involving legal ethics. Speakers may include law school research librarians, career prosecutors, public defenders, and judges, as well as experts in forensic science evidence, mental defenses, sentencing alternatives, and other criminal law practice topics. Students are required to write an original research paper on a criminal law or criminal procedure topic.

Prerequisite: Concurrent enrollment in LAW 467

467 Externship: Criminal Law 3 credits

Students enrolled in the Prosecutor/Public Defender Externship work an average of 14 hours per week in either the Office of the Orange County District Attorney or in the Office of the Orange County Public Defender. Students are assigned to an attorney who supervises their work on actual cases. The purposes of the externship are to introduce students to "real world" problem-solving, litigation and dispute resolution in the criminal justice process, and to expose students to the ethical dilemmas in plea-bargaining and negotiations. Students develop skills in organizing and managing legal work, and become acquainted with law enforcement personnel and techniques. Students may write memoranda, motions, preliminary hearing summaries, police report

summaries, special jury instructions or writs. They may argue motions and other matters in court as permitted under California's certified law student rules.

Prerequisite: Criminal Procedure; Evidence

440 Immigration Law (3 Credits)

This course covers immigration law, policies, and procedures. It includes the constitutional basis for regulating immigration into the United States, and, to some extent, the constitutional rights of noncitizens in the country; the contours of the immigration bureaucracy; the admission of noncitizens into the U.S.; the deportation and exclusion of noncitizens; refugee and asylum law; administrative and judicial review; citizenship and naturalization; and undocumented migration.

Prerequisite: Legal Writing and Research II

101 Introduction to Legal Methods (1 Credits)

This course develops critical law school and lawyering skills, including identifying legal issues; understanding and using rules of law; using and analyzing facts; reading, understanding, and applying statutes, judicial opinions, and legal rules; and expressing, both orally and in writing, ideas and understanding regarding legal issues.

Prerequisite: None

447 Juvenile Law (3 Credits)

This course studies the juvenile justice system and its response to changing societal attitudes toward juvenile crime. Both juvenile delinquency and juvenile dependency are explored. The on-going tensions between the rights of parents, rights of children and society's interests are examined. Issues such as adoption, foster care, and termination of parental rights are also considered.

Prerequisites: Criminal Law; Legal Writing and Research II

429 Law Practice Management (3 Credits)

This course is designed to provide students with an appreciation of what is required to practice law competently in a solo or small firm practice. Topics include choosing an area of practice, choosing an office location, equipping an office, developing and documenting lawyer-client relationships, marketing and branding legal services offered, implementing policies to ensure compliance with professional obligations including trust account requirements, securing relationships with vendors and other aspects of the day-to-day operation of business, and time-management. In addition to creating a detailed business plan for practice, by the end of the course students will have drafted many of the documents and forms they will use in their own practices, including a partnership agreement, engagement and non-engagement letters, conflicts of interest waiver, termination letter, and computer use/social media policy. Although the focus is

on solo and small firm practices, the concepts addressed in the course are relevant to any size practice.

Prerequisite: Professional Responsibility (or concurrent enrollment)

510 Law Review (1 Credits)

Prerequisite: Invitation Only

125 Legal Writing & Research I (3 Credits)

This course focuses on the fundamental lawyering skills of objective legal analysis, case synthesis, legal research and citation, professional responsibility, and writing in the form of office memoranda. During the semester, the students are required to complete several research and writing assignments to learn and reinforce these foundational skills. The assignments increase in length and complexity as the semester progresses and as the students' knowledge and skill level increases.

Prerequisite: None

126 Legal Writing & Research II (3 Credits)

This course introduces students to the art of oral and written advocacy, and reinforces the skills students were introduced to in LWR I, including legal research, analysis, and proper citation. Students will learn to prepare various types of persuasive documents including settlement letters and court briefs. The course culminates in a moot court competition.

Prerequisite: Legal Writing and Research I

461 Mediation (3 Credits)

This course is designed to familiarize students with mediation applications and the communication skills used in mediation. Students participate in simulated hypothetical situations to develop responses to issues of client counseling, facilitation, and problem solving.

Prerequisite: Professional Responsibility (or concurrent enrollment)

505 Moot Court (0-1 Credits)

The Moot Court Program encourages the development of skills in brief writing and oral advocacy and recognizes those students who excel in developing these skills.

Prerequisite: Invitation Only

454 National Security (3 Credits)

This course exposes students to various international and domestic laws regarding the use of force, including the Geneva conventions. The course also examines separation of powers law, and how our government attempts to deal with national security concerns within the parameters of both domestic and international law. Through various realistic

simulations, video clips and discussion, the students learn more about 9/11 and some hard truths about the war on terror and how it effects every American.

Prerequisite: Legal Writing and Research II

463 Negotiations (2 Credits)

This course introduces students to the theory, practice, science, and art of negotiations. After completing the course, students will have both a knowledge of negotiation skills and also some experience in how those skills should be effectively used. Students are given problems throughout the semester and are assigned to negotiate settlements with other class members.

Prerequisite: Legal Writing and Research II

240 Professional Responsibility (3 Credits)

This course examines the lawyer's role within the legal system, including roles as counselor and advocate for the client, and as an officer of the legal system. It explores the lawyer's duties to clients, the profession and society, with an emphasis on the lawyer's duties of confidentiality, loyalty and competence. Specific topics include the regulation of the legal profession and the delivery of legal services, conflicts of interest, litigation ethics and judicial ethics. Students also study the major differences between the California rules and statutes governing lawyers and the American Bar Association's Model Rules.

Prerequisite: Civil Procedure II

152 Property II (2 Credits)

This course covers the law relating to various types of real property interests including freehold and non-freehold estates, future interests, landlord-tenant relationships, conveyancing and other transfers of land titles; the use of land; restrictions on the use of land through easements and restrictive covenants; and regulation of land use.

Prerequisite: Property I

321 Sales (3 Credits)

This course explores the law of sales under the Uniform Commercial Code (UCC) Article 2, related to contract performance and breaches when there is a transaction involving goods. The course covers topics including buyers' and sellers' remedies and the law of warranties.

Prerequisite: Contracts II

227 Solving Legal Problems (3 Credits)

This course is designed to improve students' ability to do well on the California Bar Examination Performance Test. Using the Performance Tests from the California Bar Examination and a broad range of practice-related documents, this course introduces

students to the variety of documents lawyers commonly prepare in practice. Students learn to identify the relevant facts from the client file, synthesize the authorities provided, and format and organize the documents. To give students an understanding of the time constraints under which attorneys may work, some of the documents will be prepared in class under timed conditions. Students will also gain a better understanding of the multiple roles an attorney assumes in practice.

Prerequisite: Legal Writing and Research II

131 Torts I (3 Credits)

This course introduces students to two types of civil claims: intentional torts and negligence. In addition to examining these subjects, the course covers privileges and defenses that might absolve one from responsibility or limit one's liability. Students learn substantive legal rules that courts and legislatures have developed over time in attempting to assess responsibility for losses suffered by individuals in various contexts. Students also examine the economic, social, and political considerations behind the legal rules.

Prerequisite: None

490 Trial Practice: Civil (3 Credits)

This course provides training in basic criminal trial techniques through participation in mock trial sessions. Student participation is under the supervision of Superior Court judges, commissioners, and practicing trial attorneys.

Prerequisite: Evidence

489 Trial Practice: Criminal (3 Credits)

This course provides training in basic criminal trial techniques through participation in mock trial sessions. Student participation is under the supervision of Superior Court judges, commissioners, and practicing trial attorneys.

Prerequisite: Evidence