

A Guide to the Law School Curriculum

**Prepared by the Faculty
of The University of Alabama School of Law**

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PREFACE

This *Guide to the Law School Curriculum* has been prepared by the Faculty of The University of Alabama School of Law to assist students who have completed one or more semesters of law school and find themselves faced with the difficult task of choosing among a host of elective courses. This *Guide* is designed to supplement *The University of Alabama School of Law Catalog*, not to replace it. The *Catalog* remains the primary source of academic and administrative information, including academic standards, graduation requirements, and limitations on class hours and work load. This *Guide* lists courses recommended by those who teach in specialized areas, gives details about the sequencing of courses within particular fields of law, and suggests how courses in different areas of law complement one another. Not all courses listed may be offered during any academic year. All of the members of the Faculty, as well as the Dean and the Assistant Dean for Academic Services, will be happy to assist any student in designing the curriculum best suited to his or her interests.

Students and faculty are encouraged to submit suggestions for future editions of this *Guide*. Send electronic mail to jmarsh@law.ua.edu.

SOME THOUGHTS ON THE STUDY OF LAW AT THE UNIVERSITY OF ALABAMA SCHOOL OF LAW

Today, a great many of the most talented students produced by our colleges and universities seek a legal education. While we are delighted that so many of these students have chosen The University of Alabama School of Law, we are also aware that their choice imposes a real obligation to provide them with the kind of legal education that will enable them to serve their society, their profession, and their clients with skill and distinction.

The "knowledge" you gain here, however, may not be precisely the "knowledge" you will use in practice. Legal rules and doctrines are bound to change over time, and your careers will span many decades. We, therefore, intend to teach much more than just "the law." We want to equip our students with the ability to learn on their own, to ask probing questions, to research, and to analyze. In short, we try to equip our students for a productive professional career by exposing them to critical and creative thought and by engaging them in that process.

The curriculum is designed to give students a great deal of freedom and flexibility. Apart from a group of core courses, most of which are taught in the first-year, students may select from a large number of courses, seminars and clinical offerings. They may choose to concentrate — to varying degrees — in one or more areas of law or to gain exposure to a broad number of areas. Students should realize, however, that the ability to predict one's future practice area or areas is not always perfect. Therefore, many students may benefit from taking a relatively wide range of courses.

Despite the freedom to choose that students are given during their second and third years, there are some subjects that probably ought not to be ignored. Included within this category is a course that offers some perspective on the practice of law — such as a jurisprudential or international law offering, or a comparative or legal history offering; business organizations; a course which deals with regulation — such as administrative law or an environmental or labor law offering; and a course which offers some taste of practice — such as a clinical or trial advocacy offering, moot court, or alternate dispute resolution.

William L. Andreen
Clarkson Professor of Law

Addendum: SUBJECTS ON THE BAR EXAMINATION'

Students have frequently said to and emeritus professor something like "I took Course A, because it was 'on the bar examination,' but I wish I could have taken Course B, which I was more interested in." My usual response to such a student is "You are neither required nor expected to take all courses, or any course, because the subject matter is 'on the bar.' There were several courses in my law school covering subjects 'on the bar' which I did not take, and I passed the bar the first time. I took a bar review course and learned what I needed to know. You should take courses that interest you, from teachers you find useful or interesting. You will have no opportunity after law school to take these courses."

Wythe Holt
University Research Professor of Law

ADVANCED LEGAL RESEARCH

The 2 credit-hour course in **Advanced Legal Research** (Law 611) provides students with an opportunity to learn legal resources and research methodology more comprehensively than in the first-year **Legal Writing/Research** (Law 610) course. Students in **Advanced Legal Research** use primary legal resources extensively, but they also study research strategies and resources in specific areas of the law such as labor, taxation, securities, and bankruptcy. The course exposes students to more advanced and sophisticated on-line search strategies and resources, paying significant attention to cost-effective use of the computer-assisted legal research services. Students use legal materials available on CD-ROM and through the Internet. The research problems and project assigned in the course explore more complex and ambiguous legal issues than those typically assigned in the first-year course.

CIVIL PROCEDURE AND ADMINISTRATIVE LAW

The civil procedure field introduces students to the principles, law, techniques, process, and contextual understanding which enable lawyers to know, and to advise clients, about whether to sue, where to sue, what jurisdiction's law might apply to the fact situation, procedural defenses, how a lawsuit proceeds, appeal, alternatives to suit, the settlement of disputes, and the effectiveness of judgments.

The closely related field of administrative law presents the principles, processes, and procedural rules used in the most important non-common-law portion of the law. It focuses on the tools — principally rulemaking and adjudication — and procedural devices that legislatures and courts have developed to shape and control the vast power which has been placed in the hands of the agencies and departments of the executive branch.

The basic courses in these areas are sufficiently important that they are either required, like first-year **Civil Procedure** (Law 608), or are offered at least once during each academic year: **Federal Jurisdiction** (often offered each semester); **Conflict of Laws** (usually offered in the spring and summer terms); and, soon, **Administrative Law**.

Fundamental Courses

Civil Procedure (Law 608). 4 hours. A required first-year course.

Evidence (Law 642). 3 hours, offered fall and spring. A required second-year course.

Federal Jurisdiction (Law 670). 3 hours. This course introduces the student to the federal court system and deals in particular with federal subject-matter jurisdiction, habeas corpus, the law applied in federal courts, and the issue of access to federal courts by studying the Constitutional, statutory, and case law about jurisdiction and venue. Generally offered once a year.

Conflict of Laws (Law 667). 3 hours. This course deals with the difficult task of choosing the substantive and procedural law that should govern a dispute or transaction when the law of more than one jurisdiction might apply. The standards governing this choice of law derive from the federal constitution, federal and state statutes and common law. The topic of personal jurisdiction also is considered. Generally offered once a year.

Administrative Law (Law 683). 3 hours. Administrative Law is the “Civil Procedure” of government administration. Focusing primarily upon federal law and federal agencies, the course introduces students to the processes of law making and law application by the administrative agencies of the executive branch — and their control by the federal courts, Congress, and the President. The course covers the basic tools used by agencies — rulemaking and adjudication — as well as the procedural and substantive rules which limit and guide the use of these tools. Special attention is given to the scope of judicial review, access to judicial review, the separation of powers, due process, and freedom of information. Generally offered once a year.

Advanced and Specialized Courses

Advanced Civil Procedure (Law 653). 3 hours. This is a general follow-up course to the first-year civil procedure course. It studies multiple procedural topics, such as preclusion, party-

choice, joinder and appeals, that are not studied in depth in the basic course. Generally offered every year or every other year.

Problems in Civil Procedure: Discovery (Law 646). 2 hours. Spring 2006. This course will focus on the topic of discovery in civil litigation, a topic not studied in depth in the first-year civil procedure course. The students will study the basic standards governing discovery, exceptions to discovery (including privilege), the different methods of obtaining discovery, the responding party's obligations, discovery motions, and recent efforts to reform the discovery process. The course of study will consist primarily of reading and classroom discussion of rules and cases, but it also may include some drafting and problem work. Generally offered every other year.

Problems in Civil Procedure (Law 636). 2 or 3 hours. This course focuses on specific topics not reached, or not studied in depth, in the first-year civil procedure course. The topics to be studied will vary with the professor teaching the course and will be announced. Offered only occasionally.

Admiralty (Law 687). 3 hours. Consideration is given to the development of admiralty and maritime jurisdiction in the federal courts; to the need for substantive rules peculiar to maritime commerce and for specialized courts to interpret and apply them; and to the rights of injured maritime workers, marine insurance, collision, maritime liens, salvage, general average, and limitation of liability. Generally offered once a year.

Advanced Evidence (Law 637). 2 or 3 hours. This course, dealing largely with evidence at trial, is more practical than theoretical. Students are expected to apply general concepts of evidence to the resolution of actual trial problems. A premium is placed on the development of the student's ability to articulate multiple grounds for both making and meeting objections to evidence. Generally offered once a year.

Alternative Dispute Resolution (Law 705). 2 or 3 hours. Lawyers typically resolve only a few cases through trial. Litigation of most disputes is a less efficient and less cost-effective means of resolving disputes. The majority of cases are resolved through pre-trial negotiation. In recent years, alternative processes such as mediation and arbitration have gained greater favor among lawyers and clients for resolving disputes. This course primarily examines negotiation, mediation and arbitration through readings and in-class role plays. Other alternative processes also will be studied in the context of their particular uses for resolving certain types of disputes. Generally offered once a year.

Class Actions (Law 762). 2 hours. An examination of the principles governing the filing, maintenance, and disposition of class actions in the federal and state systems. The law controlling class certification, class-action settlements, judgments in class actions, and priority in multiple class-action settings is explored. Generally offered every other year.

Complex Litigation (Law 668). 2 or 3 hours. In this nuts and bolts course students will also learn how the federal rules, particularly in the complex litigation area, can become instruments of policy. Topics include class actions and multi-district litigation. Generally offered every other year.

Damages and Equitable Remedies (Law 669). 2 or 3 hours. The allotted hours in basic torts is insufficient to explore the complex rules regarding measurement of and limitations on damages. A survey of the principles of damages, including measurement of limitations on damages, particularly in contract, tort, property, civil rights, and antitrust actions. A major segment of the course compares legal damages with restitution and other forms of equity. It

also compares tort damages with contract damages and explores procedural aspects of damages recovery. Generally offered once a year.

Equitable and Extraordinary Remedies (Law 701). 2 or 3 hours. Equitable remedies, such as injunctive relief, and other basic principles of equity are surveyed. The course demonstrates how the rules of equity may be applied to other areas of substantive law, such as tort, contract, and property. Generally offered once a year.

Immigration Law and Policy (Law 655). 3 hours. Survey course on United States law on Immigration and Nationality, as well as underlying Policy, with a focus on actual immigration law practice as well as current political and legal development in immigration law and policies. The course covers recent trends in immigration law along with fundamental concepts. The primary focus is business and family immigration, but removal, asylum and refugee issues are covered. Usually offered in the fall semester.

Legal Counseling and Interviewing (Law 708). 2 hours. There is little doubt that the successful practice of law requires the use of sound and effective interpersonal communication skills. This course focuses on the interpersonal relationships between attorney and client, attorney and witness, and attorney and opposing counsel. The class objective is to help the student develop effective interpersonal communication skills, which include the student learning and developing his or her own style of communication. In addition to classroom lecture, visiting lawyers from around the state present practical pointers to students concerning effective communication strategies with clients, witnesses, and opposing counsel. Generally offered once a year.

Legislation (Law 693). 2 or 3 hours. This course studies the legal problems that arise in connection with the formulation, enactment, and application of written law. Statutory construction and the role of written law in a legal system are considered. The course is designed to develop competence for professional service in any phase of the written law process and to supply an appreciation of the way in which written law works. Generally offered once a year.

Mediation (Law 779). 2 or 3 hours. This course identifies how mediation fits within the existing dispute resolution process; it analyzes the component parts of mediation and analyzes the mutuality of negotiations, as well as analyzing the strategies and hurdles of two-party and multiparty mediations. The course usually employs role-plays of mediations to demonstrate the techniques used in mediations. Generally offered once a year.

Negotiations (Law 621). 2 or 3 hours. All lawyers need to understand the principles and process involved in negotiation. This course, involving some written exercises and some simulation, demonstrates various aspects of negotiation theory and practice. Generally offered both semesters.

Trial Advocacy I (Law 663). 3 hours. This course provides a general overview of litigation topics including discovery, pretrial, and trial issues through lecture, simulation, and practical exercises in both civil and criminal instances. Corequisite or Prerequisite: Evidence. Offered each semester.

Trial Advocacy II (Law 664). 3 hours. Advanced litigation skills are developed through the preparation for and trial of two civil or criminal mock cases, through the conduct of small-group exercises designed to develop particular skills, and (perhaps) attendance at an actual trial. Corequisite or Prerequisite: Evidence and Trial Advocacy I. Offered each semester.

Closely-Related Courses

In the procedure area, closely-related courses include **Civil Rights Legislation** (Law 726), **Alabama Appellate Advocacy** (Law 700), and **Federal Jurisdiction Seminar** (Law 698). In the administrative law area, closely-related courses include **Banking Law** (Law 724), **Oil and Gas Law** (Law 622), **Natural Resources Law** (Law 680), **Antitrust Law** (Law 684), **Water Law** (Law 690), **Regulated Industries** (Law 691), **Environmental Law I and II** (Law 702 & 771), **Energy Law** (Law 738), **Environmental Law and Policy: Coastal Law** (Law 738), **Environmental Law Seminar** (Law 763), and **Local Government Finance and Administration** (Law 734).

A course that might be added to the curriculum: **OSHA Law**.

CLINICAL LAW

Both the bench and the bar increasingly value the skills and abilities that students receive from a clinical education. Such experiences help students develop better skills for the practice of law, better values to meet the needs of their communities, and better tools to meet the ever-changing needs of our clients and our society. Perhaps the most important aspect of a clinical experience is the self-confidence students develop as they put their legal training to work for actual clients.

The Law School offers a diverse array of clinical experiences during both the academic year and the summer months. All of the courses have limited enrollment, and in some law clinics, priority is given to third-year students. Because of the limited enrollment, there is a shortened drop period.

In-House Law Clinics

Each of the following in-house law clinics is offered both fall and spring semesters and are graded, except that the Capital Defense and Sustainable Communities clinics are full academic year clinics (i.e., a student is enrolled for both the fall and spring semesters) and are pass/D/fail courses. Students will apply the substantive and procedural law of the clinic to the representation of real clients. These clinics are taught by faculty and instructors of the Law School and students generally are expected to devote ten to twelve hours per week to the clinic during the semester.

Capital Defense Clinic (Law 665). 2 + 2 hours. Students in this clinic assist counsel representing individuals who have been sentenced to death and are seeking collateral relief in state and federal courts. In the course of representing clients, students will develop knowledge and skills relating to substantive and procedural criminal law, habeas corpus practice, case strategy, fact investigation, and legal research. This is a full-year clinic (i.e., students will be in the clinic for both the fall and spring semesters).

Civil Clinic (Law 665). 4 hours. Students in this clinic provide free legal advice and representation to university students and represent members of the community in civil cases on a limited referral basis. Clinic interns handle cases from intake interviews through negotiations and to hearings and trials, if necessary, in small claims, district, and circuit courts. The clinic's caseload encompasses a wide variety of legal claims, including consumer law, debt collection defense, domestic relations, housing, insurance, municipal court infractions (misdemeanors), torts, and other civil matters. For the first hour of registration, enrollment is limited to third-year students. After that, second-year students may also enroll. Offered each semester.

Community Development Clinic (Law 665). 2 + 2 hours. Students in this clinic provide legal assistance to individuals and non-profit or community organizations seeking to improve the economic, cultural, social, or environmental well-being of disadvantaged or underserved communities. Students provide legal advice or representation on matters such as entity formation (e.g., articles of incorporation, bylaws), tax exempt status, leases and contracts, public participation rights (e.g., public records and open meetings), improving local and state laws and regulations, licensing requirements, and zoning and land use. This is a full-year clinic (i.e., students will be in the clinic for both the fall and spring semesters).

Criminal Defense Clinic (Law 665). 4 hours. Students in this clinic represent indigent defendants in misdemeanor and felony criminal matters. Students handle preliminary hearings, motions, and bench and jury trials. This clinic takes place at the Tuscaloosa County Public Defender's office in the County Courthouse in downtown Tuscaloosa. Enrollment is limited to third-year students or those who have accumulated at least 54 credit hours. Offered each semester.

Domestic Violence Clinic (Law 665). 4 hours. Students in this clinic provide free legal assistance on civil matters to victims of domestic violence residing in West Alabama. Students are responsible for initial intake interviews, counseling, pre-trial preparation, and trial when necessary. The Clinic's approach to domestic violence cases is a holistic one, encompassing not just protection from abuse orders but also divorce, child custody, child and spousal support, employment and debt issues, housing, property recovery, and other civil matters necessary to ensure that the domestic violence victim's legal needs are met. Enrollment is limited to third-year students or those who have accumulated at least 54 credit hours. Offered each semester.

Elder Law Clinic (Law 665). 4 hours. With the aging population, elder law has become one of the fastest growing areas of law practice. Students in this clinic provide legal advice and representation to individuals aged 60 and over in matters which may include health care; medicare, medicaid and other public benefits; protection from abuse, neglect, and exploitation; advance directives and durable powers of attorney; will drafting; consumer fraud; and a broad array of other civil legal needs. For the first hour of registration, enrollment is limited to third-year students. After that, second-year students may also enroll. Offered each semester.

Externship Program

Throughout the year, externships are offered for students to work in judicial chambers and law offices under the direct supervision of practicing attorneys and judges.

Judicial Clerkship Externship (Law 795). 2 hours. During the academic year, a limited number of judicial law clerk placements are available in federal and state judges offices in Birmingham, Tuscaloosa, and Montgomery. Students must work in their assigned judge's chambers for at least eight hours per week, 12 weeks of the semester; attend six hours of classes; submit two 3-4 page reflective essays, and write a 12-14-page paper describing legal and/or ethical issues encountered during the externship. Students will observe pre-trial hearings and trials and research and draft memoranda. Students must apply and be accepted into the program. Offered each semester.

Summer Externship (Law 634). 5 hours. During the summer, a limited number of placements are available with offices specializing in criminal law (i.e., United States Attorneys, District Attorneys, Public Defenders, and Alabama's Attorney General) and civil law (i.e., the National Labor Relations Board, United States Attorneys' Offices, Governor's Legal Counsel Office, University of Alabama System's Counsel Office, Legal Aid, Legal Services). There also are a limited number of judicial placements available in the summer program. Students will work full time during a 6-week session under the direct supervision of attorneys in the offices to which they are assigned. Students also attend six hours of classes; submit two 3-4 page reflective essays, and write a 12-14-page paper at the conclusion of the externship. Students must apply and be accepted into the program.

COMMERCIAL & REAL ESTATE LAW

The following courses have been identified as "commercial," per se, because they deal with various kinds of transfers of goods and services, including land, as well as the financing of those transactions. The concepts on which they focus, however, pervade other areas of law as well. For those students who will be embarking on a general commercial practice, it is recommended that as many of the following courses as possible be taken prior to entering practice. No particular sequencing is recommended.

Core Electives

Payment Systems (Law 661). 2 or 3 hours. This course focuses on Articles 3 and 4 of the Uniform Commercial Code, as well as payment by debit card, credit card, and electronic funds transfer. Generally offered both semesters.

Real Property Security (Law 679). 2 or 3 hours. Students in this course study real property security transactions, including mortgages and similar land financing transactions, as well as the various types of liens on real property. The course also provides a broader look at the lending industry and financing policies. Generally offered once a year.

Secured Credit Transactions (Law 662). 3 hours. This course focuses on commercial and consumer financing against personal property collateral under UCC Article 9 and on general credit law principles. Generally offered both semesters.

Sales Law (Law 776). 2 or 3 hours. Sales Law is an advanced course that deals with the law governing transactions in goods. It will focus primarily on the portion of UCC Article 2 that is not studied in the first-year Contracts course. Special emphasis will be given to the warranty, breach, and damage provisions of Article 2. The students review each stage of a transaction in goods, discuss the business context of each stage and apply these various bodies of law. The course uses both the case law and problem method to understand the application of the law. Generally offered once a year.

Additional Electives

Advanced Problems in Commercial Law (Law 699). 2 hours.

Banking Law (Law 724). 2 or 3 hours. This course is concerned with the federal regulation of national- and state-chartered financial institutions. Topics addressed include the history of banking in the United States, entry restrictions, expansion through the bank holding company structure, branching, liability issues, limitations on bank activities, and the regulation of failing financial institutions. Generally offered once a year.

Bankruptcy, Debtor/Creditor Rights (Law 737). 2 or 3 hours. This course deals with how creditors can collect their debts and how debtors can restructure their credit obligations. While state law remedies are considered, the course focuses on federal bankruptcy law. Both business bankruptcy and consumer bankruptcy are covered.

Bankruptcy Debt Restructuring for Individuals and Businesses (Law 727). 2 hours. This course deals with the chapters of the Bankruptcy Code that enable an individual or a business to restructure payment obligations to creditors. While Bankruptcy, Debtor/Creditor (Law 737), is not a prerequisite, this course in large part builds on concepts covered in that course. Generally offered once a year.

Consumer Protection (Law 628). 3 hours. A survey of state and federal consumer protection law. Topics treated include fraud, unfair or deceptive sales practices, consumer credit, insurance, leases, and consumer protection in payment systems. Federal laws examined include Truth in Lending, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, RICO, and the regulation of consumer credit practices by the Federal Trade Commission. Class action litigation and arbitration are also studied.

Damages and Equitable Remedies (Law 669). 2 or 3 hours. A survey of the principles of damages, including measurement of limitations on damages, particularly in contract, tort, property, civil rights, and antitrust actions. A major segment of the course compares legal damages with restitution, injunctions, and other forms of equity. Generally offered once a year.

International Business Transactions (Law 671). 2 - 3 hours. The course concentrates on developing transaction skills in an international context but applicable to all business settings, foreign and domestic: commercial analysis, deal structuring and documentation, with the laws and instruments of international commerce discussed as they are encountered. This course does not address regimes governing international trade, which are subject of a separate course (International Trade –Law 666). It is recommended, though not required, that students have taken or take simultaneously Business Organizations (Law 645). Generally offered once a year.

International Trade (Law 666). 3 hours. This course provides an introduction to the U.S. regulation of international trade, focusing on antidumping and countervailing duties laws, export and customs regulations, and surveying the structure and operations of the World Trade Organization, the European Union and the North American Free Trade Agreement. Offered in the spring semester.

The Practice of Consumer Law: Seeking Economic Justice (Law 746). 2 or 3 hours. The course will focus on subjects such as starting a private consumer law practice, ethical issues in the practice of consumer law and consumer advocacy in government and academics. Consumer class actions, remedies and resources available to consumer advocates will also be discussed.

Real Estate Development (Law 766). 2 or 3 hours. An examination of the real estate development process and legal relationships involved in the process. The course will acquaint the students with such areas as site selection and entity choice, acquisition and disposition transactions, the regulatory process (state and federal), and issues arising during the construction period. Generally offered once a year.

Real Estate Practice Workshop (Law 672). 2 hours. General practice course covering all aspects of general real estate practice. Includes drafting documents as real estate contracts, leases, loan closings, conveyances through estates, protected persons, businesses entities etc. Course designed with the new practitioner in mind. Open only to third-year students. Generally offered once a year.

The Law School also offers a commercial law seminar entitled **Selected Problems in Commercial Transactions** (Law 627). 2 hours.

CONSTITUTIONAL LAW

The Required Course

Constitutional Law (Law 609). 4 hours. This required survey course is offered to first-year law students in the spring semester.

Electives

Civil Rights Legislation: Section 1983 Litigation and Related Legislation (Law 726). 2 or 3 hours. This course moves beyond the coverage of the basic constitutional law course, which focuses on theories of constitutional interpretation and on the contours of substantive constitutional doctrine, to explore the theory and practice of litigating constitutional and certain other civil rights claims and to examine some of the surrounding history and context. It covers the nuts and bolts (and theoretical underpinnings) of litigation of constitutional claims against governments or their officials and employees. While concentrating on 42 U.S.C. § 1983, the workhorse of constitutional litigation against local governments and state and local officials and employees, it also covers Bivens actions against federal officials and employees and briefly looks at the surviving remnants of other Reconstruction Era civil rights legislations such as 42 U.S.C. §§ 1981, 1982, and 1985. This course does not cover modern civil rights legislation in areas such as voting, employment, public accommodations, housing, disabilities, etc. We do have separate courses in some of these areas. Generally offered once a year.

Comparative Constitutional Law Seminar (Law 786). 2 hours.

Law & Religion (Law 719). 2 or 3 hours. This course offers a close analysis of church-state issues throughout American history and examines the theological and ecclesiological assumptions underlying the development of the law of religious liberty. Topics include the religious dimensions of American constitutionalism, American civil religion, the role of religion in American politics, the establishment and free exercise clauses of the first amendment, and the attempt to define religion for constitutional purposes.

Race, Racism and American Law (Law 652). 3 hours. Students research, write, and present research papers on topics related to racism and American law. Each participant prepares a written critique of each paper. Generally offered once a year.

Communications Law (Law 730). 2 or 3 hours. This course uses an interdisciplinary approach to examine the changing role of the press in today's society and the legal questions that arise from this "no holds barred" environment -- particularly in terms of litigation. Students enrolled in the course will use materials from law and journalism to examine, among other issues, who comprises the media, newsworthiness, and the Internet's impact on news and media. Students will also examine problems involving potential civil liability for journalistic practices (such as invasion of privacy, defamation, and tortious interference with contracts) as well as the state and constitutional law defenses to such claims. The course may also include a day trip to a major media outlet or in-class discussions with journalists who currently work in the field.

Special Problems in Constitutional Law: U.S. Supreme Court Seminar (Law 764). This seminar examines United States Supreme Court proceedings by focusing on the Court's current term. Students act as justices, deciding whether to grant pending positions for certiorari, as well as deliberating and voting in cases currently before the Court. It also looks

at the nomination and confirmation process and at the roles of various players in Supreme Court proceedings. Generally offered once a year.

State Constitutional Law (Law 764-002). 2 or 3 hours. This course explores contemporary state constitutional law issues, with particular emphasis on the Declaration of Rights and other selected provisions of the 1901 Alabama Constitution, as interpreted by the Alabama Supreme Court.

Gender and the Law (Law 633). 2 or 3 hours. Students research, write, and present research papers on topics related to gender discrimination and American law. Each participant prepares a written critique of each paper. Generally offered once a year.

Sex Discrimination (Law 794). 2 or 3 hours. This course focuses on the problems that arise from differential treatment of persons on the basis of gender classifications, sexuality, and sexual activity in selected areas of the law. Discussion areas may include constitutional law, property law, parental rights, criminal law, and laws addressing such diverse issues as sexual harassment, employment discrimination, sexual activity, and the rights of gay, lesbian, bisexual, and transgendered persons.

Closely Related Courses

Students interested in Constitutional law and constitutional litigation should consider enrolling in the following courses:

Administrative Law (Law 683). 3 hours. This course is the “Civil Procedure” of the administrative state. Focusing primarily upon federal law and federal agencies, it introduces students to the process of law making and law application by the administrative agencies of the executive branch and their control by the federal courts, Congress, and the President. The course covers basic tools used by agencies – rulemaking and adjudication -- as well as the procedural and substantive rules that limit and guide the use of these tools. Special attention is given to the judicial review, separation of powers, due process, and freedom of information. Generally offered once a year.

Admiralty (Law 687). 3 hours. Consideration is given to the development of admiralty and maritime jurisdiction in the federal courts; to the need for substantive rules peculiar to maritime commerce and for specialized courts to interpret and apply them; and to the rights of injured maritime workers, marine insurance, collision, maritime liens, salvage, general average, and limitation of liability. Generally offered once a year.

American Legal History (Law 772). 2 or 3 hours. This course deals with the history of the United States viewed through aspects of the law, the legal profession, legal education, and the evolution of constitutional principles. Focus is on the background and context of the growth of American law and legal institutions, and on the ways in which law and legal concepts have been centrally important in American history. Major emphasis is given to the period of the Revolution, the growth of positivism and Gilded Age, the Progressive Era, the New Deal, and the Cold War period. Generally offered once a year.

Conflict of Laws (Law 667). 3 hours. This course deals with the difficult task of choosing the substantive and procedural law that should govern a dispute or transaction when the law of more than one jurisdiction might apply. The standards governing this choice of law derive from the federal constitution, federal and state statutes and common law. The topic of personal jurisdiction also is considered. Generally offered once a year.

Criminal Procedure: Pre-Trial (Law. 735). 2 or 3 hours. This course surveys issues pertinent to the pre-trial stages of criminal prosecution, including federal and state constitutional

principles and procedural rules. Topics considered include the Fourth, Fifth, and Sixth Amendments, with emphasis on such matters as search and seizure, the privilege against self-incrimination, and the right to the assistance of counsel. Generally offered once a year.

Criminal Procedure: Trial and Post-Trial (Law 790). 2 or 3 hours. This course surveys procedural rules and constitutional principles pertinent to the trial and post-trial criminal process. Topics considered include the Fifth, Sixth, and Eighth Amendments, with emphasis on such matters as jury selection, the right to confront witnesses, and post-conviction remedies. Generally offered once a year.

Federal Jurisdiction (Law 670). 3 hours. Examination of the important problems pertaining to the jurisdiction of, and law applied in, the federal court system. Emphasis is placed on the various bases of jurisdiction in the federal courts, the nature of the federal court system and its position in American government and society, and jurisdictional conflicts between state and federal courts. Generally offered once a year.

Jurisprudence (Law 717). 2 or 3 hours. This course addresses foundational questions about the sources, content, and structure of law; the relationships between law and morality; and the ultimate values of legal systems, including justice and equality. Readings vary from year to year, but typically include cases as well as selections from prominent political and moral philosophers. Generally offered once a year.

CRIMINAL LAW AND PROCEDURE

There are five major reasons to consider taking courses in the criminal law and procedure area. First, practice in the criminal law area is one of the few ways new lawyers can obtain substantial litigation experience. Thus, for students who wish to become litigators, whether in the criminal or civil areas, a stint of a few years at a District Attorney's or Public Defender's office prepares litigators. Trial experience, knowledge of courthouse personnel and fluency with rules of evidence developed in the criminal arena easily translate to the civil arena. Second, the criminal law area provides a rich job market for new lawyers, especially recently as salaries and benefit packages have increased for such positions. Third, those students who plan to practice in the general commercial or corporate area should be aware of the criminal and quasi-criminal liability and opportunities facing their clients. This is especially true in light of the current emphasis on internal investigations and corporate compliance plans. Fourth, in the state of Alabama, with its limited public defender system, many if not most attorneys practicing in Alabama will be appointed to represent indigent criminal defendants. Firms tend to see such appointments as good opportunities for associates to develop courtroom experience and as a way to serve the public. Lastly, criminal law and procedure topics are fascinating and provide a fun supplement to one's law school courses. The constitutional law issues addressed in the criminal procedure courses, the difficult moral issues presented in the capital litigation and juvenile justice courses, and the interplay of criminal and civil law presented in the white collar crime courses are all stimulating and controversial.

There are no prerequisites or sequencing required for the criminal law and procedure courses.

The Courses

Criminal Law (Law 603). 4 hours. This is the first-year required introductory course covering substantive criminal law, its origins and sources and the elements of criminal conduct and defenses.

Advanced Criminal Law (Law 777). 2 or 3 hours. This advanced course concentrates on topics and issues not covered in the basic course on criminal law but which are of contemporary importance such as the use of DNA and other scientific evidence, race and gender issues in criminal justice, treatment of violent youthful offenders, and religious principles as justification for committing crimes. Alternatively, the course might examine in more detail important topics surveyed but not studied in depth in the required course.

Criminal Procedure: Pretrial (Law 735). 2 or 3 hours. This course surveys issues pertinent to the pretrial stages of criminal prosecution including federal and state constitutional principles and procedural rules. Topics considered include the Fourth, Fifth, and Sixth Amendments, with emphasis on such matters as search and seizure, the privilege against self-incrimination, and the right to the assistance of counsel. It is anticipated that students who are interested primarily in Bar preparation would take this course in their second or third year of law school. In addition, students serious about pursuing a career in criminal law should probably take this course during their second year in law school. Generally offered once a year.

Criminal Procedure: Trial And Post-Trial (Law 790). 2 or 3 hours. This course surveys procedural rules and constitutional principles pertinent to the trial and post trial criminal process. Topics considered include Fifth, Sixth and Eighth Amendments, with emphasis on such matters as selecting a jury, the right to confront witnesses, and post conviction remedies. This course is recommended primarily for those students who intend to practice criminal law, although anyone who intends to be a litigator should benefit from the course. Generally offered once a year.

Business Crimes (Law 614). 2 or 3 hours. This survey course focuses on criminal, civil and administrative causes of action concerning a variety of financial wrongs: health care fraud, bank fraud, tax fraud, mail and wire fraud, RICO, money laundering, frauds upon the government, environmental crimes, and seizure of assets. Generally offered once a year.

Trial Advocacy I - Criminal Litigation (Law 663). 3 hours. This advanced elective is a specialized trial advocacy course. (Students are permitted to take only one course in Trial Advocacy I.) Generally offered both semesters.

Trial Advocacy II - Criminal Litigation (Law 604). 3 hours. This advanced elective is a specialized trial advocacy course. (Students are permitted to take only one course in Trial Advocacy II.) Generally offered both semesters.

Capital Litigation (Law 774). 2 or 3 hours. This course conducts a systematic, thorough analysis of capital punishment law and litigation. Topics covered include the pros and cons of the death penalty; the various capital punishment schemes or systems, prosecutorial and judicial discretion in capital cases, and post-conviction review. Generally offered once a year.

Juvenile Justice (Law 791). 3 hours. This course focuses on substantive legal and policy issues raised by juvenile crime, as well as procedural nuances present when a juvenile is processed through the juvenile and criminal justice system. Generally offered once a year.

Seminars

Seminar: Business Fraud: Crimes And Torts (Law 784). 2 hours. This seminar focuses on the practical and jurisprudential issues raised by various criminal, civil and/or administrative causes of action available to pursue financial wrongs such as RICO, the False Claims Acts, exclusion and debarment, and common law offenses and causes of action.

Seminar: Criminal Justice Jurisprudence (Law 768). 2 or 3 hours. This course focuses on the origin, reasons for, and unique attributes of the criminal justice system in the context of contemporary issues of criminal justice.

Seminar: Sentencing (Law 793). 2 hours. This course focuses on sentencing philosophy, procedure and law. The course should benefit primarily those who will practice criminal law. Students planning to clerk for judges with criminal jurisdiction also should find the course helpful. Generally offered once a year.

Selected Problems in Criminal Law (Law 624). 2 or 3 hours. This is an advanced course devoted to the study of substantive and/or procedural issues in criminal justice.

Related Clinical Courses

Courses that will allow you to apply criminal law and procedure to actual live-client situations include the **Capital Defense Clinic** (Law 665), **Criminal Defense Clinic** (Law 665), the **Summer Externship** (Law 634), and the **Judicial Clerk Externship** (Law 795). These courses are described in the Clinical Law section of this *Guide*.

ENVIRONMENTAL LAW

Environmental Law is one of the fastest growing areas in the legal profession. From its origins in 1970 with traditional command-and-control statutes like the Clean Air Act to newer innovations such as Superfund and the Emergency Planning and Community Right-to-Know Act, Environmental Law has continued to evolve in an attempt to better protect human health and our natural resources. This evolution was complicated at first by the fact that Administrative Law was adjusting at the same time to new patterns of public participation, stricter judicial review, and more liberal judicial access. Today the challenge continues as environmental lawyers strive to develop and refine the kinds of regulatory strategies that will improve and maintain the quality of our environment in an effective, efficient, and just manner.

The University of Alabama School of Law offers second- and third-year students an opportunity to concentrate in this area through a number of course offerings. Through these offerings, students should be able to obtain the analytical skills, substantive knowledge, and practical information necessary to be an able and effective advocate and counselor in this growing field.

The Courses

Environmental Law I (NEPA, Air & Water) (Law 702). 3 hours. This course provides a thorough introduction to two basic forms of environmental regulation: the use of planning (environmental impact assessment) as a technique for protecting the environment and the use of command-and-control regulation as a mechanism for pollution control. Attention is also given to the pros and cons of using effluent taxes and market incentives as additional or alternative regulatory mechanisms. The Clean Water Act, the Clean Air Act, and the National Environmental Policy Act (NEPA) are analyzed comprehensively. Special attention is paid to questions of statutory interpretation, the role of legislative history, judicial review, and the enforcement of environmental standards. We also address topics such as pollution prevention, the Endangered Species Act, and the protection of environmentally sensitive ecosystems like wetlands. Generally offered once a year.

Environmental Law II (Toxics & Hazardous Waste) (Law 771). 2 or 3 hours. Environmental Law II presents a comprehensive overview of the federal laws which control the use and disposal of toxic chemicals and hazardous pollutants. We study such statutes as the Resource Conservation and Recovery Act (RCRA), Superfund, the Toxic Substances Control Act, the Safe Drinking Water Act, the federal pesticide act, the Pollution Prevention Act, and the Emergency Planning and Community Right-to-Know Act. Special attention is given to remedial schemes, lender liability, due diligence, risk assessment, enforcement and the analysis of various regulatory strategies including technology-forcing schemes, liability-forcing mechanisms, and information-forcing approaches. Environmental Law I is not a prerequisite for this course. Generally offered once a year.

Environmental Law Seminar (Protecting the Global Environment) (Law 763). 2 hours. Over the past decade, it has become fairly obvious that the key to solving many of our environmental problems lies in global cooperation. This seminar, consequently, explores a number of ways in which the world community has tried — with varying degrees of success — to protect the global environment. While the seminar addresses some traditional aspects of International Environmental Law, we turn most of our attention to a number of recently emerging issues — many of which concerned the world community when it gathered at the Earth Summit (UNCED) in Rio de Janeiro. Among the topics we consider are global warming, ozone depletion, sustainable development, tropical deforestation, the protection of the global

commons, biodiversity, population growth, the greening of the WTO, the future of the UN Environment Programme, and the environmental policies of the European Union. Although there are no prerequisites for this seminar, preference in enrollment is given to students who have taken Environmental Law I and/or Environmental Law II. Generally offered once a year.

Land Use Planning (Law 694). 3 hours. This course is concerned with public law restricting the use of land. Primary consideration is given to municipal zoning law and regulations regarding new residential subdivisions. Attention is also focused on other legislation at the local, state, and federal level that regulates land use. Generally offered once a year.

Natural Resources Law (Law 680). 2 hours. This course will explore the historical roots and current status of natural resources law. Natural resources law is an area of the law distinct from environmental law-it deals with the management and conservation of wildlife, historical and cultural resources, water resources, minerals, and the various types of public lands (including, for example, national parks and national forests). This course will focus on federal statutes and case law.

Environmental Law and Policy: Coastal Law (Law 738). 2 hours. This course focuses on the complex interrelations of land, water, and natural resources that often result in conflicts over public and private rights, boundaries, jurisdictions, and management priorities. Coastal law utilizes the tools of property, law, land use regulation, water law, natural resources law, constitutional law, federal and state statutory law, and international law and applies these tools to the special issues of the coastal environment. Generally offered once a year.

Energy Law (Law 738). 2 or 3 hours. This course explores the history, law, and public policy of energy regulation in the United States, with a particular emphasis on economic and environmental regulation issues. The basic regulatory schemes for hydroelectric power, coal, oil, natural gas, electricity, and nuclear power are explored. The environmental aspects of energy regulation are integrated with the energy resource issues. Other topics include the competitive restructuring of the natural gas and electric utility industries and the contentious issue of stranded costs.

Oil and Gas Law (Law 622). 2 or 3 hours. This course covers both general and Alabama law applicable to ownership and conservation of oil and gas. The course emphasizes private property and contract law concepts that are unique to oil and gas law and that govern the relationships among landowners and oil companies involved in exploration, production, and marketing of oil and gas. Administrative law aspects of federal and state oversight of oil and gas development are also addressed. Students are introduced to fundamental oil and gas legal terms, the concepts involved in private mineral ownership, the different types of interests that may be created in the oil and gas estate, conveyancing and title issues, state oil and gas administrative regulations, and the basic principle of the "oil and gas lease" under which wells are drilled and produced. Generally offered once a year.

Real Estate Development (Law 766). 2 or 3 hours. An examination of the real estate development process and legal relationships involved in the process. The course will acquaint the students with such areas as site selection and entity choice, acquisition and disposition transactions, the regulatory process (state and federal), and issues arising during the construction period. Generally offered once a year.

Water Law (Law 690). 2 or 3 hours. The laws governing ownership of water contained in rivers, creeks, lakes, aquifers, and the like have been hugely important in the American West since the pioneer days. Only in the last twenty years, however, have such laws gained attention in the Eastern states, as the recent and continuing lawsuit between the States of

Georgia and Alabama demonstrates. This class will expose students to this increasingly important area of the law. Water law comprises the laws governing ownership of flowing water, groundwater, and the land underlying water. This class will cover water law in both the Western and Eastern American legal regimes and in international law and will touch on many areas of the law that intersect with water law, including Indian law, constitutional law, and federal jurisdiction. Students will also study emerging political issues in the control of what is perhaps the world's most important resource. Generally offered once a year.

A Very Closely-Related Course

A course that is extremely important for every environmental lawyer is **Administrative Law** (Law 683). 2 or 3 hours. The course focuses upon the tools that agencies use to influence and control private conduct — primarily rulemaking and adjudication. In addition, the course explores the procedural devices that Congress and the courts have developed to control and channel the vast power which resides in the various arms of the executive branch. Special attention is given to the scope of, access to judicial review, the separation of powers, due process, and freedom of information.

Other Related Courses

Other courses that are important for many environmental lawyers would include **Bankruptcy** (Law 737), **Business Organizations** (Law 645), **Federal Jurisdiction** (Law 670), **Legislation** (Law 693), **Local Government Law** (Law 677), and **Business Crimes** (Law 614).

ESTATES AND TRUSTS LAW

The study of estates and trusts law is important to every law student, for everybody needs a will, even law students. Most lawyers, at some time during their careers, will advise about the planning of an estate and the drafting of a will. Since there is no such thing as "a simple will," every will and every estate plan needs meticulous care and attention, and must be individualized to each client through careful interviewing, ascertaining the client's peculiar needs and circumstances, and close drafting. The law is sometimes difficult — often arcane — and the usual client is not familiar with it in the same way that most business clients understand the demands of business law. Thus, the estate planning advisor assumes a peculiar and important position of expert. Clients must rely on the absolute accuracy of the legal knowledge and draftsmanship of their lawyer.

The University of Alabama School of Law offers students an opportunity to gain a thorough basic introduction to field in **Estates, Trusts, and Fiduciary Obligation**, a prerequisite for every other course in the field. Other basic courses include **Federal Estate and Gift Taxation**. More advanced courses help to train those interested in specializing in estate planning.

Fundamental Courses

Estates, Trusts, and Fiduciary Obligation (Law 644). 4 hours. An introductory study of the process, law, drafting techniques, and concepts employed in intergenerational wealth transfer. The subject matter embraces material traditionally taught in courses on wills, intestate succession, trusts, and fiduciary administration as well as introductions to the law of future interests, powers of appointment, and estate and gift taxation. Generally offered both semesters.

Federal Estate and Gift Taxation (Law 647). 2 or 3 hours. This course is an introduction to the tax aspects of basic estate planning. Topics include federal taxation of inter vivos transfers, revocable and incomplete transfers, exclusions, the unified estate tax credit, and the correlation between income and estate taxation. Also covered are the federal taxation of property owned at death, of jointly held property, of property transferred within three years of death, of life insurance, and of powers of appointment; the marital and charitable deductions; federal estate tax credits, deductions, and exemptions; and valuation problems. Prerequisites: Decedents' Estates; Federal Income Taxation. Generally offered once a year.

A Note About Sequencing

Estates, Trusts, and Fiduciary Obligation is generally offered each semester. **Estate & Gift Taxation** is offered only in the spring. Students interested in concentrating in this area should take **Estates, Trusts, and Fiduciary Obligation** in the fall of the second year, although students may take Estate & Gift Taxation at the same time as Estates, Trusts, and Fiduciary Obligation, with the permission of the instructor. **Estate Planning** is offered in the fall; students will normally take it in their third year.

Advanced and Specialized Courses

Estate Planning (Law 681). 2 or 3 hours. This course allows the student to apply, at an advanced level, the property law and tax law encountered during the previous courses in the

area, and to gain some experience in drafting. Prerequisites: Decedents' Estates; Estate and Gift Taxation. Generally offered once a year.

Elder Law (Law 695). 2 or 3 hours. This course brings together in one place various legal subject-matters needed by those who counsel the elderly, including relevant ethical issues for lawyers, age discrimination in employment, issues of support (social security and pensions), health care coverage and fraud, consumer scams, medicaid and issues of appropriate long-term care and nursing homes, housing needs, guardianship issues, estate planning issues (limited to durable powers of attorney, joint ownership, and an overview of the Rule Against Perpetuities), and issues of consent for health care and termination of life-sustaining treatment through health care directives and powers. Most important issues of estate planning for the elderly will be covered in Decedents' Estates. Generally offered once a year.

Fiduciary Administration (Law 780). 2 hours. This course studies the duties and powers of, and problems frequently encountered by, various fiduciaries, especially including trustees, personal representatives, custodians, guardians, conservators, and those holding powers of attorney. Prerequisite: Decedents' Estates. Offered infrequently.

Will Drafting Seminar (Law 747). 2 hours. This seminar gives the student problems with and practice in the drafting of wills and will substitutes. Prerequisite: Decedents' Estates. Generally offered both semesters.

A Note About Sequencing

The Will Drafting Seminar is offered in the fall semester and may be offered in the spring semester. Estate Planning is offered only in the fall semester. Fiduciary Administration has not been offered in recent years.

Interested students may be able to arrange advanced courses or seminars in Problems in Estate Planning. See the instructors in the area.

Closely-Related Courses

Employee Benefits (Law 732) is highly recommended for those planning to specialize in wills and estates law. **Conflict of Laws** (Law 667) is also highly recommended. **Tax Shelters** (Law 745) may be pertinent to the interests of some students in this area, and a student should consult the course instructor. Other related courses include **Consumer Law** (Law 628), **Marriage Law** (Law 756), **Debtor and Creditor Rights** (Law 668), **Family Law I and II** (Law 674 & 778), and **Insurance** (Law 675). A course that will allow you to apply estates and trusts law to actual live-client situations is the **Elder Law Clinic** (Law 665) which is described in the Clinical Law section of this *Guide*.

Family Law

The Courses

Disability Law (Law 607). 2 - 3 hours. An overview of federal and state laws concerning persons with disabilities. Major emphasis is on the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act as applied to issues of employment, public accommodations, governmental services, education, and health care. Generally offered once a year.

Family Law I (Law 674). 1 - 3 hours. This course covers subjects related to various aspects of family law, including illegitimacy, marriage family relations such as support and property rights, guardianship, adoption termination of marriage, and custody. Generally offered both semesters.

Family Law II (Law 778). 2 - 3 hours. An in-depth consideration of specific issues in the area of the family. Topics include child abuse and neglect, sterilization, abortion, child custody, and adoption.

Family Law, Special Aspects of (Law 654). 2 - 3 hours. An opportunity is afforded for an in-depth examination of the interrelated obligations and duties of the family unit. Topics might include child abuse and neglect, AIDS, sterilization, abortion, child custody, and adoption.

Juvenile Justice (Law 791). 3 hours. This course focuses on substantive legal and policy issues raised by juvenile crime, as well as procedural nuances present when a juvenile is processed through the juvenile and criminal justice system. Generally offered once a year.

Marriage Law (Law 756). 2 hours. A detailed analysis of general issues relating to marriage law focusing on divorce, alimony, and child custody. The class is presented with an emphasis on Alabama law, including both theoretical and practical applications. Generally offered once a year.

Mediation (Law 779). 2 - 3 hours. This course identifies how mediation fits within the existing dispute resolution process; it analyzes the component parts of mediation and analyzes the mutuality of negotiations, as well as analyzing the strategies and hurdles of two-party and multiparty mediations. The course usually employs role-plays of mediations to demonstrate the techniques used in mediations. Generally offered once a year.

Elder Law (Law 695). 2 or 3 hours. This course brings together in one place various legal subject-matters needed by those who counsel the elderly, including relevant ethical issues for lawyers, age discrimination in employment, issues of support (social security and pensions), health care coverage and fraud, consumer scams, Medicaid and issues of appropriate long-term care and nursing homes, housing needs, guardianship issues, estate planning issues (limited to durable powers of attorney, joint ownership, and an overview of the Rule Against Perpetuities), and issues of consent for health care and termination of life-sustaining treatment through health care directives and powers. Most important issues of estate planning for the elderly will be covered in Decedents' Estates. Generally offered once a year.

Special Aspects of Family Law: AIDS Seminar (Law 654). 2 hours. This class deals with the social history of AIDS and the current problems involving AIDS and society in places where it is relevant. There is substantial coverage of the history in the United States and the current situations as pertains to Africa, India, and China. Generally offered once a year.

Clinical Courses

Courses that allow you to apply family law to actual live-client situations include the Civil Law Clinic (LAW 665), Domestic Violence Law Clinic (LAW 665), Elder Law Clinic (LAW 665), Summer Externship (LAW 634), and the Academic Year Externship (LAW 795). These courses are described in the Clinical Law section of this *Guide*.

Elder Law Clinic (Law 665). 4 hours. With the aging population, elder law has become one of the fastest growing areas of law practice. Students in this clinic provide legal advice and representation to individuals aged 60 and over in matters which may include health care; medicare, Medicaid and other public benefits; protection from abuse, neglect, and exploitation; advance directives and durable powers of attorney; will drafting; consumer fraud; and a broad array of other civil legal needs. Offered each semester.

Domestic Violence Clinic (Law 665). 4 hours. Students in this clinic provide free legal assistance on civil matters to victims of domestic violence residing in West Alabama. Students are responsible for initial intake interviews, counseling, pre-trial preparation, and trial, when necessary. The Clinic's approach to domestic violence cases is a holistic one, encompassing not just protection from abuse orders but also divorce, child custody, child and spousal support, employment and debt issues, housing, property recovery, and other civil matters necessary to ensure that the domestic violence victim's legal needs are met. For the first hour of registration, enrollment is limited to third-year students. After that, second-year students may also enroll. Offered each semester.

HEALTH CARE LAW

Since the health care industry now accounts for one seventh of the national economy, it is not surprising that the demand for lawyers in this field has increased dramatically. Although there are many different types of health care law practice, health care lawyers can usefully be divided into two groups: those who provide clients with prospective regulatory and transactional advice (“office lawyers”) and those who litigate cases for health care clients (“litigators”). Notations follow each of the course recommendations below according to these categories. In addition, prospective office lawyers should carefully consider the curriculum recommendations for students with an interest in business law, and prospective litigators should likewise consider carefully recommendations concerning general litigation practice.

Suggested Courses

Health Care Law (Law 696). 2 or 3 hours. This course is basically a survey of the work of the health care office lawyer. It provides an overview of health policy, the structure of the institutions through which health care is provided, health care finance, and regulatory issues specific to the health care industry. Some of the legal topics covered include licensure, certificate of need, medical malpractice, antitrust, ERISA, restrictions applicable to tax exempt organizations, restrictions on patient referrals, access to care, medical staff privileges, managed care credentialing, and insurance regulation. [Highly useful to both office lawyers and litigators.] Generally offered once a year.

Health Care Liability (Law 815). 2 or 3 hours. The main focus of this course is medical malpractice law, but other topics are also covered, including informed consent, claims against hospitals and insurers, ERISA and tort reform. [Highly useful to litigators.] Generally offered once a year.

Antitrust Law (Law 684). 2 or 3 hours. Consolidation of providers is an important feature of industry efforts to contain costs. While these mergers and affiliations have facilitated price competition and have the potential to enhance efficient delivery of care, they also present potential dangers to competition, as providers may use them as a cover for price fixing and other anticompetitive arrangements. Lawyers advising physicians, insurers, hospitals and other providers in connection with mergers and affiliations must be aware of the antitrust law issues these transactions present. [Highly useful to office lawyers; useful to litigators.] Generally offered once a year.

Administrative Law (Law 683). 2 or 3 hours. Because so much health care is paid for by federal and state government and because the industry is intensely regulated, an understanding of administrative law is extremely helpful. State and federal agencies regularly make decisions with significant economic effects for the health care lawyer’s clients — e.g., licensure, certificate of need, payment disputes, etc. Understanding the rules that govern administrative agency action is thus quite important for many health care lawyers. [Useful to office lawyers; highly useful to litigators.] Generally offered once a year.

Employee Benefits (Law 732). 2 or 3 hours. A study of the Employee Retirement Income Security Act of 1974 (ERISA), the basic federal law governing employee benefits and pensions. Recommended for students interested in business law, labor law, or litigation. Prerequisite: Personal Income Tax (LAW 643). Spring semester. Not offered every year.

Insurance Law (Law 675). 2 or 3 hours. State insurance laws regulate traditional indemnity insurers, HMOs and, increasingly, other networks of providers that perform “insurance like”

functions in the marketplace. Moreover, as insurers have increased cost containment efforts, litigation over health insurance coverage has intensified dramatically. [Useful to office lawyers; highly useful to litigators.] Generally offered once a year.

Seminars

Seminars provide good opportunities for students to do in depth research in a topic of special interest. The Law School occasionally offers seminars that focus on health care and related topics. For example the **Advanced Tort** seminar has frequently focused on medical malpractice issues. The **Biomedical Ethics** seminar provides opportunities for research in areas of particular interest to hospital counsel, such as termination of life support, do-not-resuscitate orders, and medical research activities.

Additional Recommended Course

Business Crimes and Torts (Law 614). 2 or 3 hours. This survey course focuses on criminal and civil causes of action concerning a variety of financial wrongs: health care fraud, bank fraud, tax fraud, mail and wire fraud, RICO, money laundering, frauds upon the government, environmental crimes, seizure of assets, etc. Generally offered once a year.

INTELLECTUAL PROPERTY

Intellectual property refers to property rights in the intangible products of human creativity. Courses in intellectual property include the study of patents, copyrights, trademarks, trade secrets, and unfair competition. Intellectual property law has achieved increasing prominence in recent years, perhaps because of the increasing importance to our economy of ideas, inventions, information and “media content”. Students with a background in science or engineering may be particularly interested in the study of patents, although such a background is by no means necessary. The courses in **Patents and Copyrights** and **Trademarks and Unfair Competition** are complementary and together provide a year-long survey of all of the major areas of intellectual property. However, students may choose to take either course without the other.

The Basic Courses

There are three intellectual property courses regularly offered at the Law School:

Patents and Copyrights (Law 722). 3 hours. This course surveys the law of patents, awarded to inventions in the practical arts, and copyrights, awarded to creative works in the fine arts. Generally offered once a year.

Trademarks and Unfair Competition (Law 752). 2 or 3 hours. This course surveys the law of trademarks, trade secrets, the right of publicity, and unfair competition. Generally offered once a year.

Additional Recommended Courses

A student interested in intellectual property may also benefit from the following courses:

Administrative Law (Law 683). 3 hours. This course is the “Civil Procedure” of the administrative state. Focusing primarily upon federal law and federal agencies, it introduces students to the processes of law making and law application by the administrative agencies of the executive branch and their control by the federal courts, Congress, and the President. The course covers the basic tools used by agencies –rulemaking and adjudication -- as well as the procedural and substantive rules that limit and guide the use of these tools. Special attention is given to the judicial review, separation of powers, due process, and freedom of information. Generally offered once a year.

Antitrust Law (Law 684). 2 or 3 hours. The study of federal laws intended to preserve a competitive marketplace. Topics for discussion include price fixing, restraints of trade, refusals to deal, monopolizing, and tying. Generally offered once a year.

Computers and the Law (Law 620). 2 hours. This seminar course covers a various aspects of the law concerning computers, software, and the Internet. Course content varies, but it typically includes a study of patent, copyright, and trademark law as they relate to computers and “cyberspace.”

Entertainment Law (Law 707). 2 hours. Introductory course addressing legal issues raised in the entertainment industry, with a focus on film, television, and music. Topics include constitutional, tort, and intellectual property issues of significance in these arenas. The course will also provide basic background on how deals are typically structured, the major

types of contracts used, and the unique ways in which standard contract issues arise in these sectors of the entertainment industry.

Federal Jurisdiction (Law 670). 3 hours. Examination of the important problems pertaining to the jurisdiction of, and law applied in the federal court system. Emphasis is placed on the various bases of jurisdiction in the federal courts, the nature of the federal court system and its position in American government and society, and jurisdictional conflicts between state and federal courts. Generally offered once a year.

International Business Transactions (Law 671). 2 or 3 hours. This course concentrates on developing transaction skills in an international context but applicable to all business settings, foreign and domestic; commercial analysis, deal structuring and documentation, with the laws and instruments of international commerce discussed as they are encountered. This course does not address regimes governing international trade, which are the subject of a separate course (Law 666 International trade). It is recommended, though not required, that students have taken or take simultaneously Law 645 Business Organizations. Generally offered once a year.

Intellectual property practice is a business and litigation practice. Therefore courses in business, litigation, alternative dispute resolution, and international and comparative law may be helpful.

INTERNATIONAL LAW

International Law is an important and ever-emerging area for law students and lawyers. More and more legal work is transnational in nature, involving international actors and activities.

The Basic Courses

International Business Transactions (Law 671). 2 - 3 hours. The course concentrates on developing transaction skills in an international context but applicable to all business settings, foreign and domestic: commercial analysis, deal structuring and documentation, with the laws and instruments of international commerce discussed as they are encountered. This course does not address regimes governing international trade, which are the subject of a separate course (International Trade – Law 666). It is recommended, though not required, that students have taken or take simultaneously Business Organizations (Law 645). Generally offered once a year.

Public International Law (Law 710). 3 hours. This is an introductory survey course in the legal principles governing the conduct of nations with each other and with individuals. Contemporary problems are examined in light of those principles. This course does not address regimes governing international trade, which are the subject of a separate course (International Trade – Law 666). Offered in the fall semester.

Other and Related Courses

Admiralty (Law 687). 3 hours. Consideration is given to the development of admiralty and maritime jurisdiction in the federal courts; to the need for substantive rules peculiar to maritime commerce and for specialized courts to interpret and apply them; and to the rights of injured maritime workers, marine insurance, collision, maritime liens, salvage, general average, and limitation of liability. Generally offered once a year.

European Union (Law 782). 2 hours. An introduction to the history of the institutions and the developing law related to the European Union. Subjects covered include free movement of goods and persons, accession agreements with potential new members (there are now 25 members), competition policy and areas of interest to the class. Generally offered once a year.

Immigration Law and Policy (Law 655). 3 hours. Survey course on United States law on Immigration and Nationality, as well as underlying Policy, with a focus on actual immigration law practice as well as current political and legal development in immigration law and policies. The course covers recent trends in immigration law along with fundamental concepts. The primary focus is business and family immigration, but removal, asylum and refugee issues are covered. Usually offered in the fall semester.

International Trade (Law 666). 3 hours. This course provides an introduction to the U.S. regulation of international trade, focusing on antidumping and countervailing duties laws, export and customs regulations, and surveying the structure and operations of the World Trade Organization, the European Union and the North American Free Trade Agreement. Offered in the spring semester.

International Taxation (Law 761). 2 or 3 hours. Taxation of U.S. persons on foreign income and taxation of foreign persons on U.S. income. Complex statutory materials, tax treaties, and

discussion of policy issues in international tax regime. Prerequisite: Taxation, Income of Business Entities (LAW 689). Offered in the spring semester. (Law 781). 2 hours.

Law in the United States (Law 686). 2 hours. This course is offered only to students whose initial legal training was outside the United States. It is required of all LL.M. students in the International Graduate Program. Generally offered once a year.

Special Problems in International Law (Law 625). 2 or 3 hours. This course considers a variety of topics in international law. In the past three years the topics have included European Union, the peoples of Africa, international litigation and dispute resolution, and national security law. Generally offered once a year.

Environmental Law Seminar (Protecting the Global Environment) (Law 763). 2 hours. This seminar explores a number of ways in which the world community has tried — with varying degrees of success — to protect the global environment. There are no prerequisites for this seminar, but preference in enrollment is given to students who have taken Environmental Law I, Environmental Law II, or both. Generally offered once a year.

Special Aspects of Family Law: AIDS Seminar (Law 654). 2 hours. This class deals with the social history of AIDS and the current problems involving AIDS and society in places where it is relevant. There is substantial coverage of the history in the United States and the current situations as pertains to Africa, India, and China. Generally offered once a year.

Students interested in international business law also should enroll in basic corporate, commercial, and tax classes. Enrolling in **Alternative Dispute Resolution** (Law 705) may benefit students interested in conflicts that arise under international law or involving foreign actors, since many of those conflicts are resolved outside of traditional adjudication.

Three special programs also are valuable to potential international lawyers: participation on the Jessup International Law Moot Court Team and in the summer exchange of students and faculty in Fribourg, Switzerland and at Australian National University in Canberra, Australia.

With the Assistant Dean's approval, students can take and transfer up to 6 credit hours of graduate level work elsewhere on campus relevant to international studies (for Pass credit).

The Law School encourages students of International Law to join the International Law Society, a student group interested in events in the world community.

PERSPECTIVES COURSES

Law students at The University of Alabama School of Law are required to take the Legal Profession course, and are encouraged to enroll in at least one additional perspectives course. Perspectives courses encourage law students to look at law and the legal profession in ways different from the insider's view offered in most of the traditional substantive and procedural courses. These courses are designed to help each student consider the role of law in society at large, and to think critically about his or her own role in the communities in which he or she will live and practice law. *The University of Alabama School of Law Catalog* may be consulted for more complete course descriptions, while the instructor for each course would be delighted to converse with you about course goals and content.

The Required Course

The Legal Profession (Law 660). 3 hours. This course is required of all students.

Electives

American Legal History (Law 772). 2 or 3 hours. The course focuses on the growth of American law and on the ways in which law and legal concepts have been central to American history. Generally offered once a year.

Business Crimes and Torts (Law 614). 2 or 3 hours. This survey course focuses on criminal, civil and administrative causes of action concerning a variety of financial wrongs: health care fraud, bank fraud, tax fraud, mail and wire fraud, RICO, money laundering, frauds upon the government, environmental crimes, and seizure of assets. Generally offered once a year.

Comparative Constitutional Law Seminar (Law 786). 2 hours.

Comparative Law, European & American (Law 639). 2 or 3 hours.

Conflict of Laws (Law 667). 3 hours. This course deals with the difficult task of choosing the substantive and procedural law that should govern a dispute or transaction when the law of more than one jurisdiction might apply. The standards governing this choice of law derive from the federal constitution, federal and state statutes and common law. The topic of personal jurisdiction also is considered. Generally offered once a year.

Environmental Law Seminar (Protecting the Global Environment) (Law 763). 2 hours. This seminar explores a number of ways the world community has tried -- with varying degrees of success -- to protect the global environment. While the seminar addresses some traditional aspects of international environmental law, most of the attention is on a number of recently emerging issues -- many of which concerned the world community when it gathered at the Earth Summit (UNCED) in Rio de Janeiro. Global warming, ozone depletion, sustainable development, tropical deforestation, the protection of the global commons, biodiversity, population growth, the greening of the WTO, the future of the U.N. Environment Programme, and the environmental policies of the European Union as considered. Generally offered once a year.

Immigration Law (Law 655). 3 hours. U.S. law regarding immigration and nationality, as well as the underlying policy, are discussed with reference to current developments and trends. International issues concerning population movement and refugees are also examined. Generally offered once a year.

Jurisprudence (Law 717). 2 or 3 hours. This course addresses foundational questions about the sources, content, and structure of law; the relationships between law and morality; and the ultimate values of legal systems, including justice and equality. Content and readings vary from year to year, but the course typically focuses on modern jurisprudential thought, and readings include cases as well as selections from prominent political and moral philosophers. Generally offered once a year.

Law & Economics (Law 723). 2 or 3 hours. A study of law from the perspective of economic analysis. Generally offered once a year.

The Law in Literature (Law 750). 1, 2, or 3 hours. This course focuses on works of literary merit that are concerned with law and its effects upon individuals and society. Each class meeting features a discussion of a single author. Each student is required to make a brief oral presentation and lead the discussion in at least one class meeting. Among the authors whose works are studied are Albert Camus, Charles Dickens, Franz Kafka, Leo Tolstoy, Fyodor Dostoyevsky, Arthur Miller, John Osborne, Bertolt Brecht, John Barth, William Golding, William Faulkner, Harper Lee, and Herman Melville. Generally offered once a year.

Law & Religion (Law 719). 2 or 3 hours. This course offers a close analysis of church-state issues throughout American history and examines the theological and ecclesiological assumptions underlying the development of the law of religious liberty. Topics include the religious dimensions of American constitutionalism, American civil religion, the role of religion in American politics, the establishment and free exercise clauses of the First Amendment, and the attempt to define religion for constitutional purposes.

Legal Anthropology (Law 754). 2 or 3 hours. A theoretical consideration of the concept of law as applied to smaller societies around the world. Includes methods and processes of settling disputes, definitions of law, and related questions. Generally offered once a year.

Public International Law (Law 710). 3 hours. This is an introductory survey course in the legal principles governing the conduct of nations with each other and with individuals. Contemporary problems are examined in light of those principles. This course does not address regimes governing international trade, which are the subject of a separate course (International Trade – Law 666). Generally offered in the fall semester.

Race, Racism and American Law (Law 652). 3 hours. Students research, write, and present research papers on topics related to racism and American law. Each participant prepares a written critique of each paper. Generally offered once a year.

Poverty Law (Law 769). 2 or 3 hours. This course has three overlapping goals: to consider the legal, social and economic problems affecting our nation's poor; to develop the skills and substantive knowledge needed to provide effective advocacy for low income clients; and to think about the structural causes of poverty. The class will involve some field work. Generally offered once a year.

Gender and the Law (Law 633). 2 or 3 hours. Students research, write, and present research papers on topics related to gender discrimination and American law. Each participant prepares a written critique of each paper. Generally offered once a year.

N.B.: Not all of these electives are offered each year. Consult individual instructors.

PROPERTY

The law of property is an important component of a number of different legal fields. Lawyers draw on property concepts, for example, in drafting wills, planning and executing real estate and other commercial transactions, negotiating leases (and resolving subsequent disputes), complying with environmental laws, and representing clients in family law matters. Intellectual property (which deals with matters such as patents, copyrights, and trademarks) is likewise an increasingly prominent legal specialty. This *Guide* contains specific recommendations for students interested in specializing in Commercial and Real Estate Law, Estates and Trusts, Environmental Law, and Intellectual Property.

Real Estate Practice Workshop (Law 672). 2 hours. A course for third-year students in the practical application of real property law covering deeds, mortgages, leases, land contracts, real estate closings, and all forms of conveyances. Required drafting and analyzing of real property documents. Pass/D/Fail. Generally offered once a year.

Real Property Security (Law 679). 2 or 3 hours. Students in this course study real property security transactions, including mortgages and similar land financing transactions, as well as the various types of liens on real property. The course also provides a broader look at the lending industry and financing policies. Generally offered once a year.

Real Estate Development (Law 766). 2 or 3 hours. An examination of the real estate development process and legal relationships involved in the process. The course will acquaint the students with such areas as site selection and entity choice, acquisition and disposition transactions, the regulatory process (state and federal), and issues arising during the construction period. Generally offered once a year.

Land Use Planning (Law 694). 3 hours. This course is concerned primarily with governmental regulation of the use of land. Consideration is given to the historical background of land use controls, contemporary zoning and subdivision regulation, constitutional limitations on land use regulation, specific problem areas such as referenda, consistency, and exclusionary zoning. Urban revitalization, eminent domain, and environmental regulation are involved in the study. Generally offered once a year.

TAX AND BUSINESS LAW

Sequencing

The faculty have attempted to organize the course offerings in the tax and business area in logical sequences, as follows:

The Basic Tax Sequence:

Personal Income Tax (Law 643)
Taxation of Business Entities (Law 689)
Advanced Federal Income Tax (Law 753)
Advanced Corporate Tax (Law 729)

The Basic Business Sequence:

Business Organizations (Law 645)
Securities Regulation (Law 709)
Business Planning (Law 685)

It is not necessary to take all the courses in a sequence, although there are strictly enforced prerequisites for advanced courses. The other courses described below can be taken in addition to or in lieu of the advanced courses listed above.

Tax Courses

Personal Income Tax (Law 643). 3 hours. Basic principles of federal income tax with emphasis on taxation of individuals. This course covers much material essential for successful life and practice. Students who plan to concentrate in tax and business courses should take this at the earliest opportunity. Generally offered both semesters.

Taxation, Income of Business Entities (Law 689). 2 or 3 hours. Basic survey of tax issues in the formation, operation, and liquidation of C and S corporations and partnerships. Highly recommended for students whose practice will include representation of business entities or their owners. Spring semester. Should be taken in second year by those who want to do additional work in the tax and business areas. Generally offered once a year. Other recommended courses: Law 645 (Business Organizations). Prerequisites: Law 643 (Personal Income Tax).

Advanced Federal Income Tax (Law 753). 2 or 3 hours. In-depth coverage of capitalization, capital gains, cost recovery, tax accounting issues, original issue discount, and anti-tax shelter measures. Should be taken by students interested in practicing tax law and/or attending graduate tax programs. Should be taken after Personal Income Tax and after or concurrently with Income Taxation of Business Entities. Prerequisites: Law 643 (Personal Income Tax) and Law 689 (Income Taxation of Business Entities).

Advanced Corporate Tax (Law 729). 2 or 3 hours. This class considers advanced corporate tax topics, including mergers, acquisitions, consolidations, recapitalizations, carryovers of corporate tax attributes, spinoffs and splitoffs, subchapter S corporations, and loss limitation rules. Recommended for students who are considering graduate work or tax practice. Prerequisite: Taxation, Income of Business Entities (LAW 689). Spring semester of third year.

Federal Estate and Gift Taxation (Law 647). 2 or 3 hours. An introduction to the tax aspects of basic estate planning. Topics include federal taxation of inter vivos transfers, revocable and incomplete transfers, exclusions, the unified estate tax credit, and the correlation between income and estate taxation. Also covered are the federal taxation of property owned at death, jointly held property, property transferred within three years of death, retained life estates, life insurance, and powers of appointment; marital and charitable deductions; federal estate tax

credits, deductions, and exemptions; and valuation problems. Essential for students interested in estate planning. Spring semester. Should be taken in second year by those who want to take Estate Planning. Prerequisites: Law 643 (Personal Income Tax) and Law 644 (Estates, Trusts, and Fiduciary Obligation). Generally offered once a year.

International Taxation (Law 761). 2 or 3 hours. Taxation of U.S. persons on foreign income and taxation of foreign persons on U.S. income. Complex statutory materials, tax treaties, and discussion of policy issues in international tax regime. Prerequisite: Taxation, Income of Business Entities (LAW 689). Generally offered once a year.

State and Local Tax (Law 650). 2 or 3 hours. Study of state and local tax systems and federal constitutional limitations on state and local taxation. Emphasis on Alabama taxes, which are illustrative of principles of other systems. Offered annually. Should be taken by students intending to practice business and tax law and by students interest in Alabama state government.

Employee Benefits (Law 732). 2 or 3 hours. A study of the Employee Retirement Income Security Act of 1974 (ERISA), the basic federal law governing employee benefits and pensions. Recommended for students interested in business law, labor law, or litigation. Prerequisite: Personal Income Tax (LAW 643). Spring semester. Not offered every year.

Tax Exempt Organizations (Law 796). 2 or 3 hours. Tax and regulatory rules pertaining to tax-exempt organizations. Among topics considered are types, organization, operation, and liquidation of tax-exempt organizations, private foundation status, unrelated business income tax, and the conversion of tax-exempt entities into taxable entities. The course will cover both state and federal law. Federal Income Tax I must be taken either prior to or concurrently with this class. Prerequisite: Taxation, Income of Business Entities (LAW 689).

Tax Shelter Seminar (Law 745). 2 hours. Analysis of methods used by taxpayers to pay less tax than the drafters of the tax laws intended. Complex statutory and regulatory materials and sophisticated transactions are the focus of the course. Prerequisites: Personal Income Tax (LAW 643); Taxation of Business Entities (LAW 689). Two papers required. Not offered every year.

Tax Policy Seminar (Law 720). 2 hours. Examination of the means by which governments can raise revenue, with emphasis on current proposals. Not a technical tax course. Two papers required. Prerequisite: Personal Income Tax (LAW 543). Not offered every year.

Business Courses

Business Organizations (Law 645). 3 hours. A study of the basic legal problems concerning the organization, management, operation, and liquidation of the major business entities in the United States, emphasizing general partnerships and corporations. Topics include the fiduciary duties owed by the participants, the relationship between ownership and control of the enterprise, and problems associated with limited liability protection for the owners of the enterprise. This course is a prerequisite for many other business courses. Students interested in business courses are encouraged to take Business Organizations in the fall semester of their second year. Generally taught both semesters.

Agency and Partnership (Law 758). 2 or 3 hours. A study of the relation of principal and agent, including that of master and servant, and duties as between the parties themselves and as to third persons. Creation, nature, and characteristics of a partnership; partnership liability; rights and duties of partners among themselves; rights and remedies of partnership

creditors; and dissolution or partnership are also covered. Business Organizations is a prerequisite. Generally taught every semester.

International Business Transactions (Law 671). 2 - 3 hours. The course concentrates on developing transaction skills in an international context but applicable to all business settings, foreign and domestic: commercial analysis, deal structuring and documentation, with the laws and instruments of international commerce discussed as they are encountered. This course does not address regimes governing international trade, which are subject of a separate course, International Trade (Law 666). It is recommended, though not required, that students have taken or take simultaneously Business Organizations (Law 645). Generally offered once a year.

International Trade (Law 666). 3 hours. This course provides an introduction to the U.S. regulation of international trade, focusing on antidumping and countervailing duties laws, export and customs regulations, and surveying the structure and operations of the World Trade Organization, the European Union, and the North American Free Trade Agreement. Generally offered in the spring semester.

Securities Regulation (Law 709). 2 or 3 hours. A basic course in the federal regulation of securities emphasizing disclosure and other requirements for initial public offerings, exemptions from these requirements, and the antifraud rules, including insider trading. The course will also consider securities regulation on the state level. Business Organizations is a prerequisite. An essential course for business practice. Generally offered once a year.

Corporate Finance (Law 765). 2 or 3 hours. More detailed look at various classes of corporate interests, e.g., bondholders, preferred shareholders, common shareholders, and corporate management. Business Organizations is prerequisite. Highly recommended for business practice; useful for tax practice.

Corporate Mergers and Acquisitions (Law 703). 2 or 3 hours. This course covers the basic corporate law aspects of corporate mergers and acquisitions. The advantages and disadvantages of various acquisition forms, such as mergers, asset acquisitions, stock purchases, and tender offers, are discussed. Significant focus is given to the duties of the board of directors of the selling company, including the duties of the board in both negotiated and hostile acquisitions. Anti-takeover devices are considered, and securities law issues are surveyed. Business Organizations is prerequisite. Generally offered once a year.

Business Ethics Seminar (Law 615). 2 hours. This seminar addresses ethical issues that arise in the business areas by having students read and discuss Michael Novak's award winning book, *Business as a Calling*, and, then introduces students to several ethical perspectives (e.g., Ethical Egoism, Utilitarianism, Kantian Ethics, Virtue Ethics, Divine Command Theory) that morally evaluate the issues. Students choose a particular aspect of business, tax or commercial law that he or she believes raises ethical issues and write a research paper morally evaluating the law of that area under one of the ethical perspectives introduced in class. Generally offered once a year.

Synthesis Courses: business/tax; estates/tax

Business Planning (Law 685). 2 or 3 hours. Application of laws relating to unincorporated and incorporated business organizations and the federal income taxation of such organizations in the context of business planning and counseling situations. The course is based on a series of problems involving common business transactions that present business

organization and tax issues for analysis and resolution. Taxation of Business Entities, Business Organizations, and Personal Income Tax are prerequisites. Securities Regulation is strongly recommended. Recommended for students planning to practice business and tax law. A third-year course.

Estate Planning (Law 681). 2 or 3 hours. A study of the application of the property law and tax law approaches and principles encountered during previous courses in the area. Students gain some experience in drafting estate planning documents. Estates, Trusts, and Fiduciary Obligation and Estate and Gift Tax are prerequisites. Essential for students interested in estate planning and valuable for students interested in representing small businesses. A third-year course. Generally offered once a year.

Complementary Electives

Antitrust Law (Law 684). 2 or 3 hours. A study of federal laws intended to preserve a competitive marketplace. Topics for discussion include price fixing, restraints of trade, refusals to deal, monopolizing, and tying. Useful to lawyers providing regulatory and transactional advice to business clients. Generally offered once a year.

Business Crimes and Torts (Law 614). 2 or 3 hours. This survey course focuses on criminal, civil, and administrative causes of action concerning a variety of financial wrongs: health care fraud, bank fraud, tax fraud, mail and wire fraud, RICO, money laundering, frauds upon the government, environmental crimes, and seizure of assets.

Health Care Law (Law 696). 2 or 3 hours. Survey of the work of the health care lawyer, providing an overview of health care policy; the structure of the institutions through which health care is provided; and health care finance and regulatory issues specific to the health care industry. Some of the legal topics covered include licensure, certificate of need, medical malpractice, antitrust, ERISA, restrictions applicable to tax exempt organizations, restrictions on patient referrals, access to care, medical malpractice, managed care liability, medical staff privileges, managed care credentialing, and insurance regulation. Generally offered once a year.

Clinical Courses

Sustainable Communities Clinic (Law 665). 4 hours. Students in this clinic provide legal assistance to individual and non-profit community organizations seeking to improve the economic, cultural, social, or environmental well-being of disadvantaged or underserved communities. Students provide legal advice or representation on matters such as entity formation (e.g., articles of incorporation, bylaws), tax exempt status, leases and contracts, public participation rights (e.g., public records and open meetings), improving local and state laws and regulations, licensing requirements, and zoning open meetings), improving local and state laws and regulations, licensing requirements, and zoning and land use. This is a full-year (i.e., students will be in the clinic for both the fall and spring semesters), P/D/F course. Students must submit an application prior to pre-registration for admission.

TORTS

Preparation for Civil Practice with an Emphasis in Tort Law

Some graduates of the University of Alabama School of Law go into law firms which practice tort law exclusively. The majority of those involved in the practice of tort law, however, are members of firms which have torts as a major practice area. Accordingly, this memorandum is written to assist the student who is making curricular choices aimed at preparing him or her for a general civil practice with an emphasis in tort law. The following suggested courses are important in fully preparing one for such a practice. These courses are not listed in the order of their priority in terms of furthering the preparation of the tort practitioner.

The Courses

Beyond the required four hour course in basic tort law, **Torts** (Law 602), the student should take as many upper level tort law offerings as is consistent with both satisfying the required curriculum and taking those courses appearing on the bar examination. These fundamental courses are as follows:

Advanced Torts (Law 749). 2 or 3 hours. This is a course in which students study selected topics prescribed by the professor. These are customarily areas of tort law that, due to time restraints, were not studied in the basic torts course. Coverage varies but may include in any given year invasion of privacy, defamation, insurance as it relates to tort liability, and theory of negligence. While this may be offered as a course, it regularly takes the form of a seminar in which students select specialized tort issues on which they write and orally defend significant manuscripts of publishable quality.

Damages and Equitable Remedies (Law 669). 2 or 3 hours. The allotted hours in basic torts is insufficient to explore the complex rules regarding measurement of and limitations on damages. A survey of the principles of damages, including measurement of limitations on damages, particularly in contract, tort, property, civil rights, and antitrust actions. A major segment of the course compares legal damages with restitution and other forms of equity. It also compares tort damages with contract damages and explores procedural aspects of damages recovery. Generally offered once a year.

Products Liability (Law 692). 2 or 3 hours. The law of products liability has expanded at such a rate over the past three decades that the professor in basic torts can do no more than provide a very general introduction to the area general survey of sources, development, and limits of American laws providing compensation for injuries caused by defective products. Focuses on theories of liability, including negligence, misrepresentation, warranty, and strict tort liability under restatement 2d and 3d of Torts. Generally offered once a year.

Health Care Liability (Law 815). 2 or 3 hours. This course focuses on medical malpractice law, but also deals with informed consent, confidentiality issues, claims against hospitals and insurers, ERISA and tort reform proposals. It also provides useful background in health policy and the structure of the health care industry. Generally offered once a year.

Insurance Law (Law 675). 2 or 3 hours. Much of the tort lawyer's work over the past several decades has come to intersect with the presence of insurance. Loss and liability insurance, for example, have significant impacts on substantive tort doctrine as well as procedure and settlement. Few tort cases arise in which the tortfeasor is not indemnified under a contract of insurance. Many tort cases, such as those involving bad faith refusal to pay, are lodged by the

insured against the insurer. This course is a study of fundamental legal principles relating to various types of first-party and liability insurance contracts, focusing on property, life, health, automobile, and commercial and professional liability policies. Topics include rules of insurance contract construction; doctrines governing applications for insurance and representations made by the applicant; statutory and administrative regulation of insurance; and various issues arising in particular types of insurance. Generally offered once a year.

Equitable and Extraordinary Remedies (Law 701). 2 or 3 hours. Equitable remedies, such as injunctive relief and other basic principles of equity, are surveyed. The course demonstrates how the law of equity may be applied to other areas of substantive law, such as torts, contracts, and property. Generally offered once a year.

Business Crimes and Torts (Law 614). 2 or 3 hours. This survey focuses on criminal, civil, and administrative causes of action concerning a variety of financial wrongs: health care fraud, bank fraud, tax fraud, mail and wire fraud, RICO, money laundering, frauds upon the government, environmental crimes, and seizure of assets. Generally offered once a year.

Business Fraud Seminar: Crimes and Torts (Law 784). 2 hours. This seminar focuses on the practical and jurisprudential issues raised by various criminal, civil, and/or administrative causes of action available to resolve financial wrongs, such as RICO, the False Claims Act, exclusion and debarment, and common law offenses and causes of action. Generally offered once a year.

Workers' Compensation (Law 697). 2 or 3 hours. This course gives the student exposure to an area where the common law of liability has been replaced with a statutory, no-fault scheme for recovering less, but more certain, damages arising out of workplace injuries. Most civil tort practitioners handle workers' compensation claims. This is particularly true when the plaintiff is able to circumvent the statutory scheme of compensation and pursue other viable defendants under traditional, common law tort concepts. This course is a detailed analysis of Alabama Workers' Compensation law including practicals of how to handle a workers' compensation case from both the plaintiff and defense perspective. Detailed coverage given to meaning of "injury by accident," "arising out of and in the course of employment," compensation benefits, medical benefits, vocational benefits, calculation of benefits, and other issues relating directly to workers' compensation. General coverage given to other issues including third-party actions, retaliatory discharge claims, subrogation, and issues peripheral to the workers' compensation cause. Generally offered once a year.

Procedure & Skills Courses

Knowing the substantive law is only one component in the delivery of legal services in the tort law area. Practice and procedure subjects are equally important. The following is a list of non-required courses that are procedural or skills-oriented in nature and frequently arise in the proper administration of tort claims.

Procedure Courses

Advanced Evidence (Law 637). 2 or 3 hours. Most tort lawyers acknowledge that a significant part of any case concerns the admissibility of evidence. This particular course, following up on the course in basic evidence (Law 642), is aimed at providing the student with more confidence in comprehensively applying the rules of evidence. Students are expected to apply general concepts of evidence to the resolution of actual trial problems. A premium is

placed on the development of the student's ability to articulate multiple grounds for both making and meeting objections to evidence.

Special Problems in Evidence (Law 736). 2 hours. This is generally taught as a seminar. It is for the student who is very confident that a significant portion of his or her lawyering will involve trial practice. Students select or are assigned an evolving issue in evidence law and then prepare and defend a significant paper (of publishable quality) on that issue.

Federal Jurisdiction (Law 670). 3 hours. Examination of the important problems pertaining to the jurisdiction of, and law applied in, the federal court system. Emphasis is placed on the various bases of jurisdiction in the federal courts, the nature of the federal court system and its position in American government and society, and jurisdictional conflicts between state and federal courts. Generally offered once a year.

Advanced Civil Procedure (Law 653). 2 or 3 hours. An in-depth study of problems covered more lightly in the introductory course, requiring students to draft and argue motions on subjects such as venue, discovery, joinder, and res judicata. A significant portion of the time devoted to any given lawsuit, but especially civil tort cases, involves procedural considerations, particularly pretrial tactics. This course affords the student an opportunity to study those procedural rules that were not taken up in the basic civil procedure course (Law 608). Generally offered once a year.

Problems in Civil Procedure: Discovery (Law 646). 2 hours. Spring 2006. This course will focus on the topic of discovery in civil litigation, a topic not studied in depth in the first-year civil procedure course. The students will study the basic standards governing discovery, exceptions to discovery (including privilege), the different methods of obtaining discovery, the responding party's obligations, discovery motions, and recent efforts to reform the discovery process. The course of study will consist primarily of reading and classroom discussion of rules and cases, but it also may include some drafting and problem work. Generally offered every other year.

Conflict of Laws (Law 667). 3 hours. This course deals with the difficult task of choosing the substantive and procedural law that should govern a dispute or transaction when the law of more than one jurisdiction might apply. The standards governing this choice of law derive from the federal constitution, federal and state statutes and common law. The topic of personal jurisdiction also is considered. Generally offered once a year.

Skills Courses

Legal Counseling and Interviewing (Law 708). 2 hours. If any message comes out of the first year of law study, it is that the application of legal principles is determined by the facts. The most important source for those facts is often one's client. This course is aimed at acquiring the interviewing skills necessary for securing these facts and the skills necessary for counseling the client regarding available options and outcomes.

Alternative Dispute Resolution (Law 705). 2 or 3 hours. Lawyers typically resolve only a few cases through trial. Litigation of most disputes is a less efficient and less cost-effective means of resolving disputes. The majority of cases are resolved through pre-trial negotiation. In recent years, alternative processes such as mediation and arbitration have gained greater favor among lawyers and clients for resolving disputes. This course primarily examines negotiation, mediation and arbitration through readings and in-class role plays. Other alternative processes also will be studied in the context of their particular uses for resolving certain types of disputes. Generally offered once a year.

Mediation (Law 779). 2 or 3 hours. This course identifies how mediation fits within the existing dispute resolution process; it analyzes the component parts of mediation and analyzes the mutuality of negotiations, as well as analyzing the strategies and hurdles of two-party and multiparty mediations. The course usually employs role-plays of mediations to demonstrate the techniques used in mediations. Generally offered once a year.

Advanced Legal Research (Law 611). 2 hours. No trait of a good trial lawyer is more dominant than that of being able to find the relevant law. This course provides an opportunity to learn legal resources and research methodology more comprehensively than is afforded during the first year legal writing/research course.

Trial Advocacy I (Law 663). 3 hours. A tort lawyer's education is complete only upon receipt of practical training in trial skills. This is the first of two courses dedicated to practical training in trying cases. No part of such skills training is more important than those formal activities, such as discovery, that precede the trial itself. While this course deals with issues that are confronted during the trial, its emphasis is upon pretrial. Prerequisite/Corequisite: Law 642 (Evidence). Generally offered both semesters.

Trial Advocacy II (Law 664). 3 hours. This is the course in which students have the opportunity to participate in the actual trial of cases. This exposure is essential for the tort lawyer. Prerequisite: Law 642 (Evidence) and Law 663 or 673 (Trial Advocacy I) Advanced litigation skills are developed through the preparation for and trial of two mock civil or criminal cases, the conduct of small-group exercises designed to develop particular skills, and, perhaps, attendance at an actual trial. Pass/D/Fail. Generally offered both semesters.

Clinical Program (Law 665). Students at The University of Alabama are particularly fortunate in that the Law School has a number of live-client law clinics. When some law schools speak of clinic offerings they are referring exclusively to internal, simulated activities such as trial advocacy. Alabama, however, is able to provide its students with hands-on experience in dealing with real clients. Cases are presently focused upon criminal defense, civil law, domestic violence, elder law, capital defense, and community development.

Law Office Practice (Law 688). 2 or 3 hours. Much of a lawyer's work, particularly that of a general civil practitioner, is outside of the court room. This course provides the opportunity to draft documents for adoptions, estates, real estate, business entities, divorces, detinies, conservatorships. Generally offered once a year.

Complementary electives

These courses will directly and effectively complement one's training in tort law.

Consumer Protection (Law 628). 2 or 3 hours. A survey of state and federal consumer protection law. Topics treated include fraud, unfair or deceptive sales practices, consumer credit, insurance, leases, and consumer protection in payment systems. Federal laws examined include Truth in Lending, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, RICO, and the regulation of consumer credit practices by the Federal Trade Commission. Class action litigation and arbitration are also studied.

Business Organizations (Law 645). 3 hours. A study of the basic legal problems concerning the organization, management, operation, and liquidation of the major business entities in the United States, emphasizing general partnerships and corporations. Topics include the fiduciary duties owed by the participants, the relationship between ownership and control of the enterprise and problems associated with limited liability protection for the owners of the

enterprise. The complexity of many business torts makes it imperative that the practitioner understand the organizational structure of the various commercial entities such as partnerships, corporations and limited liability companies. This course provides that background. Generally offered every semester.

Admiralty (Law 687). 3 hours. Consideration is given to the development of admiralty and maritime jurisdiction in the federal courts; to the need for substantive rules peculiar to maritime commerce and for specialized courts to interpret and apply them; and to the rights of injured maritime workers, marine insurance, collision, maritime liens, salvage, general average, and limitation of liability. Torts occurring on navigable streams are customarily governed by admiralty law as administered by the federal courts. Admiralty and maritime law often differ dramatically from the common law of torts. Consequently, this course is particularly important for any student who plans to practice in an area with navigable streams. Generally offered once a year.

Employment Discrimination Law (Law 721). 2 or 3 hours. The caseload of the tort practitioner increasingly includes cases involving discrimination in employment based upon sex, race, age and physical disability. This course affords the student an opportunity to canvas the principal federal statutes prohibiting employment discrimination on the basis of race, color, creed, sex, religion, age, national origin, and disability. In addition to analyzing various theories of employment discrimination law as articulated by the courts, the course emphasizes the practical aspects of prosecuting and defending discrimination claims in litigation. Special emphasis is placed on gender discrimination issues, including sexual harassment. The course will be relevant to students who anticipate litigating, practicing employment law, or serving a federal judicial clerkship. Generally offered once a year.

Civil Rights Legislation (Law 726). 2 or 3 hours. This course is complementary to Employment Discrimination Law (Law 721). It treats discrimination lawsuits in the nonemployment areas such as education, housing, etc. It covers the “Nuts and Bolts” (and theoretical underpinnings) of litigation of constitutional claims against governments or their officials and employees. While concentrating on 42 U.S.C. §1983, the workhorse of constitutional litigation against local governments and state land local officials and employees, it also covers Bivens actions against federal officials and employees and briefly looks at the surviving remnants of other Reconstruction Era civil rights legislations such as 42 U.S.C. §§1981, 1982, and 1985. This course does not cover modern civil rights legislation in areas such as voting, employment, public accommodations, housing, disabilities, etc., which are covered in other classes. Generally offered once a year.

Administrative Law (Law 683). 2 or 3 hours. Administrative Law is the “Civil Procedure” of government administration. Focusing primarily upon federal law and federal agencies, the course introduces students to the processes of law making and law application by the administrative agencies of the executive branch — and their control by the federal courts, Congress, and the President. The course covers the basic tools used by agencies — rulemaking and adjudication — as well as the procedural and substantive rules which limit and guide the use of these tools. Special attention is given to the scope of judicial review, access to judicial review, the separation of powers, due process, and freedom of information. Tort recovery has increasingly required the attorney to practice before governmental agencies. This course deals with the powers and procedures of these agencies, particularly on the federal level. Generally offered once a year.

Trade Regulation (Law 682). 2 or 3 hours. Many significant tort cases arise in the area of unfair business competition or violation of trademark rights. This course gives the student an exposure to this important area.

Environmental Law II (Law 771). 2 or 3 hours. Environmental Law II presents a comprehensive overview of the federal laws which control the use and disposal of toxic chemicals and hazardous pollutants. We study such statutes as the Resource Conservation and Recovery Act (RCRA), Superfund, the Toxic Substances Control Act, the Safe Drinking Water Act, the federal pesticide act, the Pollution Prevention Act, and the Emergency Planning and Community Right-to-Know Act. Special attention is given to remedial schemes, lender liability, due diligence, risk assessment, enforcement and the analysis of various regulatory strategies including technology-forcing schemes, liability-forcing mechanisms, and information-forcing approaches. Environmental Law I is not a prerequisite for this course. Increasingly, tort lawsuits have involved environmental injuries. This requires that the practitioner be familiar with federal environmental statutes and administrative regulations. This course provides that exposure. Generally offered once a year.

Antitrust Law (Law 684). 2 or 3 hours. A study of federal laws intended to preserve a competitive marketplace. Topics for discussion include price fixing, restraints of trade, refusals to deal, monopolizing, and tying. Useful to lawyers providing regulatory and transactional advice to business clients. Antitrust deals with the rules governing competition in the marketplace. Antitrust claims are thus frequently encountered in commercial litigation as a species of business torts and occasionally in consumer class actions. Generally offered once a year.

Health Care Law (Law 696). 2 or 3 hours. This course is basically a survey of the work of the health care office lawyer. It provides an overview of health policy, the structure of the institutions through which health care is provided, health care finance, and regulatory issues specific to the health care industry. Some of the legal topics covered include licensure, certificate of need, medical malpractice, antitrust, ERISA, restrictions applicable to tax exempt organizations, restrictions on patient referrals, access to care, medical malpractice, managed care liability, medical staff privileges, managed care credentialing, and insurance regulation. [Highly useful to both office lawyers and litigators.] Litigation in the health care industry is increasingly targeted at the corporate enterprises that deliver health care. The Health Care Law course provides helpful background in the organizational structure of health care delivery and finance, as well as providing an introduction to medical malpractice law, ERISA preemption, antitrust law and other litigation-related subjects. Generally offered once a year.

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