

# Course Descriptions

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*Fall 2024*

## **402 Advanced Appellate Advocacy (2 Units)**

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.

*Prerequisites: Legal Writing and Research II, invitation only*

## **408 Advanced Trial Advocacy (2 Units)**

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.

*Prerequisite: Permission of the Instructor*

## **228A/B Basic Bar Studies (6 Units)**

This course is a six unit, graded, for-credit course covering all three aspects of the California bar exam—MBE, essay and performance exam. The course is open to all graduating students in their final semester of law school. The course covers organizing and drafting essay and performance exam answers, as well as the MBE study and review process. Students must enroll in a pre-approved bar preparation course prior to the start of the semester.

*Prerequisites: Constitutional Law II, final semester of law studies*

## **234 Business Associations (4 Units)**

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.

*Prerequisite: Civil Procedure II*

## **618 Business Law Ethics (1 Unit)**

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)*

### **518 Civil Litigation: Pre-Trial (2 Units)**

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.

*Prerequisite: Civil Procedure II*

### **517 Civil Practice Externship (3 Units)**

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. The College of Law 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 units for the placement and must concurrently enroll in and successfully complete the 2-unit LAW521 Externship Seminar: Civil.

*Prerequisites: LAW142 Civil Procedure II; Permission of the Instructor*

### **141 Civil Procedure I (3 Units)**

This course 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 Units)**

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 Units)**

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*

### **422 Consumer Law and Finance (2 Units)**

This course will examine consumer finance and the laws, rules, regulations, and agencies that govern consumers and consumer decision making.

*Prerequisite: Business Associations or concurrent enrollment*

### **423 Contracts Drafting (1 Units)**

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*

### **111 Contracts I (2 Units)**

This course 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. Continues in the Spring semester.

*Prerequisite: None*

### **619 Criminal Justice Ethics (1 Units)**

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 Units)**

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*

### **467 Criminal Law Externship (3 Units)**

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. Students earn 3 pass-fail units for the placement and must concurrently enroll in and successfully complete the 2-unit LAW520 Externship Seminar: Criminal.

*Prerequisites: Criminal Procedure; Evidence; Permission of the Instructor*

### **519 Criminal Litigation: Pre-Trial (2 Units)**

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 Units)**

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 Units)**

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.

*Prerequisites: Criminal Law; Legal Writing and Research II*

### **382 Election Law (3 Units)**

This course covers the law regulating the political process, with a primary focus on constitutional law, the regulation of political parties, and the regulation of campaign finances. The course will have a specific focus on U.S. Presidential Election and the 2024 election itself, as well as provide practical insights into the role of lawyers on a political

campaign, including at the local level, with a chance to study the regulation of elections up close by focusing on contests, challenges, and litigation related to local elections.

*Prerequisite: Constitutional Law (or concurrent enrollment)*

### **507A/B Entrepreneur Law Clinic and Seminar (2/2 Units)**

This course introduces students to the practice of law. This two-component course is a two-unit legal clinic and a two-unit classroom seminar. The legal clinic component is conducted both remotely and in the law office operated on campus. The classroom seminar component is a live in-person class conducted on the WSCL campus. Students in the clinic will provide advice and legal assistance to individuals and entities in entrepreneurship. The clinic will handle a variety of matters for start-up, small businesses, and non-profits with the students focusing on business transactional matters while developing their potential to be skilled and competent advisors. Students will have the opportunity to develop and exercise basic lawyering skills such as interviewing, case management, negotiation, drafting, and reviewing key entity documents and agreements. The classroom seminar component is a mix of lectures, exercises, and discussions that focus on a range of topics reflecting the clinic's matters and projects.

*Prerequisites: Contracts I & II, Business Associations, permission of the instructor*

### **497 Estates (3 Units)**

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 Units)**

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*

### **216 Evidence Practice (3 Units)**

This course will deepen students' understanding of the rules of evidence by emphasizing the practical use of these rules to argue for and against the admissibility of evidence during trial.

*Prerequisite: Evidence*

### **521 Externship Seminar: Civil (2 Units)**

Civil Practice, Prosecutor/Defender, 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.

*Prerequisites:* concurrent enrollment in Externship; Permission of the Instructor

### **520 Externship Seminar: Criminal Law (2 Units)**

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 and argue motions on a criminal law or criminal procedure topic.

*Prerequisites:* Concurrent enrollment in LAW 467; Permission of the Instructor

### **375 Homeless Rights Advocacy Seminar (2 Units)**

This two-unit Seminar explores the contours, causes, and solutions to address homelessness, with a focus on California. The Seminar is designed to examine the key role legal advocacy strategies may play in preventing and ending homelessness. Course topics and exercises will give students a practical understanding of the role the law has played in creating and shaping the homelessness crises plaguing so many cities across the United States, as well as an examination of the advancing development of laws affecting people who are either currently experiencing homelessness or are at imminent risk of becoming homeless.

*Prerequisites:* Criminal Law; Legal Writing and Research II

### **365 Honors Writing (2 Units)**

Interested in the law on criminal justice? Domestic and sexual violence? Business law? Women's rights? Or another area? Does winning a cash prize of \$1500, \$2500 or \$5000 appeal to you? How about publication in a national journal? These are just some of the possibilities when you enter a legal writing competition! If the idea of writing a law-review quality paper on a topic of your choice, winning a legal writing competition and publishing inspires you, then "Honors Writing" is for you. This 2-unit course will build upon the skills learned in LWR I and II and provide guidance in the process of choosing a competition, researching, writing, and editing a paper worthy of submission to a competition and publication. Students are expected to be highly motivated and able to work independently. This honors course will satisfy the Upper Level Writing Requirement.

*Prerequisite:* Cumulative GPA of 2.5 or higher in LWR I and II, or Permission of the Instructor



### **501 Immigration & Deportation Defense Clinic (5 Units)**

This course introduces students to the practice of law. This two-component course is a three-unit live-client clinic and a two-unit seminar. The live client clinic is conducted in the law office operated on campus. Students who enroll in the course can practice law under faculty supervision pursuant to the State Bar's Rules Governing the Practical Training of Law Students. Students in the clinic will directly represent clients on a range of matters while developing their potential to be skilled, compassionate, and ethical advocates. Students will have the opportunity to develop and exercise basic lawyering skills such as interviewing, case theory development, case management, and preparation for court appearances. Students who appear in court as their client's primary attorney will be under the direct supervision of the clinic faculty. Weekly seminars are a mix of lectures, exercises, and discussions that focus on a range of topics reflecting the clinic's cases and projects.

*Prerequisites: Evidence, Professional Responsibility, and Civil Procedure II (or concurrent enrollment).*

### **101 Introduction to Legal Methods (1 Units)**

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*

### **511 Judicial Appellate Externship (3 Units)**

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.

*Prerequisites: Constitutional Law I; Permission of the Instructor*

### **514 Judicial Trial Externship (3 Units)**

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.

*Prerequisites: Constitutional Law I; Permission of the Instructor*

### **447 Juvenile Law (3 Units)**

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 Units)**

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 (0-1 Unit)**

Participation requirements may include technical editing, writing a note, or writing and editing the Year in Review section of the publication. Completion of a written product for Law Review for one academic unit will receive Upper Level Writing Requirement credit if a member of the faculty certifies in writing to the Associate Dean of Academic Affairs that the student has met all of the requirements. *Prerequisite: Invitation Only*

### **125 Legal Writing & Research I (3 Units)**

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 Units)**

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 & Research I*

### **461 Mediation (2 Units)**

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)*

### **452 Mental Health Law (3 Units)**

This course explores issues surrounding mental health law, specifically the impact mental health challenges present in criminal, immigration, and dependency proceedings. This course examines foundational mental health law and legal practice concepts and the impact on legal rights of those within the respective judicial systems and where people with mental health conditions may be deprived of freedom and choice, including involuntary commitment, incarceration, and immigration detention, and loss of children.

The course examines established and emergent accommodations to protect those rights, ethical questions that arise in this context, including informed consent, the allocation of authority between the lawyer and the client, the definition of competence, and the role of an advocate. The course explores holistic basic client-centered practice skills, with emphasis on how to work in a collaborative and recovery-oriented way with people with mental health conditions.

*Prerequisite: Legal Writing and Research II*

### **505 Mock Trial (0-1 Units)**

The Mock Trial Program encourages the development of skills in trial advocacy and recognizes those students who excel in developing these skills.

*Prerequisite: Invitation Only*

### **505 Moot Court (0-1 Units)**

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*

### **463 Negotiations (2 Units)**

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*

### **505 Negotiations Competition (0-1 Unit)**

The Negotiations Competition Program encourages the development of skills in negotiations and recognizes those students who excel in developing these skills.

*Prerequisite: Invitation Only*

### **527 Patent Drafting (2 Units)**

This course provides students with practical skills for drafting and prosecuting patent applications. The emphasis is on high-value strategy, from initial client contact to filing issuance and licensing. The course is appropriate for those desiring to enter the patent field, as well as those who may be engaged in evaluation and licensing of patents.

*Prerequisite: Civil Procedure II*

### **301 Performance Test Strategies (1 Unit)**

This course focuses on the Performance Test for the California Bar Examination and the Multistate Bar Exam. The course covers how to approach, organize, and write an answer for the Performance Test. Students will learn legal-analytical skills, review case briefing, and gain familiarity with different types of Performance Test topics. Completion of the course will provide students with the skills that you will later be able to apply in Basic Bar Skills.

*Prerequisites: Legal Writing and Research II; completion of 29 units. Mandatory for third or fourth semester students whose cumulative grade point average is below 2.30.*

### **240 Professional Responsibility (3 Units)**

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 Units)**

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*

### **472 Real Estate Transactions (3 Units)**

This course examines the various stages of residential and commercial real estate transactions, the roles of the principals, providers of non-legal services, and the roles of attorneys for each of those parties.

*Prerequisite: Property II*

### **321 Sales (3 Units)**

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*

### **495 Secured Transactions (3 Units)**

This course covers the interpretation and application of the legal principles governing the use of personal property as security for debt under Article 9 of the Uniform Commercial Code (UCC), including a survey of rights of secured creditors in and out of bankruptcy. In addition, students have the opportunity to apply the substantive law of Article 9 of the UCC to a variety of factual scenarios.

*Prerequisites: Contracts II*

### **131 Torts I (3 Units)**

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*

### **LAW490 Trial Practice: Civil (3 Units)**

This course provides training in basic civil trial techniques through participation in mock trial sessions. Student participation is under the supervision of Superior Court judges, commissioners, and practicing trial attorneys. Students who have completed Trial Practice: Criminal may not enroll in Trial Practice: Civil.

*Prerequisite: Evidence or concurrent enrollment*

### **489 Trial Practice: Criminal (3 Units)**

This course provides training in basic civil and criminal trial techniques through participation in mock trial sessions. Student participation is under the supervision of Superior Court judges, commissioners, and practicing trial attorneys. Students who have completed Trial Practice: Civil may not enroll in Trial Practice: Criminal.

*Prerequisite: Evidence or concurrent enrollment*