

Fall 2018 - Course Descriptions

General Law

LAW L705 Torts I

(LAW L705 & L710 Torts I/Torts II)

3 hrs./2 hrs.

These courses together cover intentional torts and privileges, negligence and theories of causation in fact and proximate cause, contributory negligence and assumption of risk, owners and occupiers of land, vicarious liability, automobile accident reparation systems, nuisance, misrepresentation, products liability (survey), damages, and immunities.

LAW L715 Lawyering I

3 hrs.

Students receive instruction in legal research, legal analysis, and legal writing. Throughout the semester, students research the law relevant to hypothetical client cases, apply that law to those cases, and draft memoranda setting forth law, analysis, and predictions as to the outcome of the cases. Students are exposed to both library research and computer research.

LAW L725 Civil Procedure I

(LAW L725 & L730 Civil Procedure I/Civil Procedure II)

3hrs. each

These courses treat problems related to civil litigation ranging from considerations about the choice of the proper forum through the pretrial, trial, and appellate stages. Specifically the material will include: personal jurisdiction, subject matter jurisdiction, choice of applicable law (exclusive of conflict problems), pleading, joinder of claims and parties, discovery, pretrial conference, adjudication without trial (judgment on the pleadings, summary judgment, and alternative dispute resolution), functions of the judge and jury including judgments as a matter of law, appellate review (principle of finality, timeliness, scope of review, review of factual determination), the binding effect of judgments (res judicata, collateral estoppel, law of the case), and extraordinary devices (interpleader, class actions, intervention).

LAW L735 Criminal Law

3 hrs.

This course deals with the principles underlying the administration of criminal justice as embodied in a modern code including the aims of criminal law, the theory of criminal conduct, and elements of some specific crimes and offenses. The model is the Louisiana Criminal Code or the A.L.I.'s Model Penal Code.

LAW L746 Business Organizations I

3 hrs.

This course is an introduction to the fundamental legal principles governing agency and fiduciary relationships, unincorporated business associations, and corporations. Among the topics covered are: 1) the formation, operation, and dissolution of partnerships, limited liability companies and corporations (both privately-held and publicly-held); 2) the distribution of powers among the owners and managers of such organizations; and 3) the relative advantages of various organizational forms.

LAW L747 Business Organizations II**3 hrs.**

This course builds on basic concepts learned in Business Organizations I and allows for more comprehensive and detailed examination of these topics. Particular issues covered may include 1) how ownership structure (closely v. publicly held) may impact corporate governance, 2) an introduction to federal securities law (including its antifraud rules), with particular emphasis on its impact on governance of business enterprises, and 3) the scope of the fiduciary duties owed to a business enterprise in fundamental transactions.

Prerequisite: LAW L746

LAW L750 Constitutional Law**4 hrs.**

This course is an introduction to problems arising under the Constitution of the United States, including the distribution of powers among the federal branches of government, the distribution of powers between federal and state governments, and the protection of individual rights.

LAW L760 Evidence**3 hrs.**

This course involves a treatment of the rules of evidence, the qualifications and impeachment of witnesses, the opinion rule, admissions and confessions, rules relating to writings, the hearsay rule and its exceptions, privileged relations, burden of proof, presumptions, and judicial notice.

LAW L767 Consolidated Legal Analysis**3 hrs.**

Revisits fundamental principles of legal analysis in a systematic manner, building and consolidating skills needed to master the details of varied areas of law, to analyze the relationship between facts and legal rules, to identify legal issues, and to make persuasive written arguments in support of legal conclusions. Frequent written exercises and in-class examinations will be given.

LAW L770 Lawyering III**3 hrs.**

This course concerns the professional and ethical activities and duties of the lawyer. The course includes a study of the history and traditions of the legal profession, including the concept of self-discipline and the model rules of professional responsibility. It also examines the impact of ethics and tradition on the practice of the lawyer. Prerequisite: None

*This course can be taken out of the Lawyering I, II, III sequence.

LAW L781 Law and Poverty**2 hrs.**

This course provides an introduction to the detrimental effects of poverty on society and poor people. It includes a treatment of the history of institutional response to the needs of the economically disadvantaged in the western world. It involves a critical examination of the legal system's response to the economic, social, and human problems of poverty, particularly in the fields of social security, welfare, unemployment, and worker's compensation. Special treatment is given to legislative and judicial initiatives in alleviating poverty as it burdens the family, women, and minorities.

General Law Electives (LAW)

LAW L801 Intellectual Property Law

3 hrs.

The objective of this course is to provide a comprehensive survey and overview of the principal areas of federal and state law governing intellectual property rights, including trademarks, patents, copyrights, unfair competition, trade secrets, idea protection and the right of publicity.

LAW L803 Western Legal Tradition

3 hrs.

This course treats significant aspects and institutions of the Roman law, canon law, common law, and civil law. It also considers the interaction of these traditions in the context of our American legal heritage. Some emphasis is placed upon codification movements in Europe and the United States and particularly in Louisiana.

LAW L807 Introduction to Health Law

3 hrs.

This course introduces and explores areas of law dealing with the creation and maintenance of "health." It covers the major mechanisms for ensuring quality in health care and the ethical dilemmas that may result from medical treatment or other scientific interventions. Three main topics are covered: 1) the treatment relationship, 2) public health and access to care, and 3) issues of bioethics generally.

LAW L815 Federal Criminal Law

2 hrs.

This course surveys federal criminal law with emphasis on white collar crime, political corruption, and offenses affecting the administration of justice. Selected statutes such as the mail and wire fraud statutes, banking laws, RICO and Hobbs, as well as perjury and obstruction of justice laws will be examined.

LAW L821 Computer Law

2 hrs.

This course focuses primarily on intellectual property issues relating to the creation, sale, use, and misappropriation of computer hardware and software. Patent law, copyright law, trademark law, and related state-law doctrines affecting computer technology will be considered. The course will also address selected criminal law, antitrust, and personal privacy issues. No knowledge of computers, programming, or intellectual property law is required.

LAW L833 Street Law

3 hrs.

This course is designed for law students who are interested in teaching inner-city middle school and high school students about law related issues. Twice a week pairs of law students will enter local public school classrooms to discuss legal rights, responsibilities, and practical legal problems. The course also includes a two-hour seminar component and a paper requirement at the end of the semester. Students completing the course earn 3 hours experiential learning credits.

LAW L836 Real Estate Transactions**3 hrs.**

In this course, we will examine fundamental issues in real estate transactions, including financing, contracting, and conveyancing, with a primary focus on commercial transactions. Topics to be covered include: the structure of mortgage markets and the regulation of loan transactions; the law governing mortgages and related financing structures (such as installment land contracts and ground leases), including foreclosure and borrower protections; construction finance; suretyship (guaranties and related contracts); recording and lien priorities; contracts for the purchase and sale of real estate; conveyancing issues; and title insurance.

LAW L837 Land Use**3 hrs.**

This course explores the variety of ways in which the law attempts to resolve conflicts among land uses, as well as plan and regulate the impacts of different land use patterns. Topics include common law; state, regional, and local planning; zoning; environmental controls; growth management; historic preservation; restrictions relating to residential development; and constitutional limits on land use regulation. Throughout the course, we will explore how land-use decisions affect environmental quality and how land-use decision making addresses environmental concerns.

LAW L839 Civil Rights Actions Under Section 1983**2 hrs.**

This course covers the history of the interpretations of § 1983, immunities, governmental liability, nature of wrongs redressed, relationship to state law (e.g., res judicata, borrowing state law, exhaustion), attorney's fees, abstention, and sovereign immunity.

LAW L840 Employment Law**3 hrs.**

This course examines the laws and doctrines (federal and state) that regulate and impact the employer-employee relationship. Among the topics typically explored in this course are: employment at will; employment contracts (express and implied); whistleblower and mass layoff protections; restrictive covenants and trade secrets; an introduction to federal labor law and anti-discrimination law, wage and hour laws; the Family and Medical Leave Act (FMLA); and applicable claim procedures, defenses, remedies, and litigation strategies.

LAW L849 Patent Law**2 hrs.**

This course focuses on the means for obtaining legal protection for patentable and unpatentable inventions and for technical knowledge. Licensing and aspects of litigation affecting these rights also will be discussed.

LAW L854 Insurance**3 hrs.**

This course concerns personal and property insurance, together with the rights and powers of the insurer, the insured, the beneficiary, the assignees, and creditors.

LAW L856 State and Local Government Law**2 hrs.**

This course studies the legal aspects of intergovernmental relationships including the distribution of power among the federal, state, and local governments. Organization of local governmental entities, home rule, metropolitan government, financing of the local government, financing of state entities and offices, public procurement policies, open meetings law, and public records laws are among the subjects covered. The legal issues are related to the greatest extent possible to contemporary American urban developments, including federal involvement in local and state issues, such as police conduct, housing, education, and prison policies.

LAW L858 Environmental Law**3 hrs.**

This is a survey course in environmental law and regulatory policy. The course considers the special character of environmental disputes and the problems that arise in developing legal rules for their resolution. The course covers several different federal environmental statutes, including laws relating to hazardous wastes, toxic substances, and air pollution. Our goal in studying these issues will be to gain a better understanding not only of particular environmental laws and policies, but also of the processes by which the government can regulate potentially harmful activities. We will look not only at traditional regulatory mechanisms, but also at the opportunities for market and consensus solutions. The course will make frequent use of situational case studies, which will require you to think strategically about how you would solve real world problems that have confronted lawyers and policymakers.

LAW L862001 Criminal Law Seminar: Search and Seizure**2 hrs.**

This course will examine the law concerning the Fourth Amendment and search and seizure issues. The coursework covers the background Fourth Amendment cases, which then provides a basis to consider current legal issues involving privacy, technology, and law enforcement's access to information. Each student will prepare and present a paper to the seminar class. Constitutional Criminal Procedure is not a prerequisite for taking this course.

LAW L862051 Criminal Law Seminar**2 hrs.**

This seminar is designed for students with a strong interest in pursuing a career in criminal law. Each week we will examine an area of criminal law through readings, class discussions, and guest speakers. The overall goal of the course is to educate future criminal law attorneys on the various aspects of the criminal justice system, including but not limited to the players involved. The course is also designed to encourage students to think critically about systematic issues in the system that can be solved by creative litigation and/or zealous representation.

LAW L864 Admiralty I**3 hrs.**

This course reviews the principles of admiralty and maritime law, including statutory modifications, in the following areas: jurisdiction, the nature of in rem and in personam jurisdiction, maritime liens, the contract of affreightment and COGSA, limitation of liability, general average, the law of collision, the tug and tow relationship, and salvage.

LAW L867 Business Planning**2 hrs.**

This course is primarily experiential in nature and combines advanced work in corporations, corporate financing, and federal taxation in the context of business planning and counseling. The course will be based upon a series of simulations involving common business transactions, which present corporate and tax issues for analysis and resolution. The simulations will cover such topics as the formation and financing of corporations, both closely held and publicly owned, stock redemption, the sale and purchase of businesses, mergers and other forms of acquisition and recapitalization, division and dissolution of corporations. Students completing the course earn two experiential learning credits.

Prerequisites: LAW L746

LAW L868 Workers' Compensation**2 hrs.**

This course considers the Louisiana law relative to tort liability of master and servant and the Louisiana workers' compensation law.

LAW L874 Federal Tax Procedure**2 hrs.**

This course deals with numerous aspects of federal tax procedure. Specifically, the course will cover administrative procedures before the Internal Revenue Service, an analysis of the statutory notice procedures, the entire spectrum of litigating a case before the United States Tax Court and the District Court, extended periods of limitations, and additions to tax and other problems that a practitioner might encounter while handling a tax case.

Prerequisite: LAW L980

LAW L877 Constitutional Law Seminar: Race and the Law**2 hrs.**

This is an upper level constitutional law seminar on the role of race in American law. In this course, we will critically examine the modern-day treatment and legal significance of race. The course is divided into two parts: first the class will analyze the concept and legal history of race in the United States; second we will focus on the effect of race in three key areas: voting/democracy, education/housing, and criminal justice.

LAW L878 International Law**3 hrs.**

This introductory course acquaints students with the theory and practice of a distinct legal system. The sources and mode of discourse of the international legal system are studied in sufficient detail to allow the student to undertake further work in the discipline. Detailed examination will be undertaken of several substantive areas of international law. These areas will be selected from topics such as jurisdiction of states, international criminal law, law of the sea, international protection of human rights, law of war, and regulation of resort to force by states.

LAW L879 Admiralty Seminar: Marine Pollution**3 hrs.**

The goals of the course are to gain an understanding of the federal statutes regarding pollution of the marine environment. It will examine federal vs. state jurisdiction, jurisdiction under the Clean Water Act, and other marine pollution statutes, penalties for pollution under the CWA. This course will examine in detail the Oil Pollution Act of 1990 and its intersection with damages for

pollution under general maritime law, the Marine Pollution Convention and London Protocol and other international conventions such as the Convention on Pollution on the High Seas. Prior knowledge of maritime law is not a requirement.

LAW L884001 International Law Seminar: Introduction to Chinese Administrative Law 1 hr.

This course includes a general examination of the legal framework, substantial and procedural law that empowers and constrains a wide range of administrative bodies in China. We will also look at the ways in which individuals obtain remedies and compensations when their lawful rights and interests are infringed by a specific act of the administrative bodies. Students are encouraged to ask questions and respond to questions in class. The final examination will be a self-scheduled, open-book, word-limited, take-home essay exam.

This is a condensed mini-session course offered August 21-August 31 on Tuesdays and Thursday from 12:25pm-1:50pm and Fridays from 9am-10:30am and 11am-12:30pm.

LAW L884002 International Law Seminar: International Commercial Contracts 1hr.

This course aims at giving an overview of the practical problems relating to international commercial contracts. The main focus is put on CISG and PICC, juxtaposing the two in the areas where they differ. Furthermore, other international instruments are included such as the UN Convention on the Use of Electronic Communication in International Commercial Contracts, the UN Convention on Limitation, Incoterms 2010, UCP 600 etc. Final exam will be a take-home exam.

This is a condensed mini-session course offered October 23-November 2 on Tuesdays and Thursday from 12:25pm-1:50pm and Fridays from 9am-10:30am and 11am-12:30pm.

LAW L886 Environmental Law Seminar: Enforcement

2 hrs.

This seminar is devoted to an in-depth treatment of one or more topics of current interest in the field, e.g., Superfund, Toxic Torts, Wetlands, or Clean Air. The exact subjects will be chosen by the instructor(s).

LAW L896051 Professional Seminar: Privacy Law

2 hrs.

Privacy issues now take center stage in corporate America with many companies now maintaining a CPO- Chief Privacy Officer. Compliance requires knowledge of several federal and many state statutes, and regulatory regimes as well as knowledge of privacy issues imposed from across the Atlantic by the EU. This seminar will address the following topics: Big Data, financial privacy, FCRA, GLBA, FTC privacy and security regulation; Identity theft, online behavioral advertising; First Amendment limitations on privacy regulation; Data breaches, data breach notification statutes; Privacy of video watching and media consumptions; CFAA, enforcement of privacy policies, marketing use of data, and more.

LAW L896051 Professional Seminar: Green Building**2 hrs.**

This course surveys the legal issues involved in the growing area of sustainable construction (or “Green Building”). The course covers (1) the history, goals and development of sustainable construction; (2) the certification and rating systems; (3) sources of sustainable construction law; (4) contractual issues and risk allocation; (4) standard green building contract documents; (5) insurance and surety issues; and (6) green building litigation issues. In addition, the course contains an in-depth review of the flooding in Houston and how laws, codes, and/or zoning ordinances (or lack thereof) may have played a role in the devastation caused by Hurricane Harvey.

LAW L897 Clinical Seminar- Live Client Clinic 5 or 10 hrs.

Students participate in clinic orientation before the start of classes, after which they are sworn in to practice law as a Student Practitioner under the supervision of a Clinic Professor. Clinic students are assigned civil or criminal cases with jurisdiction in municipal, state, federal and/or administrative courts. Student Practitioners are expected to represent clients from the point of their case assignment through final disposition or the end of the course, whichever comes first. Representation includes, but is not be limited to, client interviews, fact investigation, informal and formal discovery, drafting and filing of pleadings, legal research, writing of fact and legal memoranda, communications with opposing counsel, court appearances, including trial and appellate work, and law office management. Student Practitioners must devote a minimum of 15 hours per week to clinic class and case work in this course.

Standard participation is two full semesters during the fall and spring semesters of the 3L year; however, certain sections of Law Clinic are offered for one semester only. For each semester of Law Clinic that a student successfully completes, he or she will earn five credit hours, letter graded, three skills credits, and five hours of experiential learning credits.

Prerequisite: LAW L770 Lawyering III

LAW L900 Academic Externship 1 or 2 or 3 hrs.

This course allows students to learn by participating in legal work with an outside agency or court. Second- and third-year law students in the upper three-quarters of their class may apply to participate in this program. The student must be in good academic standing and receive the permission of the associate dean for academic affairs and the Loyola Law Clinic to register. This course cannot be used to satisfy the writing requirement. There is a regular classroom component. This is a pass/fail course. The extern must be willing to devote at least 12–15 hours a week to this course. Students completing the course earn experiential learning credits equivalent to the credit hours earned in the course.

Under no circumstances can a student elect any combination of course numbers LAW L846, LAW L891, LAW L893, LAW L898, or LAW L901 that would result in more than six hours. Also, under no circumstances may a student elect any combination of course numbers LAW L898, LAW L899, and LAW L900 that would result in more than six hours.

LAW L906 Advanced Legal Research**3 hrs**

This practical, skills-based course is designed to help prepare students for practice or future study by building on the research techniques presented in Lawyering I. Advanced Legal Research focuses on the effective use of electronic and print legal research tools and examines existing sources for both legal and non-legal information of interest to lawyers. Students will receive advanced training on comprehensive proprietary online research systems (Westlaw, Lexis, and Bloomberg Law), and be introduced to specialized online systems (ProQuest, BNA, and CCH Intelliconnect). This course will provide coverage of selected research subjects, including statutory research, legislative history, administrative and regulatory research, practice aids, research strategies, and various specialized areas, such as an introduction to international/foreign research sources. The focus is on the practical application of research resources in various areas, for instance compiling a legislative history, drafting a comment to a regulation, or compiling a company profile. Assessment is based on five experiential learning exercises and a final project, and students should be prepared to present their work in a professional format (both orally and in writing). Students completing the course earn three experiential learning credits.

LAW L913 Disaster Law and Policy**3 hrs**

This course examines the law and policy of disasters (natural and technological) as stages along a “circle of risk management”—from hazard-mitigation planning, to emergency response, to cost sharing and compensation after an event, to longterm recovery. The course will emphasize the role of public policy as well as practical lawyering skills. In the process, students will gain full exposure to the Stafford Act, the National Flood Insurance Program, the workings of the Federal Emergency Management Agency and its relationship to other agencies, relevant constitutional principles, and the U.N. Sendai Framework for Disaster Risk Reduction.

LAW L918 Law and Literature Seminar: Crime and Punishment in Modern Literature 2 hrs

Law and Literature Seminar: Crime and Punishment in Modern Literature will attempt to explore the role that the humanities play in our accepted concepts of crime and punishment. These concepts, so central to the practice of law and the functioning of our ordered society, have complex origins based on religion, culture, economics and utilitarianism. This course will challenge students to not consider the basis of law as static or self-evident, but rather to consider the myriad origins and perspectives that color our notions of “right” and “wrong” and, more importantly, to consider the role that the arts in general, and literature in particular, play in our evolving concepts of morality.

LAW L930 Introduction to United States Law**3 hrs.**

This course is designed exclusively for students who are enrolled in the Loyola LL.M. degree program in United States Law and who have already been awarded a first degree in law (LL.B. or equivalent) from a law school outside of the United States or Canada. This course gives an overview of U.S. legal history, legal education, the legal profession, the judicial system, case law, the legislative system and statutes, secondary authority and the Restatements, civil and criminal procedure (including evidence) conflict of laws, contracts, torts, property, family law, commercial

law, business enterprises, constitutional law, administrative law, trade regulation, labor law, tax law and substantive criminal law.

LAW L935 Social Security Disability Law

2 hrs.

In this course students will develop a working knowledge of the following: What Is Social Security Disability; Applying for Disability Benefits; Disability Benefits for Children; Getting Benefits During the Application Process (SSI); Proving You Are Disabled; Who Decides Your Claim; How Claims Are Decided; Whether You Can Do Some Work: Your RFC; How Age, Education, and Work Experience Matter; When Benefits Begin; Reasons You May Be Denied Benefits; Appealing If Your Claim Is Denied; Once You Are Approved; Continuing Disability Review; Your Right to Representation; and, the duties and responsibilities of Administrative Law Judges (ALJs).

LAW L955 Advanced Constitutional Law—14th Amendment

3 hrs.

This course focuses on the protection afforded individuals by the 14th amendment due process and equal protection clauses, state action, and Congress' power to enforce the 14th amendment. Students are strongly encouraged to take this course, as well as the first amendment course.

LAW L961 Trial Advocacy

3 hrs.

This course uses experiential learning exercises to develop skills in ADR and trial advocacy, oral persuasion and nonverbal communication. In a simulated trial setting, class participants perform opening statements, closing arguments, witness examinations and lay evidentiary foundations. Faculty lectures and demonstrations supplement these exercises. Students completing the course earn three experiential learning credits.

**Note- for fall 2018, the day section of this course will be open to students participating in a trial ad competition. These students should reach out directly to professor Leceane to register for the course. The evening section of Trial Advocacy is open to all students and is open for registration on LORA.*

LAW L980 Income Taxation

3 hrs.

This course is an introduction to the principles of the federal taxation of income as it relates to individuals. It will focus on a number of concepts usually involving tax policy, gross income, property transactions, including gains, losses, non-recognition transactions, tax status, timing issues, deductions, credits, exemptions, and tax procedure. This subject is a bar requirement in many common law jurisdictions.

Civil Law (LCIV)

LCIV L706 Civil Law Property I

3 hrs.

This course introduces the civil law generally and the law of property in particular. It provides an introduction to the philosophy, structure, and methodology of the Louisiana Civil Code, as both a source of substantive law and as an embodiment of civilian legal method in the mixed jurisdiction of Louisiana. The course also serves as the introduction to basic civilian concepts of property, such as common, public, and private things, movables and immovables, ownership, and accession.

LCIV L707 Civil Law Property II

3 hrs.

This course builds on an introduction to the Civil Code in Civil Law Property I and covers more advanced but essential civil law property topics such as personal servitudes (including usufruct, rights of use and habitation), predial servitudes (including legal, natural, and conventional predial servitudes), boundaries, building restrictions, occupancy, possession, acquisitive prescription of movables and immovables, and dedication to public use.

LCIV L710 Conventional Obligations I

3 hrs.

This course treats the general provisions of the Louisiana Civil Code applicable to all contracts in Louisiana, the formation and effect of agreements, various categories of obligations and the means of their extinction.

LCIV L715 Successions

3 hrs.

This course deals essentially with intestate successions. Subjects covered include the rules of distribution, the spousal usufruct, rights of children, absent persons, the opening of successions, capacity, acceptance, renunciation, and collation.

LCIV L810 Title Examination

1 hr.

This course covers the substantive law and the technique used in the examination of titles to Louisiana immovable property. Practical problems will be presented in the description of property, the derivation of titles, and the drafting of documents conveying or encumbering immovable property.

LCIV L930 Community Property

3 hrs.

This course concerns matrimonial regimes governing ownership and management of property of married persons in Louisiana. Characterization of property, creditors' rights, and rights between the spouses are considered in relation to the nature and background of community property systems.

LCIV L935 Louisiana Code of Civil Procedure

3 hrs.

This course examines the Louisiana Code of Civil Procedure: Book I—Courts, Actions, and Parties; Book II—Ordinary Proceedings; Book III—Proceedings in Appellate Courts; Book IV—Execution of Judgments; Book V—Summary and Executory Proceedings; Book VI—Probate Procedure; Book VII—Special Proceedings (e.g., Attachment, Sequestration, and Injunction); Book VIII—Trial Courts of Limited Jurisdiction; and Book IX—Miscellaneous Provision and Definitions.

Common Law (LCOM)

LCOM L700 Contracts I

3 hrs.

This course provides an introduction to contract law in the United States. Its coverage usually includes contract formation, enforceability of promises, and remedies, among other topics.

LCOM L715 Trusts and Estates

3 hrs.

This course covers public policy and estate planning, intestacy, wills, probate and non-probate transfers, protection of spouses and children, trust administration and fiduciary duty, future interests, the rule against perpetuities, and briefly federal estate tax.

LCOM L920 Commercial Transactions

3 hrs.

This course investigates the laws that affect the rights and obligations of parties engaged in the sale and distribution of goods. The sales contract, its formation, interpretation and performance, the risk of loss, and the remedies of the parties are emphasized. Uniform Commercial Code Article 2 receives intense scrutiny.